

APPLICATION NO.	P15/V2933/O
APPLICATION TYPE	OUTLINE
REGISTERED	18.12.2015
PARISH	SUTTON COURTENAY
WARD MEMBER	Richard Webber
APPLICANT	O and H Properties
SITE	Land north of Appleford Road Sutton Courtenay Abingdon, OX14 4NG
PROPOSAL	Outline planning application (with all matters except access reserved) for the erection of up to 93 dwellings including associated car parking, public open space and landscaping
OFFICER	Adrian Butler

RECOMMENDATION

It is recommended that outline planning permission is refused for the following reasons:

1. This is an unallocated site beyond the built up limits of Sutton Courtenay, extending into the open countryside in a manner which does not accord with the District Council's strategy for growth as set out in the Development Plan and the draft Vale of White Horse Local Plan 2031 Part 2. The proposal is therefore contrary to the adopted Vale of White Horse Local Plan 2031 Part 1, in particular to Core Policies 1, 2, 3, 4 and 8, the draft Vale of White Horse Local Plan 2031 Part 2 (core policies 4a and 8a), and to advice within the National Planning Policy Framework, particularly at paragraphs 11 and 15.

2. Paragraph 109 of the National Planning Policy Framework states: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*" Further, saved Policy DC5 of the adopted Vale of White Horse 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.

The proposal will generate additional traffic movements on to the highway network including the Culham Crossing and the junctions leading to the Culham Crossing which have been identified as operating at over capacity. Based on the findings of the additional traffic surveys and modelling carried out by the local highway authority the impact of the additional traffic movements associated with the proposed development would be severe and result in manoeuvres by drivers that would be detrimental to the safety of highway users.

As such the proposal does not amount to sustainable development and would be contrary to saved policy DC5 of the Vale of White Horse Local Plan 2011, development policies 16 and 17 of the draft Vale of White Horse Local Plan 2031 Part 2 and paragraph 109 of the National Planning Policy Framework.

3. In the absence of a s.106 agreement relating to the provision of affordable housing and financial contributions towards public transport, travel plan monitoring, public art, street naming, waste bin provision, and the management of public open spaces and play areas, the proposal would place increased pressure on these facilities and fail to provide the environmental, social and recreational services needed to support this development. This is considered contrary to core policies 7, 24, 33 and 35 of the Vale of White Horse Local Plan 2031 Part 1, saved policies DC4, DC7, DC9 and H23 of the Vale of White Horse Local Plan 2011 and development policies 16, 17, 20, 28 and 33 of the draft Vale of White Horse Local Plan 2031 Part 2.

1 INTRODUCTION AND PROPOSAL

Introduction

- 1.1 On 13 April 2016 planning committee resolved to grant outline planning permission for this proposal subject to a s106 agreement. To date a s106 agreement has not been completed and therefore, planning permission has not been issued. Furthermore, since the committee resolution, there have been material changes in planning circumstances. As a result this application comes back to planning committee for further consideration and determination.
- 1.2 The changed circumstances include:
 - Adoption of the Local Plan 2031 Part 1 (December 2016)
 - The Inspector's report advising the Local Plan 2031 Part 2 is sound (June 2019)
 - A July 2019 update in the five year land supply position,
 - The Secretary of State for the Ministry of Housing,
 - Communities and Local Government written statement dated 12 September 2018 regarding housing land supply in Oxfordshire
 - Revisions to the National Planning Policy Framework (NPPF) (2018 and 2019)
 - An objection from Oxfordshire County Council as highway authority (30 August 2017 and re-affirmed on 27 November 2018).
 - Community Infrastructure Levy (CIL) and the adoption of the council's CIL charging schedule (September 2017)
- 1.3 Reporting this application back to planning committee has been delayed providing the applicant an opportunity to respond to the highway officer's objection, and to await the Inspector's report on the LPP2 and await the outcome of HIF bid submissions.

The Proposal

- 1.4 This is an outline application for up to 93 dwellings. Access is to be considered at this stage with appearance, landscaping, layout and scale reserved for future consideration.
- 1.5 The proposal includes access from the Appleford Road at a point some 142m from the Abingdon Road junction. There is an existing field access at this point which would need to be widened to 5.5m with a 2m wide footway to its east. Vision splays of 2.4m x 90m are proposed with these being based on the 30mph speed limit being extended to the east as part of the approval for 195 dwellings on the former Amey site (south of Appleford Road). A small group of trees need to be removed to form the access and footway. These trees comprise a purple plum, hawthorn, elder and Lawson cypress.
- 1.6 A site location plan is **attached** as Appendix 1.

2 SUMMARY OF CONSULTATIONS AND REPRESENTATIONS ON CURRENT SUBMISSION

- 2.1 A summary of the material responses received to the current proposal is below. Full comments can be seen online at www.whitehorsedc.gov.uk

Parish Council	<ul style="list-style-type: none">• Strongly objects. The Parish Council objections may be summarised as follows:• The submitted transport assessment admits Sutton Bridge and the Abingdon Road/Appleford Road junctions are at capacity. Furthermore, it does not reference all development in the area and incorrectly refers to 156 dwellings on the Amey site whereas 195 have been permitted• Queuing over Sutton Bridge which can tail back for 1km will be exacerbated and also add to pollution problems• New traffic signals will not prevent congestion• Village is doubling in size without infrastructure improvements and resulting in disproportionate growth• No bus service serving the site with the nearest bust stop 1km away• Inadequate footways to High Street• Inadequate sewerage system barely adequate for the village. Request a feasibility study is undertaken• Flooding regularly affects the site. There is a high water table in the area and it is
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	<p>difficult to see how flooding can be mitigated</p> <ul style="list-style-type: none"> • Former landfill use may make the site unsuited to development • Unsustainable site due to inadequate roads, sewers, water supply, public transport, shops and facilities • Not allocated in the draft local plan • Account not taken of cumulative impacts.
Local Residents	<p>Letters of objection have been received from 62 local residents. Their objections may be summarised as follows:</p> <ul style="list-style-type: none"> • Increased traffic on extremely busy roads already over capacity. • Cause significant delays with further tailbacks from Culham bridge through the village. Traffic controls from the Amey development and traffic from other planned developments will make this worse. Will double the time it takes to queue over the bridge • Increase in traffic will be severe in NPPF terms and permission should be refused • The applicant's traffic counts bear no resemblance to the current situation • Increased traffic on the Abingdon Road junction is dangerous, as is the triangle at Halls garage • Increased traffic through the village to access Culham and Milton Park • Increased traffic is a danger to children walking to school. Children walking to Culham school would need to cross busy roads 4 times at peak hours • Exacerbate conflict between pedestrians, cyclists and motorists using the bridge • Proposal does not encourage walking or cycling; footways are too narrow and the roads too busy for cycling safely • Contrary to the NPPF as the proposal does not give priority to pedestrian and cycle movements • Increased flood risk; the village is already subject to flooding • No mention in the application of flooding in 2007, 2012 and 2014 • The site floods regularly

	<ul style="list-style-type: none">• No provision made to prevent the proposed dwellings from flooding• Increased flood risk for existing homes• Existing fields, houses on Abingdon Road and Abingdon Road flood and often close roads making travel almost impossible (3 times in the last 10 years)• Constructing homes at a higher ground level than existing homes that are prone to flooding will increase flood risks• A land survey was undertaken using the wrong equipment and no samples were taken from the middle of the field where the problems are.• Ground contains asbestos and waste from AEA Harwell which was disposed of here• Further expansion will lead to the village becoming a suburb of Didcot• Insufficient school places• Enough housing permitted in the village• Further erosion of greenfield land. Some 60% of agricultural land around the village has been lost• Not a logical extension to or rounding-off of the village• Contrary to policies GS1 and GS2 of the adopted local plan 2011• Development on the south side of Appleford Road was brownfield land. This site is greenfield. The two sites are not comparable• Detrimental landscape impact• Harmful to historic character of the village• Site floods. Building on this land and the high water table will make the village more susceptible to flooding which happened in 2007, 2012 and 2014 and these events are ignored in the flood risk assessment.• Ground water levels were especially low at the time of the studies being undertaken (August and September 2015). Levels are far higher in the winter months and new tests should be undertaken• Cumulative impact of development in the village and the continuing expansion at Milton Park needs to be considered. It will make flooding worse, increase the pressure on foul drainage that cannot
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	<p>currently cope, increase traffic through the village and queuing to use Culham Bridge.</p> <ul style="list-style-type: none"> • The Oxford flood alleviation scheme will put more pressure on downstream areas such as Sutton Courtenay • Sewerage system is overloaded. Thames Water confirms the system does not have capacity (there was a blockage on 4 February 2016 with sewage spilling over High Street) • Grampian conditions can be flouted as is the case at Milton Road where development has connected to the existing system without improvement • Demands on local infrastructure are detrimental to village life and its residents • Inadequate facilities within walking distance e.g. bus stop 1km away (contrary to the applicant's claims there is no bus service on a Sunday) and nearest shop is 1.5km away; not a sustainable site. No cycle parking at Appleford station and no paths or cycle ways to the station (PROW 373/12 has been closed at the Appleford end) • Residents will be reliant on cars • No community provision proposed other than open space. There is no play area proposed or within walking distance • Devastate views from the Thames and its footpaths • Water pressure is already low and the proposal does not include plans to address this • Unsustainable growth • Conflicts with the NPPF and the emerging Oxfordshire Local Transport Plan • Too many dwellings proposed • Too close to existing houses • The Environment Agency has not taken account of a flood risk assessment provided by local residents. The applicants FRA has inaccurate groundwater levels which will have a significant impact on the drainage strategy and the EA condition that infiltration SuDS require a minimum of 1m clearance between base and peak seasonal groundwater levels
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	<ul style="list-style-type: none"> Local residents found ground water to be 27cm below ground level in February 2016 in borehole no. 4
Oxfordshire County Council	<p><u>Highways</u> Objection</p> <p><u>Archaeology</u> No objection</p> <p><u>Education</u> No objection Seek a financial contribution towards primary school expansion</p> <p><u>Property</u> No objection</p> <p><u>Minerals and Waste</u> No objection Open areas to the east and north of the site provide adequate buffers to adjacent land should those adjacent areas be worked for minerals.</p>
Housing Officer	No objection Suggests there should be more smaller units compared to the housing mix set out in the application form.
Drainage engineer	No objection. The submitted Flood Risk Assessment (FRA) is sufficient in demonstrating that a sustainable surface water drainage system is feasible. The results of further groundwater monitoring should be included in the FRA to capture any seasonal variations and also during flood conditions. <i>Condition:</i> A sustainable drainage scheme to be submitted in accordance with the submitted FRA.
Environment Agency (EA)	No objection Photographic evidence submitted by local residents has been reviewed, which correlates with the EA's historic flood outlines for the site. The photographic evidence does not show any greater flooding than the current Flood Zone 2 extent. The EA believe the flooding of winter 2013/ 14 did not exceed 49.5m AOD, which correlates with their historic flood outline, and

	<p>shows fluvial flooding does not significantly encroach on the site. The NPPF states that development in areas of flood risk must demonstrate that there are no reasonably available sites suitable for the development at a lower risk of flooding. This is otherwise known as the Sequential Test. Paragraph 1.3.4 of the FRA confirms that all development will be located within Flood Zone 1, and therefore the Sequential Test has been passed.</p> <p><i>Condition</i></p> <p>No development within flood zones 2 and 3 (excluding the area of depression in the south east corner of the site).</p>
Thames Water	<p>No objection.</p> <p>Identified an inability of the existing waste water infrastructure to accommodate the development.</p> <p>In terms of water supply Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.</p> <p><i>Condition</i></p> <p>Propose a Grampian condition requiring a drainage strategy to be approved prior to development commencing.</p>
Countryside officer	<p>No objection</p> <p><i>Conditions:</i></p> <ul style="list-style-type: none"> • A method statement for biodiversity enhancements • A mitigation strategy for badgers.
Landscape officer	No comments received
Forestry officer	No comments received
Conservation officer	<p>No objection.</p> <p>This site does contribute to the rural and open nature of the landscape which characterises the setting of the Conservation Area and settlement of Sutton Courtenay. However, over the years, development has extended the village boundaries along the main roads which reduces the impact that this development site would have</p>

	<p>on the main historic core of the village. The impact on designated assets is limited.</p> <p>There are no direct impacts on designated heritage assets as a result of development on this site. The rural setting of the settlement and wider Conservation Area would be altered as a result of development on this site, which constitutes some negative change to the current open landscape character of the setting. However, the harm is certainly less than substantial. If minded to approve this application, need to be satisfied that appropriate detailing can be secured at reserved matters stage which ensure public benefits of this site demonstrably outweigh harm and any other planning considerations. When considered with regard to the approved development of the brownfield site to the immediate south, the development should be considered with regard to how opportunities to interact and enhance movement between these sites can be secured at reserved matters stage.</p>
Urban design officer	<p>No objection</p> <p><i>Condition</i></p> <p>A landscape strategy be submitted and approved</p>
Environmental protection team (noise)	No objection
Air quality officer	<p>No objection.</p> <p>Air quality in the area is generally good. Would welcome the inclusion of charging points for electric vehicles.</p>
Contaminated land officer	<p>No objection</p> <p>The site is partly occupied by the former Appleford Road North landfill. The site investigation provided has utilised a mixture of boreholes and trial pits to provide a general coverage across the site and attempt to delineate the edge of the former quarry. From the results of the testing no significant sources of soil contamination have been identified at the site with the majority of the measured soil concentrations below the relevant screening values. Furthermore, the investigation has not identified the presence of any putrescible or non-</p>

	<p>inert waste within the former landfill. The Ground Investigation suggests that a simple cover system could be utilised within gardens and landscaped areas to reduce the risk to human health from the underlying made ground. Furthermore given the age of the landfill there is the potential that non-inert waste has been landfilled which has not been identified by the investigation undertaken.</p> <p>The applicants ground gas assessment has identified some elevated concentrations of ground gas and suggests gas mitigation measures could be incorporated into the design of the buildings on site. However, the monitoring undertaken to date does not currently comply with the suggested minimum periods and frequency of monitoring within C665/Ground Gas Handbook. Further gas monitoring should be carried out at the site to improve confidence in the gas assessment and to confirm the requirements for gas protection measures for the proposed development.</p> <p><i>Recommends three conditions:</i> To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development and to ensure the site is suitable for the proposed use.</p>
Vale leisure team	No objection Seeks contributions towards community, recreation and sporting facilities in the village.
Waste management team	No objection. Request a contribution towards bin provision for this site at a cost of £170 per dwelling.

3. RELEVANT PLANNING HISTORY

- 3.1 P90/V1594/O - Refused (19/02/1990) - Development to provide cricket pitch and pavilion, landscaping including children's play area and pond, parking and construction of 32 units of mixed residential development (Site approx.6.66 hectares) (Land to the North of B1406 Appleford Road, Sutton Courtenay).
- 3.2 P86/V1542 - Approved (16/10/1986) - Change of use of former gravel pit to playing fields. Erection of a clubhouse changing rooms and formation of a car park (Land at Appleford Road, Sutton Courtenay).

- 3.3 P79/V1447/O - Other Outcome (15/02/1979) - Erection of new administrative office block. New sports and social facilities. Car parking and associated external works (land opposite A.R.C. Headquarters, Appleford Road, Sutton Courtenay).
- 3.4 P15/V1189/PEJ – pre-application advice request
- 3.5 P15/V0088/SCR – request for a screening opinion under the EIA Regulations 2011 for approximately 100 dwellings. This authority opined the proposal was not EIA development.

4 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4.1 This proposal is for up to 93 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) Regulations 2017. A negative screening opinion was provided on 6 February 2015 confirming a development for approximately 100 dwellings was not EIA development. The changes to the Regulations and developments permitted in the area since do not change the opinion. The proposal is not EIA development.

5 MAIN ISSUES

The relevant planning considerations are:

1. Principle of the development
2. Land supply position
3. Traffic and Highway Safety
4. Cumulative Impacts
5. Affordable Housing and Housing Mix
6. Design and Layout
7. Residential Amenity
8. Landscape and Visual Impact
9. Open Space and Landscaping
10. Flood Risk and Drainage
11. Biodiversity
12. Historic Environment
13. Developer Contributions

Principle of Development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

- 5.2 In April 2016 the council had not adopted the Vale of White Horse Local Plan 2031 Part 1 (the LPP1) and had not commenced work on the Local Plan 2031 Part 2 (the LPP2). Housing policies in the

development plan applicable in April 2016 were out of date as the council lacked a five-year housing land supply at that time. As a consequence the tilted balance applied and in April 2016 it was considered that the benefits of the proposal outweighed the identified harm.

- 5.3 Since the April 2016 resolution to grant outline planning permission the council has adopted the LPP1 and its policies including its housing policies, have full weight. In addition, the LPP2 has been found sound and its policies can be given significant weight, pending adoption. This is a significant change in circumstances since April 2016.
- 5.4 The settlement hierarchy set out in core policy 3 of the LPP1 identifies Sutton Courtenay as one of the “larger” villages which are defined as having a more limited range of employment, services and facilities. Unallocated development will be limited to providing for local needs and to support employment, services and facilities within local communities. Core policy 4 identifies housing development in such locations outside existing built areas will be permitted where it is allocated or has been allocated within an adopted neighbourhood plan.
- 5.5 The proposal is beyond the existing built area settlement of Sutton Courtenay and is not allocated for development. The proposal would extend the village into an area of countryside where there is currently no such development, and which is not physically or visually part of the village. The proposal is contrary to core policies 3 and 4 of the LPP1.

Land supply position

- 5.6 The July 2019 housing land supply figures for the district indicate that for the district as a whole there is a 5.1 year land supply. For this part of the district (which is within the ring-fenced area identified through core policy 5 of the LPP1), the land supply is 4.4 years (an under supply of 480 dwellings). It should be noted that the latest land supply figures include the need to provide 2,200 dwellings to meet that part of Oxford’s unmet housing need allocated to the district.
- 5.7 On 12 September 2018 central Government announced that for Oxfordshire authorities a three-year housing supply now applies for decision making purposes. Measured against this target, the council has a 1.6 year housing land supply surplus in the ring fenced area. (The council’s 2018 housing delivery test measurement is 334%). These are changed circumstances since the April 2016 resolution and paragraph 11(d) of the NPPF does not therefore apply.
- 5.8 The requirement to provide housing resulting from Oxford City’s need is being addressed through the LPP2 and this site is not allocated for development in the LPP2. As LPP1 policies are fully consistent with the NPPF and housing supply policies are not out of date, they attract full weight. The presumption in favour of sustainable development outlined in paragraph 11 of the NPPF is not engaged in this case.

- 5.9 The proposal is contrary to the Council's spatial strategy for housing growth, set out in the adopted LPP1 and in particular core policies 1, 2, 3, 4 and 8 of the LPP1, the LPP2 (core policy 4a), and advice within the NPPF, and would result in demonstrable harm to the Council's spatial strategy for growth to which full weight can be given.
- 5.10 In addition, paragraph 15 of the NPPF expects planning to be genuinely plan led. As the proposal is contrary to the development plan it is not plan led and the principle of housing development on this site is not acceptable.

Traffic and Highway Safety

- 5.11 In responding to the application prior to the April 2016 planning committee Oxfordshire County Council (OCC) as highway authority did not object. It did however seek:
- signalisation of the Appleford Road/Abingdon Road junction and to include a pedestrian crossing,
 - extension of the 30mph speed limit eastwards,
 - financial contributions towards improvements to bus services and new bus infrastructure on Abingdon Road.

These were to be secured as part of the s106 agreement.

- 5.12 OCC has since changed its position and now objects to the application. The objection follows detailed modelling work commissioned by OCC for junctions in Culham and Sutton Courtenay adjacent to the Culham River Crossing. The modelling was commissioned to understand the impact of a number of proposed developments (including this proposal), on the operation of the local highway network. OCC's full response is **attached** as Appendix 2 although their summary is below:

The proposed development would generate new vehicular trips through a sensitive part of the highway network, over Culham Bridges and adjacent Abingdon Road, Tollgate Road and Appleford Road. At peak times queuing at the signalised Culham Bridges may result in the blocking of the bridge and adjacent junctions, to the North/ the signalised junction of the A415 and to the South the priority junction of Abingdon Road and Appleford Road. The blocking back results in a situation akin to gridlock, with queues slow to disperse and highway users performing 'unorthodox' manoeuvres and blocking straight ahead travel. Any new trips will add to the delay experienced at these junctions, increase queueing and the periods and instances of blocking of junctions and carriageways. Due to the gridlock the impact of additional trips is disproportionate and very few trips may add to delay significantly. Frustrated drivers merging and manoeuvring indiscriminately will have an adverse impact on road safety as will the increased likelihood of rear end shunt collisions resulting from queuing, especially where forward visibility may be limited, for example at the sharp bend of Appleford Road in Sutton Courtenay. In addition,

idling vehicles would add to particulate and carbon dioxide emissions. The traffic impact of this development is now considered unacceptable and would meet the NPPF criteria of ‘severe harm’ so as to justify the refusal of planning permission.

The highway authority has surveyed and modelled this part of the network and investigated potential improvements, including optimising and biasing signal times and introducing signals at the junction of Appleford Road and Abingdon Road. Unfortunately there is little to be gained from such alterations; altering signal times on the bridge only transfers the ‘blocking back’ from one junction to another, i.e. favouring northbound traffic might prevent blocking of the Appleford Road / Abingdon Road junction but would intensify ‘blocking back’ at the signalised junction of Abingdon Road (A415) and Tollgate Road and vice-versa; similarly any benefit gained from introducing signals at the Appleford Road / Abingdon Road junction would be countered by ‘blocking back’ elsewhere or increased queuing on Appleford Road. In the longer term the Oxfordshire Local Transport Plan includes a new Thames river crossing which will relieve pressure on this part of the network; however until such improvement is realised the Local Highway Authority recommends against any development in Sutton Courtenay or Culham that would add new trips to this part of the network.

- 5.13 The applicant has sought to address these concerns through the submission of further information but this has not resulted in a change of view from the Highway Authority, who maintain their objection. It is also noted that since the committee resolution in April 2016 the Highway Authority has objected to other proposals for new dwellings in Sutton Courtenay on grounds of severe traffic harm, and since March 2018 three appeals for single dwellings in the Parish, have been dismissed on grounds of the residual cumulative impacts on the local road network .
- 5.14 The LPP2 has been found sound and does not seek to allocate this site for development. A new Thames river crossing has not been forthcoming to date and without this mitigation the proposal would add to the congestion of traffic seeking to use the Culham Crossing at peak hours which is considered a severe impact contrary to paragraph 109 of the NPPF. In turn this could encourage the further unsafe traffic manoeuvres explained by the highway authority which would endanger highway safety contrary to saved policy DC5 of the LP 2011.

Cumulative Impacts

- 5.15 The Parish Council raise concern on cumulative impact and Sutton Courtenay has been subject to a number of planning applications for housing development. These applications include a pending application for up to 200 dwellings off Hobby Horse Lane, permission for 195 dwellings permitted on the former Amey site and 124 dwellings permitted at the rear of Milton Road.

- 5.16 According to the 2011 census summary the Parish population was 2,421 people. Based on an average household size of 2.4 people this application if permitted could add up to a further 223 residents increasing the parish population by 9%. The aforementioned permitted schemes could add 766 people to the village, the Hobby Horse Lane scheme a further 480 people if permitted.
- 5.17 . The NPPF however, does not suggest that populations of settlements should be limited in some way or not be expanded by any finite figure. Expansion of the village and population growth is therefore not a justifiable objection to the proposal.

Affordable Housing and Housing Mix

- 5.18 The application currently makes provision for 40% affordable housing (based on the previous affordable housing policy at the time of submission) and the April 2016 resolution sought to secure this through a s106 agreement. Adopted core policy 24 seeks 35% affordable housing on sites such as this with the tenure mix to be 75% rented and 25% intermediate housing. Should this application be progressed positively a S106 agreement will be required to secure the expectations of core policy 24 of the LPP1.
- 5.19 Core policy 22 of the LPP1 expects a mix of dwelling types and sizes to be provided to meet the needs of current and future households. This should be in accordance with the council's current Strategic Housing Market Assessment unless an alternative approach can be demonstrated to be more appropriate through the Housing Register or where proven to be necessary due to viability constraints. Should permission be granted a condition ought to be imposed to ensure the market housing mix accords with the SHMA. Should the application progress positively, this can be secured by a S106 agreement / condition.
- 5.20 Development policy (DP) 2 of the LPP2 expects affordable homes and 1 and 2 bedroom market homes to meet spaces standards in terms of floor areas, storage and accessibility. On adoption of the LPP2 full weight will be given to policy DP2 and if permission is granted a condition should be imposed to ensure the requirements of policy DP2 are part of the reserved matters application design. Should the application progress positively, this can be secured by a S106 agreement / condition.

Design and Layout

- 5.21 This is an outline application with only access to be considered. The urban design officer has no objection although comments on the illustrative layout plan are made relating to a landscape strategy, open spaces and layout and house types. The details concerning appearance, landscaping, layout and scale are reserved matters and will be considered at any reserved matters stage; they are not part of

the consideration of this outline application. It is not therefore, intended to address design and layout in any detail in this report. The urban design officer's comments can be used to inform the detailed scheme at reserved matters stage.

- 5.22 This is an edge of village location which justifies a lower density of development to ensure a residential development knits into the semi-rural character of the area. The proposal illustrates wide areas of open space at the site edges which can be planted to soften the development edges, further reduce public views of the development and help assimilate it with the open countryside beyond. The illustrative masterplan suggests a hierarchy of streets with dwellings facing on to them and turning corners and dwellings facing the open spaces. A mix of terraced, semi-detached and detached dwellings are shown. The proposal demonstrates that up to 93 dwellings might be accommodated on site. The final number of dwellings accommodated will depend on a satisfactory scheme being presented at reserved matters stage.

Residential Amenity

- 5.23 Policy DC9 of the LP 2011 and policy DP23 of the LPP2 seek to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking.
- 5.24 As no firm details of housing layout or house types accompany this outline application, as they are reserved matters, it is not possible to consider the impact on existing residential amenity. The most appropriate stage to do this would be at detailed application stage or submission of reserved matters. Dwellings in Abingdon Road back on to the site with 5 Appleford Road side on to the site. These dwellings have limited screening to their boundaries with the site. It will be important that privacy is protected. The design and access statement references providing a 5m – 10m privacy strip of shrub and tree planting against the western boundary which would assist, as would distance between proposed and existing dwellings. The privacy strip could be required by condition if permission is granted.

Landscape and Visual Impact

- 5.25 Saved policy NE9 of the LP 2011 designates the site as part of the wider Lowland Vale which is a distinctive landscape and valued for its own quality. Paragraph 7.67 LP 2011 explains that "*the long views over the patchwork quilt of fields, farms and villages in the Vale are an essential part of the landscape quality of the District*".
- 5.26 Policy NE11 of the LP 2011 includes this site in the wider areas for landscape enhancement. This policy does not promote or preclude development (paragraph 7.23 of the LP 2011), it seeks proposals to

provide landscaping which enhances the appearance of the area and seeks to prevent development that further erodes or damages the character of the landscape. Considering the status of this part of the Lowland Vale as an area for landscape enhancement officers conclude it is not a valued landscape in paragraph 170 of the NPPF terms.

- 5.27 Many local residents and the Parish Council consider the proposal will have a major change on the landscape, adversely affect and change the character of the village extending it into open countryside and the proposal will be visually detrimental.
- 5.28 This is a relatively flat site that is well contained in the wider landscape with the housing to the west and tree screening on the other boundaries. Whilst the site is open it is influenced by adjoining housing including that being built on the former Amey site south of Appleford Road, and minerals and waste disposal sites further to the east. The applicant has submitted a Landscape and Visual Appraisal which considers the local landscape character has a low overall sensitivity. Officers concur with this conclusion and consider the loss of this edge of village site to housing would have a limited landscape impact that would not be adverse. Opportunity exists to provide a landscape strategy that can enhance the boundaries and open parts of the site.
- 5.29 Distant public views of the site are limited due to the relatively flat topography, existing vegetation and developments. Visual effects are therefore, localised. Where there are gaps in vegetation beside the River Thames there are glimpses of the site from a short section of the Thames Path. In these limited views the backdrop to the site includes Didcot power station and the Amey site (the remaining power station chimneys are due for demolition prior to 21 August 2019). There are also trees on the site boundary that filter these glimpsed views and opportunities within the site for additional planting. The applicant's landscape consultant advises the magnitude of effect would be major/moderate due to the high sensitivity of users of the Thames Path. Officers agree but conclude the effect is not adverse.
- 5.30 Housing fronts parts of Abingdon Road preventing views to the site. From the Culham bridge views are screened by trees on the southern bank of the river and against the bridge. Views across the field between housing towards the southern section of Abingdon Road and the houses by the traffic lights at the bridge, are filtered by existing trees on the road side. In the glimpses between trees the site is visible behind trees on its southern boundary and in a context of houses and outbuildings extending to the site, of electricity lines crossing the field in the foreground and pylons in the background. The magnitude of effect is considered negligible.
- 5.31 Views from Appleford Road are largely contained to those views as a receptor passes the site. Views from further west are screened by existing dwellings and vegetation, and from the east by boundary

vegetation. The site frontage includes trees and hedge vegetation that provide a screen and this can be supplemented by additional planting. Views of the development will be filtered and opportunity exists as illustrated on the submitted plans to set housing back from the road frontage and provide additional planting. The magnitude of change is considered minor.

Open Space, Landscaping and Trees

- 5.32 Excluding the areas outside flood zone 1 and the attenuation ponds depicted, 3.58ha of public open space is proposed. This is in excess of the 15% expected by policy H23 of the LP 2011 and policy DP33 of the LPP2. Space on site can be secured by condition for a children's play area.
- 5.33 There are no protected trees on site. Three small groups of trees are proposed for removal to facilitate access and to accommodate dwellings. These groups make a limited contribution to public amenity. Opportunity exists to retain trees around the site boundaries and supplement them with additional planting including hedging to further strengthen the boundaries and visually contain the development.

Flood Risk and Surface/Foul Drainage

- 5.34 The NPPF provides a sequential test to steer new development to areas with the lowest risk of flooding. The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant. This is reflected in core policy 42 of the LPP1.
- 5.35 All representations from local residents and the Parish Council express concerns that the proposal could increase flooding and flood risk in the village. Some objectors advise the site floods and is therefore, unsuitable for housing.
- 5.36 The Environment Agency categorises all land in to three flood zones being zones 1, 2 and 3. The majority of the site is in flood zone 1 which is least susceptible to flooding and appropriate in flood risk terms for housing development. Parts of the site to the north and east boundary are in flood zones 2 and 3 these areas being sequentially less preferable for housing and should only be developed for housing if a sequential test has been passed or in exceptional circumstances.
- 5.37 The areas on which housing is illustrated is within flood zone 1 and is therefore, sequentially preferable for housing; the proposal accords with the development plan and the NPPF. Officers are mindful of advice from local residents that the site floods and their photographs (including photographs sent to the Environment Agency), of flooding elsewhere in the village including on Abingdon Road has led to the road being closed on occasions, along with flooding of fields adjacent to the site and at the northern edge of the site.

- 5.38 The northern and eastern parts of the site in flood zones 2 and 3 do flood. The Environment Agency flood maps indicate the extent of flooding is the northern and eastern parts of the site. Housing is not illustrated in the areas shown on these maps as land susceptible to flooding. Photographs provided by local residents including those sent to the Environment Agency (EA) do not show that those parts of the site on which housing is proposed flood. As recommended by the EA condition can be imposed to prevent housing in flood zones 2 and 3.
- 5.39 The concerns of local residents, including those relating to ground water levels and past flooding events, advise that the site flooded in 2007, and the report of a consultant with a critique of the applicant's flood risk assessment on behalf of local residents have been passed to the EA and County Council as lead drainage authority with a request that these concerns be taken into account. Neither body has raised any objections with the EA explaining that photographic evidence does not show any greater flooding than the current Flood Zone 2 extent and that the flooding of winter 2013/14 did not exceed 49.5m AOD, which correlates with their historic flood outline, and shows fluvial flooding does not significantly encroach on the site.
- 5.40 The applicant has submitted a flood risk assessment (FRA). It provides flood risk mitigation measures to be implemented. These measures are not based on surface water infiltration. Amongst these measures are setting floor levels 300mm above the modelled 1 in 100 annual probability (plus allowance for climate change) flood level and locating housing on the flood zone 1 parts of the site.
- 5.41 Officers have raised the concerns of residents that ground water level testing by the applicant was in August and September 2015 when levels could be expected to be lower being typically drier months in comparison to winter months when ground water levels would be higher (local residents have measured ground water levels at one point at 27cm in February 2016 which compares to the applicant's measurements of 2m to 3m) with the council's drainage engineer, the county council and the EA .
- 5.42 The council's drainage engineer advises ground water levels may impact on the design of swales and attenuation ponds determining whether they be lined or unlined. As infiltration systems are not being proposed ground water will not affect the principle of the surface water drainage strategy. No objection is raised subject to a condition requiring a fully detailed scheme to be submitted and approved. It is also noted that the EA and Oxfordshire County Council as lead drainage authority, have no objection. A sustainable drainage scheme can be agreed and secured by planning condition thereby minimising the risks of flooding to and from this development.
- 5.43 Local residents and the Parish Council have drawn attention to issues of foul water flooding with local sewers unable to cope and sewage

spilling out in to local streets and backing up into dwellings. Thames Water has identified a lack of capacity in the waste water infrastructure to accommodate the development. However, it does not object to this proposal. It recommends a condition securing a drainage scheme prior to development commencing and for the approved scheme to be implemented prior to any discharge being accepted into the public system.

- 5.44 Planning conditions can be imposed to ensure the scheme complies with core policy 42 of the LPP1, should the application progress positively

Biodiversity

- 5.45 The site is not designated for its ecology or biodiversity interest and there are no designated sites likely to be affected by the proposal. Surveys for protected species have not revealed any significant populations that would be impacted by the proposed development layout. Bat activity surveys have shown that parts of the site (specifically the northern boundary hedgerow) are well used by foraging bats, these habitats can be protected and buffered from the proposed development.
- 5.46 The illustrative masterplan provides wide buffers along the mature hedgerows and would not involve significant impacts on these features. The proposals also illustrate an area of open space in the north and east of the site which would protect the wet ditch and hedgerow habitats as well as providing opportunities for biodiversity enhancements within the site. A condition could secure buffers to the boundaries as shown on the illustrative masterplan.
- 5.47 There is scope within this proposal to retain the most significant of the existing habitats (hedgerows, trees and ditches) and to provide enhancements within the open space areas. With revision at Reserved Matters stage the proposal could accord with NPPF guidance and core policy 46 of the LPP1.

Historic Environment and Archaeology

- 5.48 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight should be given to this requirement.
- 5.49 The development plan also seeks to protect the setting of listed buildings. There are no listed buildings on site and the site is separated visually from the listed Culham Bridges and the nearest listed buildings in the village by housing and screening vegetation. The site is not considered to contribute to the setting of any listed building.
- 5.50 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In this case considerable importance and weight is given to the desirability of

protecting or enhancing the character or appearance of the conservation area. The development plan seeks to preserve or enhance the character or appearance of the conservation area.

- 5.51 The site is not within or adjoining a conservation area. The Sutton Courtenay conservation area extends to Abingdon Road at its eastern extremity. The site is divorced from the conservation area visually by housing in Abingdon Road and tree screening. The rural setting of the settlement and wider conservation area would be slightly altered as a result of this development, which constitutes some limited negative change to the current open landscape character of the setting. The limited harm is certainly less than substantial with regard to the NPPF test.
- 5.52 The site has been worked in the past for minerals and infilled with waste materials. There is no impact for archaeology. Overall, Officers consider there is no impact on the local historic environment.

Contamination

- 5.53 The central and eastern parts of the site were used for landfill with this activity seemingly completed in the 1970's and the land restored to grassland. Concern has been expressed by local residents that waste from AEA Harwell and asbestos were part of the landfill and that sampling undertaken by the applicant is inadequate as it has not addressed the middle of the site. The application submission includes a ground investigation report and this demonstrates that boreholes, trial pits and trial trenches have been excavated across the site particularly the more central locations. Officers have raised the issue of contamination and material in the landfill with the council's contaminated land officer and this has also been addressed by the applicant's advisor.
- 5.54 The landfill was for inert waste and there is no evidence that contaminated waste or asbestos has been deposited at the site. The council's contaminated land officer advises that the site investigation has provided general coverage across the site and attempt to delineate the edge of the former quarry. From the results of the testing no significant sources of soil contamination have been identified at the site with the majority of the measured soil concentrations being below the relevant screening values. Furthermore, the investigation has not identified the presence of any putrescible or non-inert waste within the former landfill. The ground investigation suggests that a simple cover system could be utilised within gardens and landscaped areas to reduce the risk to human health from the underlying made ground. Furthermore, given the age of the landfill there is the potential that non-inert waste has been landfilled which has not been identified by the investigation undertaken. Should the application progress positively, the contaminated land officer recommends planning conditions to address potential contamination and gas emission impacts.
- 5.55 With regard to gas emissions from the landfill the health & housing team advise that the ground gas assessment has identified some elevated concentrations of ground gas (methane and CO₂) and suggested gas mitigation measures could be incorporated into the design of the buildings on site. (The

applicant suggests that in these circumstances NHBC guidelines recommend a clear ventilated underfloor void). However, the monitoring undertaken to date does not currently comply with the suggested minimum periods and frequency of monitoring within C665/Ground Gas Handbook. Further gas monitoring should be carried out at the site to improve confidence in the gas assessment and to confirm the requirements for gas protection measures for the proposed development. The gas emission levels monitored to date are not sufficient to justify refusal and based on current findings it is not considered emissions are likely to worsen. Again, should the application progress positively a condition to secure the additional monitoring and a mitigation scheme will be required

- 5.56 In conclusion on contamination, with the addition of conditions the application if progressed to approval can provide reasonable living conditions for future residents and not adversely impact on neighbours. The proposal would therefore accord with core policy 43 of the LPP1 and policy DP27 of the LPP2.

Developer Contributions

- 5.57 The NPPF advises that planning obligations should only be sought where they meet all of the following tests:
- 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.

Core policy DC8 of the LP 2011 and core policy 7 of the LPP1 provide that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured.

- 5.58 In resolving to permit this application in April 2016 the following financial contributions were to be secured through a s.106 agreement:

	Vale of White Horse District Council	<i>Proposed Contributions</i>
1	Sutton Courtenay community hall	£117,700
2	Outdoor tennis in Sutton Courtenay	£19,560
3	Youth/MUGA in Sutton Courtenay	£5,201
4	Football & cricket pitches in Sutton Courtenay	£22,080
5	Football & cricket pavilion in Sutton Courtenay	£26,355
6	Play equipment maintenance (LEAP)	£11,736
7	Bin collection and provision on site	£15,810
8	Monitoring	£2,695
	Oxfordshire County Council	<i>Proposed Contributions</i>

9	Sutton Courtenay primary school expansion	£380,640
10	Bus services through Sutton Courtenay	£79,422
11	Travel plan monitoring	£1,240
12	Monitoring	£1,500

- 5.59 Since April 2016 this council has adopted its Community Infrastructure Levy (CIL) and supplementary planning document titled Developer Contributions – Delivering Infrastructure to Support Development (the SPD).
- 5.60 As a consequence of CIL items 1 to 6 and item 9 in the table above are now collected through CIL and would not be sought through a s106 agreement. However, in accordance with the SPD this council would seek a s106 agreement to secure the following financial contributions:

Vale of White Horse District Council	Amount (£)
Bin provision for the dwellings	£170 per dwelling
Public art (on site or off site in the Parish)	£300 per dwelling
Street naming and numbering for this development	£134 per ten dwellings
Vale s106 monitoring	£1,092
Payment of Vale legal fees	TBC

Oxfordshire County Council	Amount (£)
Bus services through Sutton Courtenay	£854 per dwelling
Travel plan monitoring	£1,240
S106 monitoring	TBC
OCC legal fees	TBC

- 5.61 A s106 would also secure the affordable housing including the amount (35%), tenure mix, size mix, it being indistinguishable from the market housing and clustering (no more than 15 per cluster), and the management and maintenance of on site public open spaces and play areas through the setting up and transfer to a management company.

6 CONCLUSION

- 6.1 This application has been considered in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The application is reported back to planning committee due to material changes in planning circumstances since the resolution to grant outline planning permission on 13 April 2016.
- 6.3 The application is contrary to the development plan housing strategy. Whilst the council cannot demonstrate a five-year housing land supply in the ring fenced area it can for the district as a whole but moreover,

for decision making purposes, it can demonstrate a three-year housing land supply which is the decision making requirement for this district. Consequently the proposal conflicts with the council's housing strategy and there are no overwhelming reasons for making a decision contrary to the council's sound strategy for delivering housing through the LPP1 and LPP2 plan period.

- 6.4 Following further analysis and modelling of the traffic using the Culham River Thames crossing, the Highway Authority considers the congestion is severe . The Highway Authority objects to the proposal as the increased traffic from the proposal would increase congestion over the Bridges adding to the severe congestion and giving rise to unsafe vehicle manoeuvres by some drivers. Mitigation for the adverse impact could not be delivered by this development.
- 6.5 The proposal does have economic, social and environmental benefits that would include job creation as part of the construction works and maintenance of the dwellings, increased spending in the district by future residents, new homes bonus, provision of housing including affordable housing and potential for biodiversity enhancements. Harm identified includes conflict with the council's housing strategy, traffic congestion, detriment to highway safety and landscape and visual impacts. As paragraph 11(d) of the NPPF is not engaged it is not necessary to balance benefits against the harm. Nonetheless, officers conclude any benefits are outweighed by the harm particularly to the conflict with the adopted housing strategy and severe impact on the local highway network and highway safety.
- 6.6 Paragraph 12 of the NPPF states:
"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted".
- 6.7 The proposal clearly conflicts with the up to date development plan and should therefore, be refused. Furthermore, the proposal would result in increased congestion on road networks where the impact is already severe and detriment to highway safety. Given the new circumstances that have arisen since the 13 April 2016 resolution, this application should be refused.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2011 – saved policies

- 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 Uses on New Development
DC12 - Water Quality and Resources
H23 – Open space in housing development
NE9 – Lowland Vale
NE11 – Areas for landscape enhancement
HE9 - Archaeology
HE10 - Archaeology

Vale of White Horse Local Plan 2031: Part 1 – core policies:

CP1 - Presumption in favour of sustainable development
CP2 - Cooperation on unmet housing need for Oxfordshire
CP3 - Settlement hierarchy
CP4 - Meeting our housing needs
CP5 – Housing supply ring-fence
CP7 – Providing supporting infrastructure and services
CP17 – Delivery of strategic highway improvements within the South-East Vale Sub-Area
CP18 – Safeguarding land for transport schemes in the South-East Vale Sub-Area
CP22 – Housing mix
CP23 – Housing density
CP24 – Affordable housing
CP33 – Promoting sustainable transport and accessibility
CP35 – Promoting public transport, cycling and walking
CP36 – Electronic communications
CP37 – Design and local distinctiveness
CP38 – Design strategies for strategic and major development sites
CP39 – The historic environment
CP40 – Sustainable design and construction
CP42 – Flood risk
CP43 – Natural resources
CP44 - Landscape
CP45 – Green infrastructure
CP46 – Conservation and improvement
CP47 – Delivery and contingency

Draft Vale of White Horse Local Plan 2031: Part 2

A publication draft of the Vale of White Horse Local Plan 2031 Part 2 has been subject to public consultation and Examination and the Inspector's final report (received 25 June 2019) has found the plan sound. Its policies therefore carry significant weight in decision making and the following policies are material to the consideration of this application:

CP4a – Meeting our housing needs
CP18a - Safeguarding Land for Strategic Highway Improvements within the South-East Vale Sub-Area
DP2 – Space standards
DP16 – Access
DP17 - Transport assessments and travel plans

DP20 – Public art
DP21 – External lighting
DP23 – Impact of development on amenity
DP25 – Noise pollution
DP26 – Air quality
DP27 – Land affected by contamination
DP28 – Waste collection and recycling
DP30 - Watercourses
DP33 – Open space
DP36 – Heritage assets
DP37 – Conservation areas
DP38 – Listed buildings
DP39 – Archaeology and scheduled monuments

Neighbourhood Plan

Sutton Courtenay is preparing a Neighbourhood Plan. To date a draft Neighbourhood Plan has not been published. Accordingly no weight can be given to any policies that are emerging.

Adopted Guidance

Vale of White Horse Design Guide 2015
Developer Contributions – Delivering Infrastructure to Support Development
SPD – June 2017

Other Relevant Legislation and Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (PPG)
Community & Infrastructure Levy Legislation
Planning (Listed Buildings and Conservation Areas Act) 1990

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