

APPLICATION NO.	P15/V2353/O
SITE	Land off Hobbyhorse Lane Sutton Courtenay Abingdon, OX14 4BB
PARISH	SUTTON COURTENAY
PROPOSAL	Outline planning application for up to 200 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works. Including additional documentation submitted 9 August 2016.
WARD MEMBER(S)	Gervase Duffield
APPLICANT	Redrow Homes South Midlands
OFFICER	Hanna Zembrzycka-Kisiel

The application site is allocated for housing in the adopted Local Plan 2031- Part 1. This application is referred to committee as the proposal is a major development.

RECOMMENDATION

The application site is allocated for housing in the adopted Local Plan 2031- Part 1. It is recommended that authority to grant planning permission is delegated to the head of planning subject to:

1: A S106 agreement being entered into with the district council and county council in order to secure contributions towards local infrastructure and maintenance of the gas vent trench as well as to secure affordable housing and;

2: Conditions as follows:

1. Outline –time limit
2. Approved plans
3. PD removal – extensions and outbuildings
4. Boundary treatments
5. On site open space provision to be 15% of site area
6. Sustainable drainage scheme to be agreed and implemented, including phasing
7. Exceedance flood flow routing
8. Foul drainage strategy to be agreed before development commences and implemented prior to occupation
9. Access and visibility splays
10. Construction Traffic Management
11. Travel Plan
12. Slab levels to be agreed
13. Design & implement CS3 gas protection measures within proposed properties, confirmation from building control body

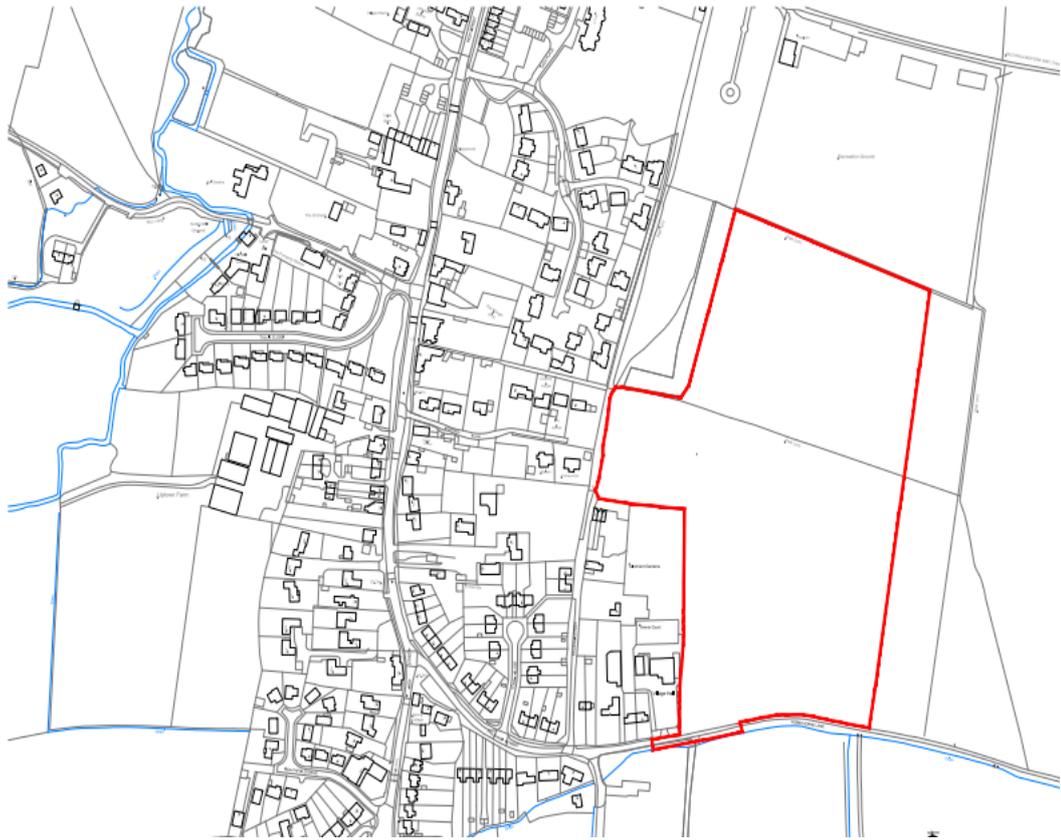
- 14. Vent trench construction in accordance with the specification
- 15. Post construction gas vent trench monitoring
- 16. Biodiversity Enhancement
- 17. Written scheme of investigation for archaeology
- 18. Staged implementation of archaeological investigation
- 19. Notwithstanding the information submitted, details of the housing mix shall be submitted and agreed as part of the reserved matters application.

Informative

- 20. Public Right of Way
- 21. Tree protection
- 22. Landscaping implementation
- 23. Ownership of surface water drainage infrastructure

1.0 **PROPOSAL**

- 1.1 This application comes to committee as it is a “large” major application and the parish council objects. The application seeks outline planning permission for the construction of up to 200 dwellings. The site has been allocated for residential development for up to 220 dwellings in the recently adopted Vale of White Horse Local Plan 2031 Part 1.
- 1.2 Only the means of access is to be considered as part of this application with all other matters (appearance, landscaping, layout and scale) being reserved matters for future consideration should outline permission be granted. This report seeks to assess the planning application details against the development plan, national and local planning policy framework where relevant, and all other material planning considerations.
- 1.3 The site is located to the east of Sutton Courtenay, east of High Street, northeast of Frilsham Street and north of Hobbyhorse Lane. The development site area is 7.32 hectares. The application site consists of one field that is currently used for agricultural purposes, which is accessed off Hobbyhorse Lane or via public footpaths. The access plans are **attached** at appendix one.
- 1.4 A site location plan is below:



An illustrative layout plan is below:



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Below is a summary of the responses received to both the original submission and the subsequent amendments. The responses given for the technical consultees relate to the final set of amendments.

2.2 Further to the initially submitted plans and documentation, the additional technical documentation for the proposed strategies were submitted to the Local Planning Authority, which were subject to the formal re-consultation processes which were undertaken in August 2016, November 2016 and February 2017.

A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

Consultee	Comments
<p>Sutton Courtenay Parish Council</p>	<p>Objects A copy of the parish council's comments is attached at appendix two.</p>

	<p><u>Summary:</u></p> <ul style="list-style-type: none"> • High ground water level; • Flood risk • Proximity to landfill site • Gas leachate • Would worsen the existing traffic • Landownership of the land to be used for the access arrangement provision is unclear • Gas leachate • Proximity to the landfill, composting and materials recycling sites. • Excessive odours cause problems for existing residents. • A pipeline associated with the Harwell Campus use as an atomic energy research crosses • The current public sewerage system is inadequate <p>In February 2017, the Parish Council reiterated their previous objections to this proposal as summarised above.</p>
<p>Neighbour Objections</p>	<p>Below is a summary of the objections on the original plans and further amendments lodged to the application by local residents.</p> <p>The total of 139 objections from neighbours have been submitted during all rounds of consultation. Most residents have reiterated their previous objections in later submissions</p> <ul style="list-style-type: none"> • Increased traffic leading to safety issues and additional road congestion • The proposal would increase the traffic pollution • The site is subject to flooding with inadequate drainage • Does not take account of flood risks from groundwater • Inadequate flood risk assessment, states that the presence of groundwater is unknown. • Foul drains in village are unable to cope with existing housing. • Increased pressure on local infrastructure • Erosion of the village's rural character • Cumulative impact on the village which has limited facilities • The schools are already at capacity. • Will stretch existing utilities beyond breaking point

	<ul style="list-style-type: none"> • Village which has already seen planning granted for over 300 house within its boundary • The proposed access off Hobbyhorse Lane is not suitable • Landownership is an issue • The area has poor drainage and experiences flooding. The sewage system in the village is already over capacity • The risk of contamination from the adjacent landfill site has not been properly assessed. • Close to composting facility which frequently causes noxious odours • 100 metres from capped landfill which was previously used for hazardous waste • The site is close to old un-monitored historical waste site and has issues of methane exiting the decaying waste • Methane in ditch on landfill site. • Inadequate analysis of ground conditions and potential for contamination. • A large area of housing and hard stand will only exacerbate the flood problems arising from the landfill • Will cause health issues, specially to children • Impact on wildlife and ecology
<p>Oxfordshire County Council One Voice</p>	<p>No Objections. A copy of the Oxfordshire County Council’s comments is <u>attached</u> at appendix three.</p> <ul style="list-style-type: none"> • <u>Highways</u> – No objections, subject to conditions and S278 and S38 agreements. • <u>Archaeology</u> –No objections, subject to conditions • <u>Education</u> – No objections, subject to financial contributions. • <u>Property</u> – No objections, subject to financial contributions. • <u>Mineral and Waste</u> – No objections <p>These are the original comments submitted. Later amendments did not affect these highways comments</p>
<p>Landscape</p>	<p>No objections</p>

<p>Officer Vale</p>	<p><u>Summary</u></p> <ul style="list-style-type: none"> • The site layout relies on the linkage of POS with wide green corridors to provide its POS. Narrowing these corridors will result in a fragmented small public spaces rather than a wider linked network. • Narrowing these corridors will result in a fragmented small public spaces rather than a wider linked network. Where SUDS basins are proposed to be placed in areas of open space, they should be designed and located in a way to minimise the land take to create the most usable open space, such as locating in the corner or side of the open space rather than the middle. • The profiling should be varied and design to be an asset to the POS. • The SUDS scheme should not interfere in the use of the POS such as Swales blocking easy access into the POS, bridges or other accessible access points will need to be provided.
<p>Urban Design Officer</p>	<p>No objections</p>
<p>Forestry Officer Vale</p>	<p>No objections, subject to conditions</p>
<p>Countryside Officer Vale</p>	<p>No objections, subject to condition</p> <ul style="list-style-type: none"> • The site is not covered by any ecological designations and there are no existing records for protected species.
<p>Environmental Health – Air Quality Officer</p>	<p>No objections</p>
<p>Environmental Health – Contaminated Land</p>	<p>No Objections, subject to conditions</p> <ul style="list-style-type: none"> • Design & implement CS3 gas protection measures within proposed properties, confirmation from building control body • Post construction monitoring • Vent trench construction in accordance with the specification • Maintenance of the venting trench to be required via S106 • Removal of permitted development rights – to

	<p>ensure that any further extension works do not compromise the CS3 protection measures and in order to ensure that they gas protection measures would be incorporated into the extension.</p>
Environment Agency	No objections
Drainage Engineer Vale	<p>No objections, subject to conditions</p> <ol style="list-style-type: none"> 1. Full details of a sustainable surface water drainage system based on ground permeability tests and a full consideration of groundwater flooding issues including historic events; 2. Sustainable drainage proposals, including calculations and proposed drainage layouts, based on the above; 3. Exceedance flood flow routing; 4. Timescale for the works including phasing; 5. A full future management and maintenance plan for the Suds features.
Thames Water	<p>No objections</p> <ul style="list-style-type: none"> • Waste water: Existing infrastructure is unable to deal with the needs of the development. Recommend a Grampian condition. Impact study requested. • Surface Water Drainage -it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. • Water infrastructure capacity, we would not have any objection to the above planning application, subject to informative
Waste Management	No objections

Officer Vale	Provides advice on access and storage requirements for waste management. Requests £170/property to provide wheeled bins
Housing	No objections The mix of house types, tenure types and unit sizes that would be required for this development to provide a policy compliant 35% affordable housing
Leisure	No objections Financial contributions to local sport and recreation facilities requested.

3.0 **RELEVANT PLANNING HISTORY**

3.1 **Pre-application History**

[P15/V0515/PEJ](#) - Residential development of approximately 200 dwellings (31/03/2015)

3.2 **Screening Opinion requests**

[P15/V0296/SCR](#) - EIA screening request on behalf of Redrow Homes - EIA not required on (03/03/2015)

3.3 **Outline Application**

[P16/V0646/O](#) – Site south of Hobbyhorse Lane and east of Harwell Road – Outline application for residential development of up to 354 residential units, a medical centre, a community hub/shop/business, a retail facility of up to 325 m2 and two accesses of Harwell Road. Refused 10/02/2017 principally because the site is not allocated in the adopted Local Plan 2031 Part One.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 This proposal is for more than 150 dwellings and the site area exceeds 5ha in size and is therefore, above the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. As required by the above Regulations officers have undertaken a screening opinion. Taking into account government guidance in paragraph 58 of the NPPG on thresholds that may trigger the need for EIA and having considered the potential for significant effects of the proposal in accordance with Schedule 3 of the Regulations (including cumulative impacts with other housing developments permitted and the strategic housing sites), it is the case that this proposal is not EIA development. A screening opinion has been provided demonstrating this.

MAIN ISSUES

5.1 **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires applications for planning permission be determined in accordance with the development plan unless materials considerations indicate otherwise. The development plan currently comprises the Vale of White Horse Local Plan 2031 Part One and the saved policies of Vale of White Horse Local Plan 2011.

5.2 In line with national guidance and the findings of the Oxfordshire Strategic Housing Market Assessment, the new Local Plan includes a housing target of at least 20,560 dwellings for the plan period to 2031. This Plan makes sufficient allocations of strategic sites for residential development against this target to ensure that the council can currently demonstrate a 7.1 year supply of housing land.

5.3 Part One of the Local Plan (2031) makes strategic allocations in the larger villages. The application site is allocated in the Local Plan 2031 Part One under policy CP4.

5.4 As the application site is allocated in the Local Plan –Part 1 (2031), the principle of the proposal complies with the with the council’s spatial strategy for growth.

5.5 Recent High Court decisions (eg Trustees of Barker Mills and Test Valley Borough Council v Secretary of State, 2016) have made it clear that new housing development that is in accordance with the policies of an up-to-date local plan is, by definition, sustainable development. The presumption in favour of sustainable development therefore applies to this proposal.

5.6 **Local Plan 2031 Part 1- Examination**

During the Local Plan 2031 Part One examination process the Inspector considered all representations submitted to him, including representations made by local residents who objected to the proposed allocation.

5.7 A public written statement was prepared and submitted by local residents for the inspector to consider at the examination listing a number of the site’s constraints. These included:-

- “An identified potential for gas migration from the adjacent landfill sites”
- “A high potential gas hazard posed by the adjacent landfill and that the proposed development is considered to be highly sensitive”
- Methane gas bubbling in the water of the newly constructed drainage ditch to the east of the site
- An identified odour from the landfill site.
- The inability of the existing waste water infrastructure to accommodate the needs of this application identified by the Thames Water
- Comments, prepared by a highways consultant appointed by local residents, which “countered the county council views on the viability of the access to the east Sutton Courtenay site through Frilsham Street and raised a fundamental question on the soundness of its inclusion in the Local Plan.”

5.8 Inspector’s decision

Paragraph 131 of the Inspector’s Report concludes the following for the site: *“Based on what I have read and heard and my visit to the area (...), site 5 (around 220 dwellings east of Sutton Courtenay) is a suitable scale development for this*

settlement. Whilst...” (modifications) “...are necessary to provide more clarity in the site development template regarding access arrangements and sewer upgrades, I have seen no evidence to convincingly indicate that, in this regard or in terms of the nearby landfill site or water/waste water infrastructure, the site is either inappropriate for housing or not deliverable.....”

- 5.9 As the site is now allocated in the adopted Local Plan 2031 Part One, the development of housing on the site is sustainable development. The rest of this report will concentrate on the principal technical issues that have arisen.
- 5.10 Consultation responses have indicated that the four main technical areas of concern are:-
- Migration of methane gas from the former landfill site to the east.
 - Site drainage
 - Site access and highway safety
 - Odour from the licensed existing landfill site to the south-east
- 5.11 **Landfill Gas**
- The application site lies immediately adjacent to a historic landfill (Hobbyhorse Lane North) and in close proximity (circa 25m) to a current landfill (Sutton Courtenay) and a historic landfill (Sutton Courtenay Waste Recycling Centre). The Environment Agency are the licensing authority for landfill sites. However the age of the former landfill at Hobbyhorse Lane North means that it is not licensed and therefore information about the material inside it, and the nature of any landfill gas mitigation, is limited. The site was used for domestic refuse including food waste. Degrading food waste will produce gas over time, particularly methane and carbon dioxide. In sufficient concentrations methane can ignite and is, for this reason, potentially dangerous.
- 5.12 Local objectors are concerned that the lack of information about the former landfill means that there are significant risks to future residents from potential unknown toxic substances in the landfill, and from methane gas migrating under the application site. Video evidence has been submitted by objectors showing gas bubbling in a drainage ditch between the landfill and the application site. Methane gas is lighter than air so will naturally rise to the surface through dry pathways in the ground (above groundwater level). The danger from methane gas arises when it collects over time in a confined space (eg, inside a house), when it can be ignited. Escape of the gas into the air does not present a risk as it is too dispersed to be dangerous.
- 5.13 It is known from records that the operator of the landfill did install gas mitigation to enable methane to find pathways up to the air from within the landfill. However, the precise detail of the mitigation, and how effectively it is still working, is unknown.
- 5.14 The geology of the site generally comprises topsoil over a layer of sandy clay over a layer of gravels and then bedrock which lies approximately 7m below ground level.
- 5.15 In view of the degree of uncertainty about the risk of landfill gas, the applicants have proposed a double layer of protection for the application site. This double layer

comprises:-

- The complete shielding of every house on the site with its own underground gas-proof membrane as part of the foundation
 - A continuous “vent trench” built around the whole northern and eastern boundary of the site, and along part of the southern boundary, approximately 3 – 4m deep, with deeper columns 10m apart. The trench will be 600mm wide and filled with single-size 40mm round stone aggregate, significantly more permeable to gas than the general surrounding ground, to provide a relatively easy route for methane gas to rise up into the air rather than migrate onto the site
- 5.16 The depth of the vent trench has been set so that it will lie below the expected water table. Methane gas is soluble in water and so will not travel through groundwater. Stone columns set 10m apart will run down under the trench into the bedrock to provide pathways for gas during times when the water table is relatively low. At these times, because methane is lighter than air, the applicants argue that most of the gas will be in the upper level, intercepted by the trench. Clogging of the trench from surface material would impede its effectiveness over time. Consequently, the top layer will be held in mesh baskets approximately 300mm deep which can be removed and cleaned at regular intervals. The maintenance regime will be controlled through the section 106 obligation.
- 5.17 The gas mitigation strategy has been carefully assessed by the council’s environmental protection team, in consultation with a specialist independent consultant. Both consider that the proposed double layer protection methodology does provide an acceptable level of protection for future residents from the potential for methane gas to enter houses from the ground. Therefore there are no objections on this issue subject to conditions, including the provision of a gas-proof membrane for each houses, the full specification of the vent trench, and the removal of permitted development rights for house extensions and outbuildings, to ensure through a planning application that any future structures are adequately protected against potential methane gas intrusion.
- 5.18 There is no evidence to suggest that there are other toxic materials associated with the former landfill that pose a risk to health. The local plan inspector heard evidence regarding the potential risks from the landfill site and decided there was nothing to suggest that the application site should not be used for housing.
- 5.19 **Site Drainage**
The NPPF provides a sequential test to steer new development to areas with the least probability of flooding (paragraph 101). The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution (Paragraph 109).
- 5.20 Core Policy 42 of the adopted Local Plan 2031 Part One seeks to minimise the risk

and impact of flooding through:

- Directing new development to areas with the lowest probability of flooding
- Ensuring new development effectively manages all sources of flood risk
- Ensuring new development does not increase the risk of flooding elsewhere and
- Ensuring wider environmental benefits of development in relation to flood risk

5.21 The site is in flood zone 1 which is least susceptible to river flooding and preferred in flood risk terms for housing development. The applicant has submitted a flood risk assessment (FRA) which details the surface water drainage strategy. The main principles of the strategy are:

- For most of the site drainage will be infiltration to ground
- For the remainder attenuation methods will be used, eg swales and infiltration basins.
- Proposed dwelling slab levels will be raised by between 300-450mm to provide protection from groundwater flooding and to direct surface water flows

The foul water drainage strategy proposes connection to the existing sewer in Frilsham Street. Thames Water has requested a sewer impact study to ascertain local capacity and what may be required in terms of sewer upgrades.

5.22 The strategy has been criticised by a consultant acting for local objectors on the following grounds:

- It does not take into account the reality of the high ground water levels on the site and their impact on any water management scheme;
- SUDs design will not work, as the design is contrary to the current SUDS guidance which states that the base of the proposed infiltration component is at least 1m above the maximum anticipated groundwater level;
- It has failed to address the issue of the extensive flooding such as in 2014;
- Groundwater levels are taken from periods of relatively low rainfall, and no further monitoring has been provided;
- The village's sewer system is at its capacity;
- There has been no response to the criticisms from the Environment Agency or Oxfordshire County Council as lead flood authority
- The FRA uses incorrect methodology

5.23 The council's drainage engineer has carefully assessed the drainage strategy and more information has been provided to address his concerns. His chief concern has been that the applicants' groundwater monitoring did not acknowledge recent periods of very high groundwater, such as early 2014. Following further discussion, the applicants have most recently modelled a groundwater level 200mm higher than they have recorded. This has shown that, although the proposed strategy would not be compromised by groundwater at this relatively high level, the recommended separation between the base of the surface water system and the groundwater level of 1m would not exist during high groundwater events. This separation is recommended to allow surface water to be "cleaned" by passage through dry ground before entering the water table. The separation is guidance and officers do not consider that, when assessed against the other benefits of providing housing on this

site, this deficiency is insufficient to warrant refusal of the application.

- 5.24 Another concern had been the interaction between the proposed gas vent trench and groundwater flows. The original design for the vent trench included an impermeable vertical gas membrane along one wall of the trench. The drainage engineer was concerned that this membrane would interfere with groundwater flows off the site, elevating groundwater levels further. The applicants have removed the membrane from the vent trench design on the basis that it only duplicates the effect of the membrane around the foundation of each of the proposed dwellings. This means the trench will not block groundwater flows.
- 5.25 The latest modelling of the strategy, with a groundwater level 200mm higher than previous, has satisfied the drainage engineer that the overall surface water drainage strategy is suitable. He has no objections subject to conditions.
- 5.26 With regard to the criticism of the environment agency and the county council, it should be noted that the environment agency is no longer the statutory consultee for drainage matters, as this responsibility now falls to the county council. Nevertheless the environment agency has been consulted on this application and has raised no objections. The county council is the lead flood authority. However, for this application, the council's drainage engineer is acting as agent for the county council in this regard.
- 5.27 Foul drainage and water supply
Thames Water has identified that there is a lack of capacity within the network to accommodate the additional flows from this development. However, a Grampian condition recommended by the Thames Water is necessary to secure details of sewer upgrades prior to work commencing on site and for those agreed upgrades to be implemented prior to occupation of the first dwelling.
- 5.28 Thames Water has also identified that the existing water supply infrastructure cannot meet the demands of this development and so a Grampian condition is also necessary to secure upgrade works to the existing network.

Traffic and highway safety

Saved Policy DC5 of the Local Plan 2011 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. The NPPF (Paragraph 32) requires plans and decisions to take account of opportunities for sustainable transport, safe access for all and potential improvements to mitigate development impacts. Paragraph 32 goes on to state: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

- 5.29 Access
The plans indicate that the vehicular accesses access into the site itself will be at the south-western corner of the application site, near the access with the village hall. The proposed scheme includes carriageway widening to 5.5m along most of Frilsham Street, with widening to the existing carriageway where it can be achieved along Hobbyhorse Lane. The proposed carriageway width along Hobbyhorse varies between 4.1m to 5.3m. Over a section (approximately 40m) along Hobbyhorse Lane

(near the entrance to the Village Hall) the width of the carriageway will measure 4.1m, which would create a localised throttling (a traffic calming feature). In addition, it is proposed that a footway will be provided on the northern side of the development access continuing westwards along Hobbyhorse Lane.

- 5.30 According to transport planning guidance contained within Manual for Streets, a 4.1m width carriageway is sufficient for two cars to pass safely. At present, the existing footways on the northern side of the carriageway measure approximately 1.4m. It is proposed to widen all footways on the northern side of the carriageway to 2m, which would improve the existing situation. The exception to this would be a short section of footway outside properties 1 and 1a Frilsham Street, which will remain as per existing at 1.4m wide. Although this stretch of the footway will be narrower, Manual for Streets states that a 1.2m wide footway is sufficient for and adult and child to walk side by side.
- 5.31 In terms of the condition of Hobbyhorse Lane, it is clear it will need to be upgraded if it is to accommodate any significant increase in vehicle use. The county highways authority has also confirmed that they will then be prepared to adopt the road, subject to the technical details and Section 38 and Section 278 agreements.
- 5.32 Objectors argue that the access to the development via Frilsham Street is inappropriate and undeliverable. This is mainly due to the inadequate carriageway and the footway provision, which are considered to be substandard and would have an adverse impact upon the highway safety in the objectors' opinion.
- 5.33 The agent has confirmed that the proposed access arrangements have been developed through consultation with the Oxfordshire County Council highways authority, who are supportive of the scheme. The county highways officer is satisfied that the design allows for drivers and other road users to have adequate awareness of traffic conditions so they can act safely.
- 5.34 Other sites in the village
The objectors have pointed out that “the feeder roads to each of the other four housing sites all have a carriageway width of 5.5m (not 4.1m as proposed under this application), with at least one continuous footway of 2m wide.”
- 5.35 Members are aware that each application is assessed on its own merits, as each site has its own constraints, therefore this proposal should not be compared to other schemes in the village. Whilst the proposed access arrangements are prepared individually for each proposal, they must comply with the acceptable standards, and must be accepted by the local highway authority.
- 5.36 Submitted drawings
Objectors state that the proposed access route arrangements are based on the inaccurate drawings and topographical surveys, which do not take into account accurate gradients of some driveways. The county highways officer has undertaken two site visits to assess the safety of the access arrangements. It is not considered that the changes will result in dangerous gradients.
- 5.37 Use of a Grampian Condition

It has been pointed out that the proposed works to improve Hobbyhorse Lane are unlikely to take place as it is claimed that four separate parties own relevant parts required by the applicant. On this basis it is argued that a Grampian condition cannot be used as there is no reasonable prospect of the works taking place during the lifetime of the planning permission. In fact the test of the use of a Grampian condition is that there is no prospect at all of the intended works being carried out,

- 5.38 In this regard the applicants insist that they do have control over all those parts of Hobbyhorse Lane necessary to make the improvements. With respect to the ownership of the BOAT, the applicant has confirmed that all reasonable steps have been taken to find out the names and addresses of the other unidentified owners, including a public notice published in the Abingdon Herald dated 7 October 2015, but they have been unable to do so. This complies with the relevant regulations.
- 5.39 In addition Sutton Courtenay Parish Council state that the submitted plans are inaccurate, as they indicate that the land within the redline area, immediately adjacent to the Village Hall, is own by the applicant, whilst according to the Parish Council's land certificate it belongs to Parish Council. The applicants' agent has confirmed that the red line area on the submitted plan does not encroach onto the Parish Council's land.
- 5.40 Disputes over land ownership are generally not a material consideration. Both sides argue that they have a legitimate claim. In these cases the local planning authority cannot arbitrate between the parties and it is a matter for resolution through alternative legal mechanisms. If, after securing a planning permission, it is proven that an applicant does not own or control all the land they require to implement the access arrangements for the planning permission, then they cannot proceed in accordance with the approved plans.
- 5.41 Policies CP33 and CP35
Objectors argue that the local planning authority has not paid due cognisance to the bid to satisfy its own policies CP33 and CP35 of the adopted Local Plan 2031 Part One. Policy CP33 "Promoting Sustainable Transport and Accessibility" seeks to support key improvements to the transport network, and policy CP35 "Public Transport, Cycling and Walking" seeks to support the provision of sustainable transport measures to promote the use of public transport, cycling and walking.
- 5.42 As mentioned earlier, as the site is allocated in the adopted Local Plan 2031 Part One, housing development on the site is sustainable development by definition. The highways officer has reviewed and assessed all relevant documents and drawings submitted by the applicant, and has raised no objections. In terms of promoting sustainable transport, the applicant will contribute towards improving local bus services. In light of this officers consider that the proposal does comply with these policies.
- 5.43 **Air pollution and Odour**
The NPPF and NPPG both assert that planning policies and decision should take into account Air Quality Management Areas (AQMA) and contribute towards EU limit values or national objectives for pollutants. Local Plan Policy DC9 states that development will not be permitted it would unacceptably harm the amenities of

neighbouring properties and the wider environment in terms of dust or other emissions and pollution. Saved Policy DC10 confirms that development will not be permitted if it is likely to be adversely affected by existing or potential sources of gases or other emissions.

- 5.44 Objectors argue that the site suffers from unacceptable levels of odour caused by the authorised open-air composting on the existing landfill site to the south-east. The council's environmental protection team also voiced concerns over this issue. The matter was assessed by the local plan inspector at the examination and he saw no reason to reject the site for housing on this ground. In light of this, and the difficulty in quantifying the level of odour, the environmental protection team has withdrawn its objection on the ground of odour.
- 5.45 The application has been supported by an Air Quality Assessment that demonstrates that air quality impacts associated with additional traffic from this development will not be significant and there are no objections on this point.
- 5.46 **Pipelines Under Hobbyhorse Lane**
A disused pipeline runs from south to north under Hobbyhorse Lane near where Frilsham Street commences. It has been mentioned in the submitted comments that the proposed development will affect the pipeline, and for this reason the proposal should be refused.
- 5.47 The company responsible for the pipeline have discussed the implications of the development with the applicant and it has been agreed that the works required to improve the road surface should not damage the pipeline.
- 5.48 This is a civil issue, which will be dealt with between the managing company and the developer.
- 5.49 **Affordable housing and housing mix**
In line with Core Policy 24, the council will seek 35% of the 200 units as affordable housing. This equates to 70 units to be provided on a 75% rent, 25% shared ownership basis to be secured through a Section 106 agreement.
- 5.50 The Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) is the most recent assessment and estimates the following open market dwelling requirement by number of bedrooms (2011 to 2031) for the District that will be required at any reserved matters stage. A condition relating to the need to agree the private housing mix at reserved matters stage would be necessary.
- 5.51 **Design, Layout and Residential Amenity**
This is an outline application with only access to be considered. The details concerning layout, scale, external appearance of the dwellings and landscaping are reserved matters and would be considered as part of any subsequent reserved matters or detailed applications; they are not part of the consideration of this outline application. An illustrative layout has been prepared to show how the site could be developed and also to assist with the drainage strategy.
- 5.52 The illustrative layout shows a road network within the site that reflects the local

character area with primary, secondary and tertiary roads. The layout has been assessed by the urban design officer, who raises no overall objection.

5.53 Density

Core Policy 23 of the adopted local plan 2031 requires net densities of at least 30 dwellings per hectare. Principle DG26 of the design guide states that density should be appropriate to the location, and it requires a range of densities for larger development proposals. Based on 200 dwellings on a site of 7.32 hectares, the gross density equates to 27.3 dwellings per hectare. This is in line with the Core Policy 23 but also reflects the edge of village location.

5.54 Public Right of Way

Saved policy L10 of the Local Plan 2011 (safeguarding and improving public rights of way) states that development over public rights of way will not be permitted unless alternative provision can be made that is equally or more attractive, safe and convenient to rights of way users. The application site contains a public right of way running from the east to west, through the centre of the application site. As shown on the submitted illustrative layout, the proposed development can maintain and incorporate the existing public right of way into the scheme with new footpath links, public open space and landscape features.

5.55 Conclusion

Overall, officers are satisfied that a site of this size could accommodate “up to 200” dwellings, alongside appropriate public open space provision, SuDS areas, accesses, roads, pavements and adequate private amenity spaces for the proposed households. The submitted framework layout indicates the development proposed would not have a harmful impact on the residential amenity of adjacent properties in terms of overshadowing, over-dominance or loss of privacy. Officers also consider a development observing the various principles of the design guide can be satisfactorily achieved at the reserved matters stage.

5.56 **Landscaping, Public Open Space and Trees**

This is an outline application. The details concerning landscaping are reserved matters and would be considered as part of any subsequent reserved matters or detailed applications.

5.57 The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph 109). Policy CP44 of the Local Plan 2031 Part One confirms that the key features that contribute to the nature and quality of the district’s landscape will be protected from harmful development and enhanced where possible. Policy NE9 of the adopted Local Plan designates the site as part of the wider Lowland Vale which is a distinctive landscape and valued for its own quality.

5.58 Saved Policy H23 of the Local Plan 2011 requires a minimum of 15% of the residential area to be laid out as open space. Any detailed application for the layout of this site would need to demonstrate compliance with this policy. Principles DG16 and DG17 of the design guide require a clear landscape structure, retention and integration of existing landscape features where possible and formation of open space networks.

- 5.59 The council's landscape officer has no objection subject to ensuring the drainage strategy does not compromise public open space on the site and does not fragment the key green infrastructure proposals which provide the mitigation contained within the Landscape and Visual Impact Assessment.
- 5.60 The forestry officer has raised no objections to the proposal in principle, subject to appropriate conditions being imposed. Careful siting of the proposed vent trench will be required along the north boundary due to the presence of mature trees on the boundary that are on the recreation ground. The exact details and location of the proposed vent trench will be assessed at the reserved matters stage, and can be secured by condition. An arboricultural method statement and tree protection plan will need to be submitted at the same time.
- 5.61 It has also been raised that replacement planting would be necessary to compensate for the boundary planting lost to accommodate vehicular accesses and visibility splays, which again can be secured by appropriate conditions.
- 5.62 The parameter plans submitted in support of the outline application appear to show that 15% of the site as public open space, in line with the Policy H23 can be achieved. As this is an outline application the detailed scheme layout is not fixed. Therefore it is considered reasonable to impose a condition to secure this public open space.
- 5.63 **Archaeology**
Saved policy HE10 of the Local Plan 2011 states that development will not be permitted if it would cause damage to the site or setting of nationally important archaeological remains, whether scheduled or not.
- 5.64 The county archaeologist, has raised no objections, subject to conditions
- 5.65 **Biodiversity**
Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that *"...if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."*
- 5.66 The application site is not covered by any ecological designations and there are no existing records for protected species. The main habitat present is a large arable field of limited ecological value. The boundary hedgerows are the most ecologically valuable features on the site. Surveys for protected species have shown that the boundary features are used by common bats for foraging and commuting. The illustrative layout could deliver net biodiversity gains. The countryside officer has raised no objections to the proposal, subject to a condition.
- 5.67 **Viability and developer contributions**
The NPPF advises that planning obligations should only be sought where they meet

all of the following tests (paragraph 204):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.68 The NPPG provides further guidance on how to apply the tests mentioned above and notes the following:

1. Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.
2. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.
3. Planning obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, planning obligations should not prevent development from going forward.

5.69 Policy CP7 of the Local Plan 2031 Part One provides that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured.

5.70 Regard also needs to be had to the restrictions of pooling of any financial contributions to no more than 5 schemes.

5.71 The following table illustrates the contributions which are considered fair and proportionate to the development and therefore justified. A requested contribution to improve local cycle way infrastructure has not been supported by Officers on the grounds that it is disproportionate to the size of the development.

Oxfordshire County Council	<i>Proposed Contributions</i>
Public Transport Contribution	£170,800
Bus stop improvements	£16,000
Travel Plan Monitoring	£1,240
Primary education	£659,776
Special Needs Education	£79,757
Adult Day Care	£5,412
Monitoring	£TBC
Total	£932,985
Vale of White Horse District Council	<i>Proposed Contributions</i>
Community Hall Contribution	£332,900
Cricket and football pavilion	£56,667
Rugby pitches and pavilion	£19,756

Outdoor Tennis Contributions	£42,064
MUGA	£11,185
Waste and recycling bin provision (£170 per unit)	£34,000 (based on 200 dwellings)
Monitoring	£TBC
Total	£496,572 (confirmed items)
Overall Total	£1,429,557
Total per Dwelling	£7,147

6.0 CONCLUSION

- 6.1 This is an allocated strategic site which does accord with the District's strategy for growth set out in the Development Plan (Local Plan 2031 – Part One).
- 6.2 Prior to the adoption of the Local Plan 2031- Part One, the application site was assessed by the independently appointed Planning Inspector, and was found to be appropriate for residential development.
- 6.3 This application has been assessed against the policies in the adopted Local Plan 2031-Part One, as well as against the National Planning Policy Framework (NPPF), relevant saved policies in the Local Plan 2011 and all other material planning considerations.
- 6.4 All identified site's constraints, and objections raised initially have been addressed and there no technical objections to the proposed residential development for up to 200 dwelling on the application site.
- 6.5 The proposal complies with the provision of both, local and national policies. It also complies with the recommendations in the technical guidance. Consequently, the application is recommended for approval subject to conditions and legal agreements to secure affordable housing, maintenance of the gas vent trench and developer contributions.

7.0 POLICY & GUIDANCE

7.1 Vale of White Horse Local Plan 2031 – Part 1

The Local Plan 2031 Part One was adopted by the council on 14th December 2016 and can be afforded full weight in the assessment of this proposal.

Policy No.	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 2	Co-operation on unmet housing need for Oxfordshire
Core Policy 3	Settlement hierarchy
Core Policy 4	Meeting our housing needs
Core Policy 5	Housing supply ring-fence
Core Policy 7	Providing supporting infrastructure and services

Core Policy 15	Spatial Strategy for South East Vale sub-area
Core Policy 17	Delivery of Strategic Highway Improvements within the South-East Vale Sub-Area
Core Policy 22	Housing mix
Core Policy 23	Housing density
Core Policy 24	Affordable housing
Core Policy 33	Promoting sustainable transport and accessibility
Core Policy 35	Promoting public transport, cycling and walking
Core Policy 36	Electronic communications
Core Policy 37	Design and local distinctiveness
Core Policy 38	Design strategies for strategic and major development sites
Core Policy 39	The historic environment
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
Core Policy 45	Green infrastructure
Core Policy 46	Conservation and improvement of biodiversity

7.2 Vale of White Horse District Council Local Plan 2011

The following local plan policies relevant to this application were ‘saved’ by direction on 1 July 2009 and remain relevant to the assessment of this proposal.

Policy No.	Policy Title
DC3	Design against crime
DC4	Public art
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
TR5	The National Cycle Network
H23	Open Space in New Housing Development
HE10	Archaeology
HE1	Preservation and Enhancement: Implications for Development
NE9	Lowland Vale
NE10	Urban fringes and countryside gaps
NE11	Areas for landscape enhancement
L10	Safeguarding and improving public rights of way

7.3 Supplementary Planning Guidance

- Design Guide – March 2015
- Open space, sport and recreation future provision – July 2008
- Sustainable Design and Construction – December 2009
- Affordable Housing – July 2006
- Flood Maps and Flood Risk – July 2006
- Planning and Public Art – July 2006

- Design Guide – March 2015

7.4 National Planning Policy Framework (NPPF) – March 2012

7.5 National Planning Practice Guidance 2014 (NPPG)

7.6 Neighbourhood Plan

There is no neighbourhood plan for Sutton Courtenay at the time of writing the report.

7.7 Environmental Impact

This proposal is for up to 360 dwellings and the site area exceeds 5ha in size and is therefore, above the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. Accordingly, the council has screened the application for the need for an Environmental Statement and concluded that it does not. The Screening Opinion has been provided as part of the application file on our website and will appear alongside this decision.

7.8 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

7.9 Human Rights Act

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.

7.10 Equalities

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