

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 31 January 2017 and as amended by location plan and transport assessment addendum submitted on 30 May 2017.
WARD MEMBER(S)	Gervase Duffield
APPLICANT	Redrow Homes South Midlands
OFFICERS	Emily Hamerton Hanna Zembrzycka-Kisiel

Introduction

This planning application is referred back to planning committee following the Development Manager invoking a cooling off period in accordance with the Council's published constitution, which states; The Head of Planning (or her/his nominee may) invoke in the following circumstances a 'cooling off period' following a decision taken by the planning committee: where the committee refuses an application on grounds that the head of planning / or an officer authorised by him/her considers it puts the council at significant risk of having a cost award made against it in the event of an appeal being lodged.

The Cabinet member for planning confirmed this decision on the second working day after 1 March, therefore no decision notice was issued. The Constitution requires a further report to be brought to the committee at the first opportunity setting out the relevant issues and inviting it to reconsider the matter.

On 1 March Officers were recommending that planning permission for this application was approved subject to conditions and the signing of a S106 agreement. Following the public speaking and the debate by committee concerns were raised by some planning committee members specifically in relation to highways and drainage.

The Development Manager therefore recommended that planning committee defer this application. However, members voted to refuse this application for the following reasons:

- Inadequate drainage
- Inadequate access arrangements
- Highways issues
- Odour on the site
- Potential risks to health, especially pregnant women and young children

Following the cooling off period being invoked, the district council sought independent advice from a drainage consultant (WSP) and asked them to review the applicant's drainage report, the report commissioned on behalf of Sutton Courtenay Action Group and the consultation response of the council's drainage consultant (Monson Engineering Ltd). The provided independent drainage report is **attached** at appendices **1** and **9**, where the details are outlined. The findings of this comprehensive assessment are discussed in the following sections of this report.

Further to that, the local planning authority has received comments from the Oxfordshire County Council Drainage Officer, who has reviewed the independent advice from the appointed consultant, and has also agreed that "the drainage strategy (as proposed), is unlikely to ensure that the management of anticipated surface runoffs from the proposed development is managed adequately within the footprints of the development site, without causing flooding on the site or its immediate environment and would not be supported by Oxfordshire County Council."

The council also requested the external consultants to provide a further review of the chemical contamination. The report is **attached** at appendix **2**. The findings are discussed in the following sections of this report.

The County Highways Authority commissioned detailed modelling work on three junctions in Culham and Sutton Courtenay adjacent to the Culham Crossing, to determine the impact a number of proposed development sites will have on the operation of the local highway network. The detailed highways comments are **attached** at appendix **3**. The findings are also discussed in the following sections of this report.

The modelling work included the impact of 4 development sites as detailed below:

- P14/V2061/RM, Appleford Road (195 dwellings)
- P15/V2933/O, Land north of Appleford Road (93 dwellings)
- P15/V2353/O, Land at Hobbyhorse Lane (200 dwellings)
- P14/V1906/O, Land East of Sutton Courtenay (redevelopment of buildings to provide B8 land uses, car and lorry parking and ancillary)

Further to this work, the Local Highway Authority now objects to the proposed development and states that "the County Council considers the effect of the development on the local highway network to be severe and therefore recommends refusal to this application" (OCC response **attached** at appendix 3).

The applicant has now appealed against the non-determination of this application, and therefore the committee does not have power to grant or refuse the application. The appeal is programmed to be determined by way of a public inquiry. This report is being taken to committee in order that the committee can decide whether they would have granted or refused the application if the council had been in a position to do so, and if they would have refused, for what reasons. Those reasons are also requested in order to determine the council's position at the upcoming public inquiry.

RECOMMENDATION

It is recommended that the planning committee resolve that, if it had been in a position to do so, it would have refused this application for the following reasons:

Reasons for refusal:

Drainage

The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103).

Core Policy 42 of the 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,**
- Ensuring wider environmental benefits of development in relation to flood risk**

In the opinion of the local planning authority the proposal fails to demonstrate it is flood resilient and resistant whereby residual flood risk can be safely managed, including by emergency planning. Therefore, the proposal does not amount to sustainable development and would be contrary to the National Planning Policy Framework, Planning Practice Guidance, Core Policy 42 of the Local Plan 2031 Part One and to advice contained in the council's Strategic Flood Risk Assessment.

Highways

Paragraph 32 of the National Planning Policy Framework states:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” Further, saved Policy DC5 of the Local Plan 2011 requires safe and convenient access for developments and that the road network can accommodate the traffic arising from the development without causing safety or congestion problems.

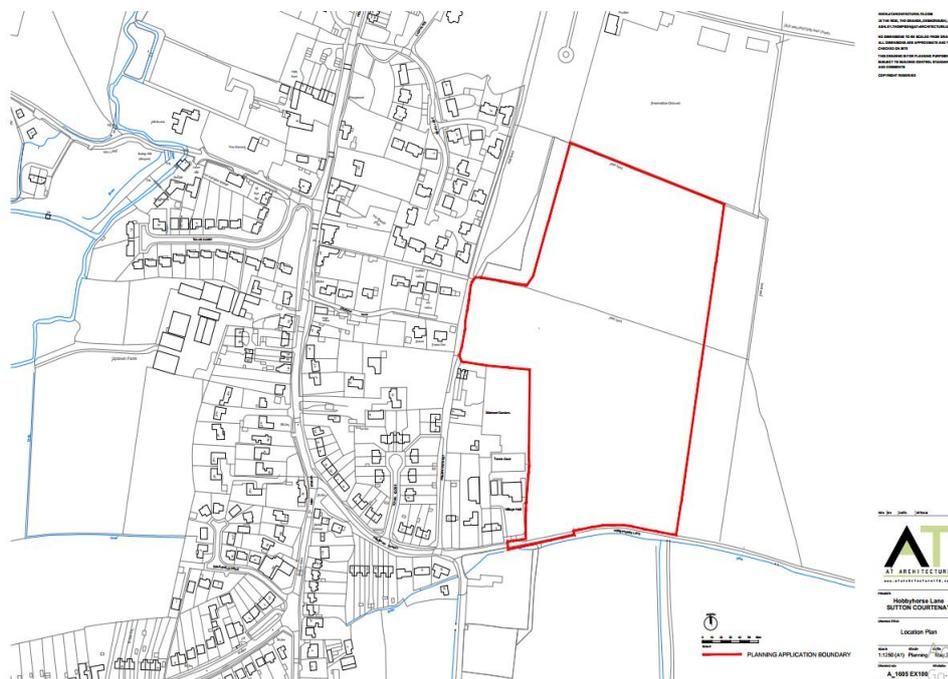
Notwithstanding the fact that the application site is allocated in the adopted Local Plan 2031 Part 1, based on the findings of the additional traffic surveys and modelling carried out by the local highway authority, the impact of the proposed development has now been confirmed to be severe.

As such, in the opinion of the local planning authority the proposal, does not amount to sustainable development and would be contrary to the saved policy DC5 of the Local Plan 2011, National Planning Policy Framework, and Planning Practice Guidance.

Furthermore, it is recommended that the committee resolves that the Council resist the appeal against non-determination on the basis of these two reasons.

1.0 **PROPOSAL**

- 1.1 The application is a large major proposal and 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.
- 1.3 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.
- 1.4 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 location and access plans are **attached** at appendix 4.
- 1.5 A site location plan is below:



1.6 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. There were three sets of amendments provided by the applicant prior to the committee meeting in March 2017. The fourth amendment was submitted on 30th May 2017.

2.2 The first amendment was submitted on 9th August 2016, and provided addendum to Flood Risk Assessment, reference: M41465-R102 revision A; Vent Trench Specification, reference: M41791/RE002 revision A; JNP Group Response to the Flood Risk Assessment Review Report by Water Resource Associates for the Proposed Development, reference: M41465 R103; Framework Plan, drawing no. 12168.PL101, revision C, and the addendum to the Design and Access Statement. The amendments were provided due to the requests from the council's Drainage Engineer and the Environment Officers.

2.3 The second amendment was submitted on 11th November 2016, and provided additional information on Drainage Strategy Technical Note on Standing Water, and technical note on Gas Migration. This additional information was also requested by both council's Drainage Engineer and the Environment Officers.

- 2.4 The third amendment dated 31st January 2017, provided revised report on surface water drainage design and gas protection proposals. This was also pursuant to the request of council’s technical officers.
- 2.5 All of the above amendments, provided by the applicant were subject to the formal re-consultation processes. The responses given by the technical consultees, listed in the table below, relate to the amendments submitted on 31st January 2017.
- 2.6 Since the planning committee on 1st March 2017, the applicant has provided an Amended Transport Assessment Addendum. The provided Amended Transport Assessment Addendum sought to address technical issues raised during the March 2017 planning committee, predominantly assessing the effect of the proposals at the Culham Bridge crossing between the B4016 /Appleford Road via Abingdon Road/ Tollgate Road. The Addendum also provided further clarity into the proposed access arrangements to the site from Hobbyhorse Lane, which is illustrated on the amended Location Plan (A 12168 PL 100). A further re-consultation was carried out on 2nd June 2017.
- 2.7 In July the independent drainage consultants (WSP) appointed by the Council has provided their report on the proposed drainage scheme. In August the Local Highway Authority has provided their detailed comments and modelling.
- 2.8 On 1 September 2017 Vectos, the applicant’s highways consultants, have provided their response to the OCC comments on highways. This report is **attached** at appendix 5.
- 2.9 A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

2.10

Consultee	Comments
<p>Sutton Courtenay Parish Council</p>	<p>Objects A copy of the parish council’s comments is <u>attached</u> at appendix 6.</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.

	<ul style="list-style-type: none"> • 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 • 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.

	<ul style="list-style-type: none"> • 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 (including highways)</p>	<p>Archaeology- No objections, subject to conditions</p> <p>Education- No objections, subject to S106 Agreement</p> <p>Property- No objections, subject to S106 Agreement</p> <p>Minerals and Waste- No objections</p> <p>Transport – Objection</p> <p>The full comments submitted by the Oxfordshire County Council are <u>attached</u> at appendix 3.</p>
<p>Landscape Officer Vale</p>	<p>No objections</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.

	<ul style="list-style-type: none"> • 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.
Urban Design Officer	No objections
Forestry Officer Vale	No objections , subject to conditions
Countryside Officer Vale	<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.
Environmental Health – Air Quality Officer	No objections
Environmental Health – Contaminated Land	<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 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.
Environment Agency	<p>No objections</p> <p>Groundwater protection In their comments, the EA has stated that <i>“it must be demonstrated to the Lead Local Flood Authority that it will not pose a risk to groundwater quality. We consider any infiltration drainage greater than 3 metres (m) below ground level to be a deep system</i></p>

	<p><i>and generally not acceptable. All infiltration drainage systems require a minimum of 1m clearance between the base and peak seasonal groundwater levels.”</i></p> <p>Proximity to existing waste processing sites <i>In their comments, the EA has advised that “new development within 250m of an existing waste facility could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. The severity of these impacts will depend on the size of the facility, the nature of the waste it takes and prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.”</i></p> <p>Landfill gas <i>The advice given in relation to the landfill gas is “that the applicant should provide you with a sufficient risk assessment to ensure that the potential risk is adequately addressed. Your Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development”.</i></p>
<p>Appointed Drainage Consultant (WSP)</p>	<p>Objects</p> <p>Summary: “The surface water drainage strategy as currently presented, is not considered robust enough to ensure that the anticipated surface runoff is managed safely within the boundaries of the proposed development. We therefore recommend that the drainage strategy be re-assessed to justify the proposal to locate the infiltration basins in the north eastern region of the site, which is identified in the FRA Report referenced M41465-R101 submitted with the planning application as having a “risk of flooding from surface water runoff of up to 0.3m” and</p>

	<p>flooding from groundwater of “up to 75% risk of emergence”.</p> <p>The full comments submitted by the appointed consultant WPS are attached at appendices 1 and 9.</p>
Thames Water	<p>No objections, subject to conditions</p> <ul style="list-style-type: none"> • <u>Waste water</u>: Existing infrastructure is unable to deal with the needs of the development. Recommend a Grampian condition. Impact study requested. • Thames Water would like to a confirmation of how the developer intends to incorporate the recommendations of the impact study. • <u>Water infrastructure capacity</u>, we would not have any objection to the above planning application, subject to informative
Waste Management Officer Vale	<p>No objections</p> <p>Provides advice on access and storage requirements for waste management. Requests £170/property to provide wheeled bins</p>
Housing	<p>No objections</p> <p>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</p>
Leisure	<p>No objections</p> <p>Financial contributions to local sport and recreation facilities requested.</p>

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). The proposal has been screened twice.

4.2 The first screening took place in 2014. At that time, based on the available evidence it was considered that the proposal is not EIA development.

4.3 Further to the submission of the comments from Oxford County Council Highway Authority in August 2017, the proposal was re-screened. The second screening has demonstrated that the proposal would have a severe impact upon the highway network, and therefore it is considered that the proposal is EIA development.

4.4 Both screening opinions have been provided demonstrating this.

5.0 **MAIN ISSUES**

5.1 The main issues relevant to the consideration of this application are:

- Principle of Development
- Current Housing Land Supply
- Site Drainage
- Landfill gas and contamination
- Traffic and highway safety
- Air pollution and Odour
- Pipelines Under Hobbyhorse Lane
- Affordable housing and housing mix
- Design, Layout and Residential Amenity
- Landscaping, Public Open Space and Trees
- Archaeology
- Biodiversity
- Viability and developer contributions

5.2 **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The

development plan currently comprises the Vale of White Horse Local Plan 2031 Part 1 and the saved policies of Vale of White Horse Local Plan 2011.

5.3 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 6.7 year supply of housing land.

5.4 Part 1 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.

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

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

During the Local Plan 2031 Part 1 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 on 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 In addition to the general requirements set out in section two of the Local Plan 2031, Part 1, each development will need to meet the individual requirements set for the

particular allocation. An extract from the Local Plan 2031 Part 1 is **attached** at appendix 7.

5.10 Parts of the site are susceptible to surface water flooding (particularly in the north east and south east of the site), therefore, in line with this requirement, in order to support the proposal, it is necessary for the Local Planning Authority to be satisfied that a detailed investigation was carried out, and robust mitigation is proposed.

5.11 **Five Year Housing Land Supply Position**

5.12 The Council has updated its five year housing land supply position as of the 31 March 2017.

5.13 The Council's five year housing land supply position district wide is 6.7 years of supply. The Council have a supply of 9434 dwellings with a surplus of 2387 dwellings. In relation to the two sub areas, the Council has 5.7 years supply in the Science Vale ring fence area and 8.4 years supply in the rest of district.

5.14 **Site Drainage**

5.15 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.

5.16 The strategy has been reviewed by a consultant acting for local objectors and they have raised the following concerns:

- 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

5.17 **Additional Independent Drainage Assessment**

- 5.18 After the committee meeting held on 1st March 2017 the council commissioned an independent review of the drainage aspects of this planning application. The consultant (WSP) has reviewed the applicant's drainage report (from JNP), the report commissioned on behalf of Sutton Courtenay Action Group and the consultation response of the council's drainage consultant (Monson Engineering Ltd).
- 5.19 The findings of this report states that that whilst the infiltration basins may have been designed with sufficient capacity to accommodate storm events greater than the 1 in 100 year storm event plus 30% climate change allowance, there are key concerns regarding the need for clarity on the proposed overall surface water drainage strategy.
- 5.20 The main concerns raised relate to:
- location of the infiltration basins 1 and 2, together with several sections of soakaway structures being located in the north-east of the site, (in an area which the Environment Agency records) presently show as having a medium to low risk of flooding from surface water flooding;
 - the infiltration tests being carried out across the site were completed in August, at a time when groundwater levels are approaching their lowest elevation, as such there may not be additional spare storage capacity in the underlying ground during periods of high groundwater levels and this could potentially reduce infiltration rates;
 - no results of infiltration tests have been provided for the existing ground located in the north eastern region of the site where the large infiltration basin and several sections of soakaway structures are proposed.
- 5.21 The conclusion of this review is that "the surface water drainage strategy as currently presented, is not considered robust enough to ensure that the anticipated surface runoff is managed safely within the boundaries of the proposed development. It was recommended that the drainage strategy be re-assessed to justify the proposal to locate the infiltration basins in the north eastern region of the site, which is identified in the FRA Report referenced M41465-R101 submitted with the planning application as having a "risk of flooding from surface water runoff of up to 0.3m" and flooding from groundwater of "up to 75% risk of emergence". (WSP's response, **attached** at appendix 8).
- 5.22 Therefore, given that the NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103), and Core Policy 42 of the adopted Local Plan 2031 Part 1, which seeks to minimise the risk and impact of flooding through ensuring new development effectively manages all sources of flood risk, ensuring new development does not increase the risk of flooding elsewhere, it is considered that the proposed drainage strategy, as currently designed, is unlikely to ensure that the management of anticipated surface runoffs from the proposed development is managed adequately within the footprints of the development site, without causing flooding on the site or its immediate environment. This is also the conclusion of the drainage officer at OCC.

- 5.23 As such the current proposal is considered to be contrary to the relevant national and local policies in the adopted local plan. Subsequent to the production of the WSP report in July 2017, WSP have discussed matters with the applicant's drainage consultants, JNP (JNP's response to WSP' report, **attached** at appendix 8). WSP have confirmed however that they still consider that the drainage strategy will not function effectively. WSP has provided a written confirmation on their latest position, which has not changed. The WSP comments provided are **attached** at appendix 9.
- 5.24 Foul drainage and water supply
Thames Water identified that there is a lack of capacity within the network to accommodate the additional flows from this development and that "a confirmation of how the developer intends to incorporate the recommendations of the impact study is required". However, a Grampian condition recommended by Thames Water is still considered as an adequate and 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.
- 5.25 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.
- 5.26 **Landfill gas and contamination**
- 5.27 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.
- 5.28 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.
- 5.29 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.
- 5.30 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.

- 5.31 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
- 5.32 The depth of the vent trench has been set so that it will lie below the expected water table. 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.
- 5.33 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.
- 5.34 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.
- 5.35 **Additional Contamination Review**
- 5.36 The council requested external consultants (WSP) to undertake a further review of the chemical contamination assessments which were submitted under planning in support of the proposed residential development.
- 5.37 The aims of this review were to:
- Identify any areas of uncertainty within the reports in relation to current legislation, guidance and engineering practice;

- Provide a view as to whether the interpretation of the information is consistent with the facts presented;
 - Ascertain whether the conceptual model has been appropriately tested; and,
 - Review whether the proposed mitigation measures are reasonable
- 5.38 The Council's Environment Officer confirmed that the review carried out by WSP has not identified any significant gaps in the assessments undertaken and WSP generally consider the assessment of low contaminant risks to be appropriate.
- 5.39 WSP have however identified potential gaps relating to the exclusion of petroleum hydrocarbons from the soil testing suite and the exclusion of testing of representative groundwater samples for a general contaminant suite in the assessments carried out. The exclusion of this information is not considered to equate to a material risk to human health or controlled waters. For completeness additional details could be provided by JNP to address the recommendations made by WSP and a watching brief could be maintained during the development. This additional information and watching brief could be required by suitably worded planning conditions.
- 5.40 The Environment Officer in his comments concluded that "I have no objections to the proposed development subject to conditions being applied to ensure that any ground, water and associated gas contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use".
- 5.41 **Traffic and Highway Safety**
- 5.42 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 without giving rise to safety, congestion or environmental problems. 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.*"
- 5.43 Scope of additional works
- 5.44 Further to the concerns raised by the Planning Committee in connection with assessing the effect of the development proposals on the existing Culham Crossing, predominantly at the junction of the B4016 Appleford Road with Abingdon Road, modelling work, which was more detailed and involved a wider scope, on three junctions in Culham and Sutton Courtenay adjacent to the Culham Crossing was commissioned by Oxfordshire County Council, to determine the impact of a number of proposed development sites on the operation of the local highway network.
- 5.45 Further, to be fully robust, TEMPRO growth factors for the horizon year of 2022 (with and without development) have been analysed. TEMPRO takes account of local planning data to provide factors which, when used in conjunction with national or regional traffic growth forecasts, can provide very local traffic projection factors. The suitability of Hobbyhorse Lane to serve the proposed development with regard to its ability to be appropriately widened was also re-assessed by the Highway Officers.

5.46 Cumulative impact on the road network

5.47 The modelling work included the impact of 4 development sites as detailed below:

- P14/V2061/RM, Appleford Road (195 dwellings)
- P15/V2933/O, Land north of Appleford Road (93 dwellings)
- P15/V2353/O, Land at Hobbyhorse Lane (200 dwellings)
- P14/V1906/O, Land East of Sutton Courtenay (redevelopment of buildings to provide B8 land uses, car and lorry parking and ancillary)

5.48 The findings of the submitted Technical Note and Network Modelling Linked Junctions (**attached** at appendix 3) confirm that the junctions in the vicinity of Culham Crossing are currently subject to queueing, and that “the Culham Crossing signals currently operate with longer queues northbound than southbound in the morning peak hour, resulting in vehicles blocking back to the Appleford Road junction” (Page 9 of OCC comments, **attached** at appendix 3). The signals are currently phased in this way to ensure the traffic queues do not block back on to the bridge and the A415 junction.

5.49 The County Council has investigated how the additional traffic might be accommodated on the highway network by optimising and maximising the signal timings. Given that the A415 is an important corridor in the local highway network, it has been clearly stated in the submitted highway comments that “it is of paramount importance that appropriate priority is given to this A-road to maintain operational capacity” (Page 10 of OCC comments, **attached** at appendix 3), and that “if exit blocking occurs at these points in the network, it can have a severe and detrimental impact on the wider highway network” (Page 9 of OCC comments, **attached** at appendix 3).

5.50 Several modelling scenarios have been conducted. Each of them took into account the current traffic and the future predictions which included the impact of the single development and a cumulative impact of all developments taken together. On the basis of these modelled outcomes it has become apparent that whilst an optimised scenario could be achieved for one of the junctions, the effect of that would be detrimental upon the other junctions. Therefore, it has been concluded that due to the nature of the Culham Bridges, “any slight amendment in signal timings can result in worsening queues in the vicinity” (Page 10 of OCC comments, **attached** at appendix 3). Such a harmful impact has been confirmed to be generated by each of the proposed developments alone, as well as by all of the proposed developments listed above when taken as a whole. This in the opinion of the Local Highway Authority is unacceptable.

5.51 Further to that, the Local Highway Authority has also confirmed that until the Thames River Crossing is implemented they will recommend refusal of any development in Sutton Courtenay or Culham that would add to the problems identified on this part of the network.

5.52 It is noted that the applicants have offered an additional mitigation contribution of £150,000. However, the County Council considers the contribution will not offset the

severe harm to the local highway network to be severe and therefore recommends refusal of the application.

- 5.53 As such, given that there is no sufficient mitigation available, and the fact that the impact of the proposed development when considered on its own has been confirmed to be severe, the proposal does not amount to sustainable development and would be contrary to the saved policy DC5 of the Local Plan 2011, the National Planning Policy Framework, and Planning Practice Guidance.
- 5.54 Access
- 5.55 Further to the concerns raised with regard to availability of land along Hobbyhorse Lane (under the control of either the Highway Authority and/or the Applicant), to be utilised for widening/mitigation purposes, on-site measurements were taken by the County Council, and it has been established that there is a greater highway extent than previously detailed by the Applicant.
- 5.56 An amended plan has been submitted by the applicant, which now indicates that a more acceptable minimum carriageway width of 5m can be achieved throughout. In addition, the Oxfordshire County Council Highway Officer has confirmed that “whilst full footway widths of 2.0m cannot be achieved in full along Hobbyhorse Lane, the reduced footway widths are still acceptable in the context of the Manual for Streets 2 policy document” (Page 11 of OCC comments, **attached** at appendix 3), and therefore this aspect of the proposal is considered to be acceptable.
- 5.57 Further to the concerns raised during the March Committee Meeting, it has also been confirmed that “any required mitigation works within the BOAT can be secured through a S278 Agreement” (Page 11 of OCC comments, **attached** at appendix 3). It is therefore considered that Hobbyhorse Lane can be made sufficiently wide and mitigation achieved through works and agreements.
- 5.58 In the submitted comments the County Council has stated that there are still concerns with regard to vehicular crossover gradients serving existing dwellings along Hobbyhorse Lane. Suitable details to demonstrate that vehicles can manoeuvre with no risk of grounding, need to be provided, before this element can be considered acceptable. (Page 11 of OCC comments, **attached** at appendix 3).
- 5.59 **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 if 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.
- 5.60 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.

- 5.61 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.
- 5.62 **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.
- 5.63 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.
- 5.64 This is a civil issue, which will be dealt with between the managing company and the developer.
- 5.65 **Affordable housing and housing mix**
- 5.66 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.
- 5.67 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.
- 5.68 **Design, Layout and Residential Amenity**
- 5.69 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.
- 5.70 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.
- 5.71 Layout
Whilst the drawing submitted in relation to the layout is illustrative only, given the concerns raised by the drainage consultants, it is Officers opinion that the illustrative layout may not be practical or possible. The design of the SUDS provision is likely to need to change and therefore this may impact on the number of houses that can be accommodated on the site. Therefore although the masterplan is only illustrative

it is unlikely to be acceptable and will need to be amended to address the drainage concerns.

5.72 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.

5.73 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.

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

5.75 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.

5.76 The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph109). 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.

5.77 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.

5.78 The council's landscape officer has raised no objection to the proposed illustrative layout. However, it was requested that the proposed drainage strategy would not compromise public open space on the site, and would not fragment the key green infrastructure proposals, which provide the mitigation contained within the Landscape and Visual Impact Assessment. Given the concerns raised by the drainage consultants, it is now considered that the proposed illustrative layout as proposed may not be practical or possible to be delivered.

- 5.79 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.
- 5.80 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.
- 5.81 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.
- 5.82 **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.
- 5.83 The county archaeologist, has raised no objections, subject to conditions
- 5.84 **Biodiversity**
- 5.85 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...”
- 5.86 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.
- 5.87 **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.

5.88 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.

5.89 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.

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

5.91 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
Mitigation of transport impact	£150,000
Monitoring	£TBC
Total	£150,932.985
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	£1,579.557
Total per Dwelling	£7,897

6.0 PLANNING BALANCE AND CONCLUSION

- 6.1 The application site was considered as part of the examination by the Inspector into the Local Plan 2031 Part 1 and was found to be appropriate for residential development, subject to overcoming the outstanding concerns, and to all relevant, additional requirements being satisfactorily addressed.
- 6.2 This application has been assessed against the policies in the adopted Local Plan 2031 Part 1, as well as against the National Planning Policy Framework, relevant saved policies in the Local Plan 2011 and all other material planning considerations.
- 6.3 The site’s drainage constraint has not been adequately addressed. The proposed drainage strategy has been independently reviewed, and it has been concluded that it will not function effectively in the proposed location due to the high groundwater level and the unknown infiltration rate of the soil component in that area.
- 6.4 The Surface Water Drainage Strategy as proposed has not fully addressed the issues/concerns regarding the management of anticipated surface runoff from the proposed development within the footprints of the development without causing flooding on the site as well as its immediate environment. Therefore there is a substantial technical objection to the proposed residential development for up to 200 dwellings on the application site.
- 6.5 As such the proposal does not comply with local and national policies in this respect.
- 6.7 Further, paragraph 32 of the National Planning Policy Framework states: “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” In addition, 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 without causing safety or congestion problems.
- 6.8 Notwithstanding the fact that the application site is allocated in the adopted Local Plan 2031 Part 1, based on the findings of the additional traffic modelling carried out by the local highway authority, the impact of the proposed development has been now confirmed to be severe.
- 6.9 As such, in the opinion of the local planning authority the proposal, would be contrary to the saved policy DC5 of the Local Plan 2011, National Planning Policy Framework, and Planning Practice Guidance.

- 6.10 The NPPF provides that planning should be genuinely plan-led. The application site is an allocated site in the recently adopted Local Plan 2031 Part 1. Nevertheless, the proposal for which permission is sought must be shown not to give rise to unacceptable impacts or issues. In the present case there are significant objections in respect of drainage and highways issues, as detailed above. The proposal will also provide benefits in planning terms, particularly in the provision of market and affordable housing. However it is considered that these benefits cannot outweigh the serious harm in terms of drainage and highways matters identified above. For that reason it is considered that, dealing with the overall position, the proposal is not sustainable development and it does not accord with the development plan as a whole.
- 6.11 Accordingly, it is recommended that the committee resolve that, if they were in a position to determine this application, they would refuse it for the two reasons stated at the beginning of this report. Further, it is recommended that the committee resolves that the Council resist the appeal against non-determination on the basis of these two reasons.

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 200 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. The council has re-screened the application for the need for an Environmental Statement and concluded that it does require the Environmental Statement. The initial and subsequent Screening Opinions have 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.

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