

APPLICATION NO.	P15/S3923/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	23.11.2015
PARISH	BENSON
WARD MEMBER(S)	Richard Pullen Felix Bloomfield
APPLICANT	R J & S Styles
SITE	Land north of Littleworth Road, Benson
PROPOSAL	Variation of conditions 2 and 13 of planning permission P14/S0673/FUL. As amended by plans received 24 March 2016:
	<ol style="list-style-type: none"> 1. The erection of 125 dwellings with associated access, open space and landscaping; 2. 41 retirement flats and 11 retirement bungalows with associated parking and car share facilities. Associated community facilities fall within the blue line which will be subject to a separate planning application following consultation with Benson Parish Council.
AMENDMENTS	Amendments received 24 March 2016
GRID REFERENCE	461514/192019
OFFICER	Carolyn Organ

1.0 **INTRODUCTION**

1.1 The site comprises agricultural land that forms a gently undulating plain over the most part, with a gentle fall to the south and west. The built up area of Benson bounds the sites east and southern boundaries, to the south of Littleworth Road, which forms the southern boundary of the site. To the north and west is open countryside, with the McDonald's Services Station to the west beyond the B4009 which links to the A4074. The northern boundary of Benson Conservation Area forms the southern edge of Littleworth Road. A location plan is **attached** as Appendix 1.

1.2 In June 2015 a scheme for 177 homes was granted full planning permission subject to conditions by an Inspector at appeal. This is detailed in the planning history below. As part of this permission highway changes were secured through a legal agreement. This involves changing Littleworth Road to a two way road where previously it had been one way.

2.0 **PROPOSAL**

2.1 This proposal seeks to vary two conditions from the existing planning permission (P14/S0673/FUL) – condition 2 and 13. This proposal does not increase the number of dwellings on the site.

2.2 Condition 2 relates to layout. The proposal makes a number of additions and alterations to layout. These changes are shown on 'Detail Masterplan Phase 1 Alterations P02 Rev C'. The main changes originally included:

- material amendments to the internal road layout including the re- location parking bays, changes to landscaping from original scheme on western edges and minor alterations to driveway arrangements for plots 33, 34, and 35; and
- inclusion of additional Local Equipped Area for Play (LEAP) of 0.26ha to be included within the approved Phase 1 within part of the area originally shown as open space

- additional off site highway works to those originally proposed. These are shown on drawing numbers 32385_5501_016A, 32385_5501_017 and 32385_5501_018. These plans shows all the works proposed including works already agreed through the original permission e.g. making Littleworth Road 2-way. The main alterations relate to changes to the pedestrian crossings and inclusion of a footpath on the northern side of Littleworth Road.

When this application was original submitted the plans also included roads through the area of open space to the north. During consideration of the application, amendments were made and this element was removed.

- 2.3. The application also seeks to amend the wording of condition 13. This is currently worded as follows:

No development shall take place until details of the measures to be incorporated into the development to achieve “Secured by Design” accreditation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until confirmation of Secured by Design accreditation has been achieved for that dwelling.

It is proposed to be changed to:

*No development shall take place until details of the measures to be incorporated into the development to achieve Secured by Design **Part 2** accreditation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until confirmation of Secured by Design **Part 2** accreditation has been achieved for that dwelling.*

- 2.4. The proposed plans (including proposed off site highway works) are **attached** as Appendix 2. An associated deed of variation to the Section 106 agreement completed prior to the grant of outline planning permission is necessary to tie this new application into the requirements of that agreement.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Crime Prevention Design Adviser - No strong views

- Although it is disappointing the scheme will not meet the full Secured by Design criteria acknowledge the layout already has full planning permission and therefore accepts the variation to wording that will secure Part 2, relating to physical security, to be achieved.

3.2 Thames Water Development Control - No strong views

- The application does not affect Thames Water and as such we have no comments to make.

3.3 Urban Design Officer (South Oxon & Vale of White Horse DC) - No strong views

- The alterations would enhance the overall connectivity of the site and future proof the edges to land beyond. Landscaping needs to be considered to reflect the role of new connections in the internal layout.

3.4 Landscape Officer – Object subject to condition

- Proposed layout does not allow room for appropriate boundary landscaping and would result in an incongruous development in the countryside.
- The road leading out to nowhere towards the north is accentuated with an avenue of beech trees and would result in an incongruous feature that does not respect the character of the existing landscape.
- The impact on the western boundary could be mitigated through a Grampian style condition.

- 3.5 Highways Liaison Officer (Oxfordshire County Council) - No strong views
- The substance of the conditions, from a highways point of view, which are proposed to be varied are limited to matters in relation to alterations to the drawings, to enable delivery of internal vehicular changes and pedestrian accessibility. OCC accept these variation.
 - Variation to Section 106 will be required to secure the off-site highway works proposed as part of this application as previously required.
- 3.6 Benson Parish Council – Object
- Variation of the conditions anticipates planning approval of the Phase 2 P15/S3916/O and would be detrimental to the fulfilment of the conditions laid down by the appeal planning inspector for the Phase 1 P14/S0673/FUL should the Phase 2 application be rejected.
 - The design of the Phase 1 P14/S0673/FUL secured by the planning appeal inspector's condition 13 should still carry weight even if the Phase 2 P15/S3916/O application is approved.
- 3.7 Objections were received from 3 residents. The main points are summarised below.
- The overall development is unacceptable due to impact on the village and will be unsustainable.
 - Site not well integrated with the village and sits in isolation.
 - Proposal increases number of dwelling on the site and this will increase traffic and reduce safety for road users and pedestrians.
 - A northern bypass of Benson is needed if this development is to go ahead.
 - Too many houses on this site.
 - Proposed changes to road layout is dangerous.
- 4.0 **RELEVANT PLANNING HISTORY**
- 4.1 [P14/S0673/FUL](#) - Approved (02/06/2015) - Approved on appeal (02/06/2015)
1) The erection of 125 dwellings with associated access, open space and landscaping;
2) 41 retirement flats and 11 retirement bungalows with associated parking and car share facilities. Associated community facilities fall within the blue line which will be subject to a separate planning application following consultation with Benson Parish Council.
- [P13/S3152/PEJ](#) - Other Outcome (12/12/2013)
Residential development including amenity facilities, skateboard park, adventure playground, sports pitch, all weather pitch, retirement homes for the elderly and nature reserve. *SITE MEETING*
- [P86/W0673/OH](#) - Approved (10/09/1984)
Overhead electricity line in order to provide a new supply.
- [P73/M1126](#) - Refused (28/06/1974) - Refused on appeal (16/08/1976)
ERECTION OF DWELLING HOUSES WITH MAIN ESTATE DISTRIBUTOR ROAD
- [P73/M1127](#) - Refused (28/06/1974) - Refused on appeal (16/08/1976)
ERECTION OF DWELLINGHOUSES. ACCESSES
- [P73/M1116](#) - Refused (28/06/1974)
Erection of houses with main estate distributor road. Access
- [P73/M0355/D](#) - Approved (25/05/1973)
THE STATIONING OF ONE CARAVAN.

[P71/M0548](#) - Refused (19/10/1971)

PHASED RESIDENTIAL DEVELOPMENT STARTING WITH POSSIBLE 10 ACRES. (9 OR 10 UNITS PER ACRE) ESTATE ROADS.

[P60/M0063/OH](#) - Other Outcome (11/04/1960)

OVERHEAD LINES BENSON VOLTAGE 11,000/415/240 A.C. AND 415/240 A.C.

[P59/M0348/OH](#) - Other Outcome (14/08/1959)

OVERHEAD LINES BENSON VOLTAGE 11,000/415/240 A.C. AND 11,000 A.C.

[P57/M0552](#) - Other Outcome (19/07/1957)

Site for 2 bungalows each with access.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSS1 - The Overall Strategy

CSR1 - Housing in villages

CSM1 - Transport

CSQ3 - Design

CSEN1 - Landscape protection

CSEN3 - Historic environment

CSI1 - Infrastructure provision

5.2 South Oxfordshire Local Plan 2011 policies;

G2 - Protect district from adverse development

G4 - Protection of Countryside

T1 - Safe, convenient and adequate highway network for all users

C4 - Landscape setting of settlements

C9 - Loss of landscape features

CON7 - Proposals in a conservation area

R2 - Provision of play areas on new housing development

R6 - Public open space in new residential development

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework Planning Practice Guidance

6.0 **PLANNING CONSIDERATIONS**

Condition 2

Impact on the Character and Appearance of the Site and Surroundings

Landscape

- 6.1 The changes to the internal layout as originally proposed were identified to have a landscape impact. The original proposal was considered to leave harsh, unresolved boundaries with the adjacent countryside where no space had been left for boundary planting or left roads projecting out into areas of land that do not have permission for development. This would result in an unacceptable level of landscape harm through a poor relationship between the development and its landscape context. The alterations to highways works and the additional LEAP are not considered to cause harm to the surrounding landscape.

In response to these issues the roads that led out into open countryside have been removed from the proposal. The loss of landscaping on the western boundary is proposed to be mitigated. A Grampian style condition is proposed to require the replacement of the planting lost by the changes on land adjacent to the site that is within the applicant's ownership prior to occupation. This would allow a planting

scheme to be implemented that is appropriate to the surrounding agricultural landscape. The planting scheme would need to be agreed by the Local Planning Authority in writing ahead of occupation.

- 6.2 The proposed wording for the condition is as follows:
Development of the road labelled as 'Minor material amendment B' on Revised Detail Masterplan Phase 1 Alterations P02 Rev C shall not commence until full details of both hard and soft landscape works of all public and communal areas have been submitted to and approved in writing by the local planning authority. These works shall be completed as approved prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority.
- 6.3 This is would ensure that an acceptable relationship between the development and the development remained acceptable.

Historic Environment

- 6.4 The impact on the conservation area was fully considered at the appeal that granted permission for the original scheme and was considered to be acceptable by the Planning Inspector. The alterations to the internal layout, proposed highways works and additional LEAP do significantly change those assessed impacts and thus the proposal preserves the conservation area.

Design

- 6.5 From a design perspective, the alterations would enhance the overall connectivity of the site. The new road running along the western edge of the site will now have a greater status because it will form a route with many different connections leading from it. The highway works proposed, particularly the improved pedestrian crossings and additional footpath will also improve accessibility compared to the solutions included in the original proposal.

Impact on the Amenity of Neighbouring Occupiers

- 6.6 The proposed changes would be a minor change in relation to the impact on neighbouring amenity. The additional highway works are altering the design and location of crossing points and adding a footpath on the north side of Littleworth Road. The rest of the changes are all internal to the site. Therefore the relationship between the development as approved and this proposal would remain acceptable.

Impact on the local highway

- 6.7 The substance of the conditions, from a highways point of view, which are proposed to be varied are limited to matters in relation to alterations to the drawings, to enable delivery of internal layout changes and improved pedestrian access to the proposed development. Oxfordshire County Council accept this variation and raise no objection.
- 6.8 The completion of a deed of variation to tie the amendments to off site highway works into the requirements of the Section 106 agreements signed in respect of planning application P14/S0673/FUL is required.

Condition 13

- 6.9 The condition was included due to the representations made by the Crime Prevention Design Advisor (Thames Valley Police) to the original application in relation to elements of the layout that were also granted full planning permission. It is unlikely the permitted proposals will be able to meet Secured by Design accreditation without changes to the layout, however Secured by Design Part 2, which relates to physical security could still be secured.
- 6.10 The layout has previously been assessed and considered acceptable in planning terms by virtue of the site receiving full planning permission at appeal in June 2015. However, the wording and requirements of Condition 13 necessitate the re-assessment of the

layout approved in planning permission P14/S0673/FUL in relation to Secured by Design principles.

- 6.11 Condition 13, in its current form, is considered to fail the six tests set out in Paragraph 206 of the National Planning Policy Framework, as the condition unreasonably impacts on the deliverability of an approved layout.
- 6.12 The amendment would enable Part 2 of the Secured by Design, which relates to physical security to be secured. This has been agreed by Crime Prevention Design Advisor at Thames Valley Police. Therefore, given the context of the existing permission the amendment to the wording of the condition is considered acceptable in this case.

7.0 **CONCLUSION**

- 7.1 The proposed variations are acceptable and accord with the relevant national and local policies and preserve the conservation area, subject to the conditions listed below and the completion of a deed of variation to the Section 106 to secure additional LEAP and a Section 278 agreement for the proposed offsite highways work.

8.0 **RECOMMENDATION**

- 8.1 **To delegate authority to grant planning permission to the head of planning to subject to:**

1. **The completion of a deed of variation to secure an additional LEAP and to tie this application into the requirements of the Section 106 agreements signed in respect of planning application P14/S0673/FUL; and**
2. **The following conditions:**
 3. **Time limit – commencement within three years of original permission (June 2015).**
 4. **Approved plans.**
 5. **Archaeology.**
 6. **Contaminated land to be agreed.**
 7. **Construction method statement to be agreed.**
 8. **Visibility splays to be agreed.**
 9. **Pedestrian crossing to be agreed.**
 10. **Drainage details (surface and foul) to be agreed.**
 11. **No drainage to highway.**
 12. **Water supply infrastructure to be agreed.**
 13. **Cycle parking to be agreed.**
 14. **Sample materials to be agreed.**
 15. **Secured by design part 2 (varied as discussed in report above).**
 16. **Landscaping scheme to be agreed.**
 17. **Tree protection.**
 18. **Landscape management plan to be agreed.**
 19. **Access, parking and turning to be agreed.**
 20. **Boundary details to be agreed.**
 21. **Lifetime homes.**
 22. **Code for sustainable homes level 4 to be achieved.**
 23. **Implementation of agreed travel plan.**
 24. **Occupation restriction for retirement housing.**
 25. **Landscape mitigation to be agreed (wording detailed in paragraph 6.2 above).**
 26. **Children’s play areas.**

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