

APPLICATION NO.	P18/V2791/O
SITE	Land East of Kingston Bagpuize
PARISH	FYFIELD AND TUBNEY
PROPOSAL	A hybrid planning application comprising: 1) outline planning permission, with all matters reserved except for access, for development of up to 660 homes (use class C3), extra care development of up to 70 units (use class C2), a local centre of up to 0.5ha (use classes A1, A2, A3, A4, A5, B1(a), C2, D1 and D2) a one form entry primary school on an area for education provision of up to 2.2ha, playing field and car parking, informal open space, landscape and sustainable drainage areas, access, footpaths, cycle ways, infrastructure and associated engineering works (including a noise attenuation bund and acoustic fence) and 2) full planning permission for construction of a three arm roundabout to the A420 (Oxford Road), a four arm roundabout to the A415 (Abingdon Road) and link road between. As amended by plans and information received 31 July 2020 and 12 November 2020.
WARD MEMBER(S)	Eric Batts Jerry Avery
APPLICANT OFFICER	Lioncourt Strategic Land Ltd Stuart Walker

RECOMMENDATION

It is recommended to refuse planning permission for the following reasons:

Reason 1:

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, Development Policy 16 (ii) of the Local Plan 2031 Part 2 requires evidence to demonstrate that acceptable off-site improvements to highway infrastructure can be secured where these are not adequate to service the development.

The proposal will generate additional traffic movements onto the highway network including through the A34 interchange junctions at Botley and Marcham and the Frilford junction which have been identified as operating over capacity in the peak hours. Based on the findings of the local highway authority the impact of additional traffic movements associated with the proposed development would be severe.

Paragraph 108 of the National Planning Policy Framework states: “it should be ensured that any significant impacts from the development on the transport network (in terms of capacity and congestion) can be cost effectively mitigated to an acceptable degree.”

The applicant has not been able to fully demonstrate that it is possible to mitigate the harm in terms of congestion, and the local highway authority has not yet been able to undertake the necessary studies to identify strategic schemes and calculate necessary contributions. Furthermore, the adopted site template under policy CP8a of Local Plan 2031 Part 2 confirms occupations of dwellings on this site will not begin until the completion of an upgrade at Frilford Junction.

In the absence of details of what mitigation is required and how this will be delivered at the Frilford junction, Botley and Marcham interchanges and notwithstanding the fact that the application site is allocated for housing development in the adopted Local Plan 2031 Part 2, the proposal does not amount to sustainable development and would be contrary to core policy 8a and development policy 16 of the Local Plan 2031 Part 2 and to paragraphs 108 and 109 of the National Planning Policy Framework.

Reason 2:

An air quality management area (AQMA) exists beside the A415 through Marcham village. The proposal would add traffic onto the A415 and through the AQMA. The additional pollution generated by the increased traffic flows in the AQMA would be detrimental to the living conditions and potentially the health of occupants of dwellings within the AQMA.

Furthermore, the adopted site template under policy CP8a of the Local Plan 2031 Part 2 confirms occupations of dwellings on this site will not begin prior to satisfactory air quality mitigation for Marcham.

The applicant has not been able to fully demonstrate that it is possible to satisfactorily mitigate the harm arising from the development in terms of air quality for Marcham. This is considered contrary to core policy 43(vi) of the Vale of White Horse Local Plan 2031 Part 1, core policy 8a and development policy 26 of the Vale of White Horse Local Plan 2031 Part 2, and to paragraph 181 of the National Planning Policy Framework.

Reason 3:

In the absence of a S106 legal agreement relating to the provision of affordable housing, a primary school and land for expansion, onsite play and sports provision and financial contributions towards traffic and air quality impact mitigation, public transport, travel plan monitoring, public art, street naming, waste bin provision, education and the management of public open spaces, sport 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, 22, 24, 33 and 35 of the Vale of White Horse Local Plan 2031 Part 1 and development policies 17, 20, 26, 28 and 33 of the Vale of White Horse Local Plan 2031 Part 2.

Informatives:

1. The applicant is advised this refusal is based on the following submitted plans:
 - DE214-100 Hybrid Site Location Plan
 - DE214-101A Outline Red Line Boundary Plan
 - DE214-102A Full Red Line Boundary Plan
 - DE214_L_001F Indicative Landscape Framework Plan
 - DE214-10H Indicative Development Framework Plan
 - DE214-30G Parameter Plan – Building Heights
 - DE214-31F Indicative Density Plan
 - DE214-32F Parameter Plan – Land Use
 - DE214-33G Indicative Movement Plan
 - DE214-34G Parameter Plan – Green Infrastructure
 - DE214 – Play Areas
 - 0684-038 J Proposed Link Road 1 of 4
 - 0684-039 J Proposed Link Road 2 of 4
 - 0684-040 L Proposed Link Road 3 of 4
 - 0684-052 E Proposed Link Road 4 of 4
 - 0684-053 A Build out at SW corner of site across Abingdon Road
 - 0684-050 Proposed Pedestrian Crossing at Fyfield – A420 / Digging Lane junction

2. The third reason for refusal could be overcome by entering into a section 106 agreement(s) with the Vale of White Horse District Council and Oxfordshire County Council to secure the required infrastructure.

1.0 INTRODUCTION AND PROPOSAL

1.1 This application comes to planning committee for consideration as it is a large-scale major application seeking permission for more than 200 dwellings.

1.2 The proposal is a hybrid submission that seeks:

- Outline planning permission (with all matters reserved, except access into the site) for up to 660 houses (Class C3), a 70 bed extra care facility (Class C2), a local centre of up to 0.5ha for retail and commercial uses (Classes A1, A2, A3, A4, A5, B1(a), C2, D1 and D2), a primary school, open space and associated infrastructure to serve the development, and
- Full permission for the construction of a new link road on the east side of the site between the A420 (Oxford Road) to the north and the A415 (Abingdon Road) to the south.

1.3 The site, approximately 38.4ha, is allocated as a strategic site for housing development for around 600 dwellings in the adopted Local Plan 2031 part 2 (LPP2). A location plan is **attached** at Appendix 1.

1.4 The proposal is supported by parameter plans and an environmental statement. The parameter plans show a mixture of land uses, access points, green infrastructure and development heights of 2, 2.5 and 3 storeys. All plans and supporting technical documents accompanying the application are available to view online at www.whitehorsedc.gov.uk.

1.5 Since submission of the application in late 2018, officers have carried out all the appropriate consultations, assessed the scheme and been in negotiations with the applicant around the details of the proposal and what it can deliver in terms of required infrastructure and quantum of housing.

1.6 The application has been amended twice (July 2020 and November 2020) to take account of comments from the county council and technical officers, resulting in a reduction of dwellings from 700 to 660, changes to address development management policies of LPP2, on site sport provision, urban design principles, heritage impacts, together with additional supporting information regarding drainage, air quality and highways. The indicative development framework plan is **attached** at Appendix 2.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 The application submitted in 2018 was prior to the adoption of the Local Plan 2031, part 2 and many objections received to the initial consultation were concerning the site's unallocated status at that time. Following the LPP2 adoption in October 2019, objections regarding site allocation are considered to have been addressed. A summary of responses received to the original proposal and to the amendments of July 2020 and November 2020 is below. All comments received can be seen in full online at www.whitehorsedc.gov.uk.

<p>Fyfield and Tubney Parish Council</p>	<p>November Amendment – Objection:</p> <ul style="list-style-type: none"> • Contrary to local plan requirements. Application does not address issues at Frilford junction, nor does it provide satisfactory air quality mitigation for Marcham. • Traffic generation on A420 and lack of mitigation to offset impact on residents in Fyfield and Tubney. • Disagree with and refute assumptions made in latest air quality technical note. <p>July Amendment – Objection:</p> <ul style="list-style-type: none"> • Contrary to local plan requirements. • Traffic generation on a network that is over capacity. • Proposed HGV restrictions / diversion does not move traffic away from Marcham. It will require active police enforcement and the proposed route will cause problems on other local roads. • Proposed measures for air quality mitigation are ineffective. <p>Original submission – Objection:</p> <ul style="list-style-type: none"> • Traffic generation. • Infrastructure and its delivery. • Query why site is not considered viable with 600 dwellings. • Impact on air quality in Marcham.
<p>Kingston Bagpuize with Southmoor Parish Council</p>	<p>November Amendment – No response received.</p> <p>July Amendment – Objection:</p> <ul style="list-style-type: none"> • Traffic generation – congestion, pollution concerns and impact of HGV diversion route. • Inadequate traffic calming for the village. • Foul sewer problems and inadequate mitigation. • Infrastructure – impact on local health services and public community buildings. • Reliance of existing trees outside the application site to screen the development cannot be guaranteed. <p>Original submission – Objection:</p> <ul style="list-style-type: none"> • Impact on highways infrastructure in and around Kingston Bagpuize with Southmoor. • The inadequate provision for foul water. • Deep concern over the proposal to re-open the old Oxford Road which would result in safety concerns for pedestrians, and the possible loss or impact on the War Memorial.

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<p>Appleton with Eaton Parish Council</p>	<p>November Amendment – Objection:</p> <ul style="list-style-type: none"> • Traffic Generation and detrimental impact on safety of roads through Appleton and Eaton Villages. <p>July Amendment – Objection:</p> <ul style="list-style-type: none"> • Traffic Generation and detrimental impact on safety of roads through Appleton and Eaton Villages. <p>Original submission – No response received.</p>
<p>Marcham Parish Council</p>	<p>November Amendment – No response received.</p> <p>July Amendment – Objection:</p> <ul style="list-style-type: none"> • Traffic Generation and detrimental impact on air quality. <p>Original submission – No response received.</p>
<p>Frilford Parish Meeting</p>	<p>November Amendment – Objection:</p> <ul style="list-style-type: none"> • We consider that the impact of the proposed large scale of the Lioncourt development will be hugely detrimental to the safety and operation of the A415 and A338 as they run through Frilford, and believe that it will cripple the junction of the two at the base of Kingston Road regardless of any donation the developers make for "future improvement". <p>July Amendment – Objection:</p> <ul style="list-style-type: none"> • Traffic Generation and impact on safety of roads in the village. • Proposed route of HGV diversion. • Air Quality in Frilford. <p>Original submission – No response received.</p>
<p>St Helen Without Parish Council</p>	<p>November Amendment – No response received.</p> <p>July Amendment – Objection:</p> <ul style="list-style-type: none"> • Traffic Generation and proposed route of HGV diversion. <p>Original submission – No response received.</p>
<p>Residents</p>	<p>November Amendment – 16 letters of objection were received raising the following additional points:</p> <ul style="list-style-type: none"> • Applicant’s legal opinion does not address the fact that modifications were made to LPP2 requiring satisfactory air quality mitigation.

- Latest amendment does not demonstrate satisfactory mitigation can be achieved.
- Dispute air quality assessment - both in calculation of data, technical matters, assumptions made and absence of proper consideration of cumulative impact.
- Proposal does not address issues with the Frilford junction.

July Amendment – 44 letters of objection were received raising the following additional matters:

- Proposal does not address local plan modifications for this site.
- There is no satisfactory solution to the traffic problem with the existing road network and this highlights the need for a Marcham bypass.
- Plans to reroute HGVs onto minor roads are badly conceived and entirely inappropriate, to the detriment of highway safety for all users. The route via Frilford and Gozzards Ford is longer than existing and will increase pollution and will do little to reduce congestion in local area.
- Financial contributions offered are inadequate.
- Cricket pitch area is too small.
- Inadequate Transport Assessment.
- Inadequate Air Quality Assessment that fails to take account of cumulative impact.
- Proposal is an out-dated and unsustainable model of development, remote from places of work, facilities and services. Public transport is poor, so the development will be reliant on private vehicles.
- Proposal contributes negatively to climate change and does not reduce carbon emissions, contrary to the council's declared climate emergency.

Original submission – 38 letters of objection were received raising the following:

- Traffic generation and impact on local road network.
- Impact on air quality.
- Too many houses.
- Lack of infrastructure – community buildings, schools and health.
- Proposed primary school site is too close to A420.
- Inadequate sewer network for additional development.
- Potential to cause surface water flooding.
- No change to parish boundary.

	<ul style="list-style-type: none"> • New A420 roundabout and link road serves no benefit to traffic or pollution issues. • Impact on conservation area. • Loss of good farming land and habitat for wildlife.
<p>Highways England</p>	<p>November Amendment – No objection, subject to conditions.</p> <ul style="list-style-type: none"> • Following discussions with OCC we understand that the schemes and how they will be implemented or contributed towards are still under discussion with the applicant. We therefore request that the applicant and OCC continue to engage with Highways England as those discussions progress towards potential agreement on what mitigation is required, how it will be progressed / implemented and when it will be implemented. We note that the potential improvement on the A420 approach to the A34 Botley Interchange could require legal agreements with Highways England to be implemented, therefore would require further dialogue with Highways England before any agreement is made by OCC. Having examined the amendments to the above application and its supporting information our position has not changed from our previous response. • We wish to remain engaged and consulted as the mitigation discussions are progressed with the applicant. <p>July Amendment – No objection, subject to conditions to produce a Construction Traffic Management Plan and Framework Travel Plan.</p> <ul style="list-style-type: none"> • We note that Oxfordshire County Council have concerns related to the ability of the local road network to accommodate the impact from the proposal and that currently there is not an agreed package of mitigation measures between Oxfordshire County Council and the applicant. We request to be consulted on any measures subsequently agreed between Oxfordshire County Council and the applicant that has the potential to adversely impact the A34 and its junctions, principally this relates to access and egress from the local road network to the A34 at Marcham and Botley junctions (A415 and A420). <p>Original submission – Holding objection:</p> <ul style="list-style-type: none"> • Having examined the above application we advise that we have been in pre-application and post application submission discussions with the

	<p>applicant about the development's potential impact on the A34 and the traffic surveys they need to undertake, which are likely to be occurring in February or early March. Until the traffic surveys are completed and the results of the A34 junction modelling assessments that have been presented to Highways England we are unable to provide our formal response to this application.</p>
<p>Oxfordshire County Council – Transport</p>	<p>November Amendment – Objection:</p> <ul style="list-style-type: none"> • The applicant has not been able to fully demonstrate that it is possible to mitigate the harm in terms of congestion and air quality, and OCC has not yet been able to undertake the necessary studies to identify strategic schemes and calculate necessary contributions. • Contributions are required towards schemes including Frilford Lights and Marcham air quality mitigation, however OCC requires time to undertake studies and calculate contributions. • There are still unknowns as to what mitigation is required and how this will be delivered at Botley and Marcham interchanges, and further discussions are required with Highways England. <p>The detailed comments from OCC Transport are <u>attached</u> at Appendix 3.</p> <p>July Amendment – Objection:</p> <ul style="list-style-type: none"> • Further modelling work is required to ascertain the impacts upon the highway network, once new base data has been agreed. • This applicant has not been able to fully demonstrate that it is possible to mitigate the harm in terms of congestion and air quality, and OCC has not yet been able to undertake the necessary studies to identify strategic schemes and calculate necessary contributions. • Contributions are required towards schemes including Frilford Lights and Marcham air quality mitigation, however OCC requires time to undertake studies and calculate contributions. • There are unknowns as to what mitigation is required at Botley and Marcham interchanges, and further discussions are required with Highways England. <p>Original submission – Objection:</p> <ul style="list-style-type: none"> • This application for Land East of Kingston Bagpuize is premature, as the application documents have not

	<p>been able to demonstrate that it is possible to mitigate the harm in terms of congestion and air quality, and OCC has not yet been able to undertake the necessary studies to identify strategic schemes and calculate necessary contributions.</p> <ul style="list-style-type: none"> • Contributions are required towards schemes including Frilford Lights and Marcham air quality mitigation, however OCC requires time to undertake studies and calculate contributions. • There are unknowns as to what mitigation is required at Botley and Marcham interchanges, and further discussions are required with Highways England.
<p>Stagecoach</p>	<p>November Amendment – No response received.</p> <p>July Amendment – No response received.</p> <p>Original submission – Support:</p> <ul style="list-style-type: none"> • The site will offer an opportunity to site homes in a location where high-quality public transport options will be available to residents.
<p>Oxfordshire County Council - Education</p>	<p>November Amendment – No objection:</p> <ul style="list-style-type: none"> • Updated comments provided for S106 agreement. <p>July Amendment – No objection, subject to S106 contributions.</p> <ul style="list-style-type: none"> • As of September 2019, regulation 11 of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 omits regulation 123 of the Community Infrastructure Levy Regulations 2010, and there is now no legislative restriction on planning obligations being sought towards infrastructure and projects that are on a Planning Authority’s Regulation 123 List. • As such, the previous Education objection to this proposed development is now withdrawn subject to s106 contributions for primary and nursery education, secondary (including sixth form) and SEN. <p>Original submission – Objection:</p> <ul style="list-style-type: none"> • The District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule and associated documents with an effective implementation date of 1st November 2017. The CIL Regulation 123 list distinguishes the infrastructure to be funded through CIL from that which is to be secured through s106 and other statutory provisions.

	<p>As it currently stands, this would prevent funding for the necessary school building being secured through a S106 requirement, and the CIL contribution which would be paid by this development would be insufficient to pay for a new primary school, in addition to the other necessary infrastructure. There is also no spending strategy set out by the District Council such that the County Council could be assured of any CIL funds generated from this site being forwarded to the County Council for schools.</p>
Oxfordshire County Council – Minerals and Waste	<p>November Amendment – No objection.</p> <p>July Amendment – No objection.</p> <p>Original submission – No objection.</p>
Oxfordshire County Council – Waste Management	<p>November Amendment – No objection.</p> <p>July Amendment – No objection.</p> <p>Original submission – No objection.</p>
Oxfordshire County Council - Archaeology	<p>November Amendment – No objection, subject to conditions.</p> <ul style="list-style-type: none"> • The submitted amendments do not alter our original comments. <p>July Amendment – No objection, subject to conditions.</p> <ul style="list-style-type: none"> • The submitted amendments do not alter our original comments. <p>Original submission – No objection, subject to conditions for further archaeological investigation and evaluation.</p> <ul style="list-style-type: none"> • Archaeological investigation comprising of geophysical survey and evaluation have revealed two areas of archaeological significance. Neither are demonstrably of such significance as to preclude the principle of development, but further investigation of those areas will be required in advance of development. • The further investigation can be achieved through the attachment of appropriate conditions should consent be granted.
Historic England	<p>November Amendment – No comments.</p> <ul style="list-style-type: none"> • We are content for the application to be determined by the LPA following their own specialist conservation advice.

	<p>July Amendment – No comments.</p> <ul style="list-style-type: none"> On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. <p>Original submission – Objection:</p> <ul style="list-style-type: none"> Historic England’s interest in this application concerns the potential impact of building 700 dwellings on this site on the significance of the Grade II* listed Kingston Bagpuize House and the conservation area of which it forms part. In our view the proposals as currently formulated would harm the significance of the house, by virtue of impacts to its setting, and we do not consider that this harm is justified as if required by paragraph 194 the NPPF. However, relatively minor adjustments to the extent of the developed area and the landscaping proposals could address this issue and, if made, would allow us to withdraw our objection.
<p>Conservation Officer</p>	<p>November Amendment – No additional comments.</p> <p>July Amendment – No objection:</p> <ul style="list-style-type: none"> The revised plans respond appropriately to the setting of Kingston Bagpuize House and the Conservation Area and at this outline stage represents a scheme for development that could be suitably implemented in heritage terms. <p>Original submission – Holding objection:</p> <ul style="list-style-type: none"> Revisions are required to address the issue of impact to the significance of Kingston Bagpuize House and the Conservation Area as a result of the proposed development in their setting. As submitted, there would be harm to the listed building and conservation area. Where harm is identified, it should be demonstrated that all possible mitigation has been considered and there is clear and convincing justification that public benefits would outweigh the harm. In this case, it is possible to mitigate the impact of this proposal and as such the application has not met the tests of the NPPF.
<p>Natural England</p>	<p>November Amendment – No additional comments.</p> <p>July Amendment – No additional comments.</p> <p>Original submission – No objection, subject to appropriate mitigation being secured:</p>

	<ul style="list-style-type: none"> • We consider that without appropriate mitigation the application could damage or destroy the interest features for which Frilford Heath, Ponds and Fens Site of Special Scientific Interest has been designated. • In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: Provision, and appropriate maintenance, of SUDs to maintain greenfield rates of surface runoff and infiltration to groundwater. • We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.
<p>Countryside Officer</p>	<p>November Amendment – No further comments.</p> <p>July Amendment – No objection, subject to conditions:</p> <ul style="list-style-type: none"> • The submitted amendment has adequately demonstrated that the revised scheme can potentially achieve compliance with CP46 of LPP1, subject to careful design of the reserved matters scheme (layout and landscaping). <p>Original submission – No objection, subject to conditions for a Construction Environmental Management Plan (CEMP: Biodiversity) and a Biodiversity Enhancement Plan (BEP).</p>
<p>Environment Agency</p>	<p>November Amendment – Objection:</p> <ul style="list-style-type: none"> • We maintain our objection to this application as submitted because the proposed development involves a connection to the main foul sewerage system which would pose an unacceptable risk of pollution to Bagpuize Brook water quality and we recommend that planning permission should be refused on this basis. • The proposed development poses an unacceptable risk of causing a detrimental impact to Bagpuize Brook water quality because: <ol style="list-style-type: none"> 1. The development includes mains drainage that will increase the discharge loading from the receiving sewage treatment works (STW), Bagpuize STW. This STW has been identified as being non-compliant with its permit in terms of discharge to the Bagpuize Brook. The situation is ongoing and has not been resolved. 2. The development includes mains drainage that will increase the discharge loading from the sewage

	<p>treatment works which is likely to lead to a deterioration in the water quality of the Bagpuize Brook.</p> <ul style="list-style-type: none"> • The reduction of pumping rates and additional storage or provision of off-line storage does not overcome the lack of capacity of the STW to process the waste, nor does it overcome the lack of capacity of the Bagpuize Brook to receive the treated waste water. • In addition, the Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal would cause deterioration of a quality element to a lower status because it would result in release of partially treated sewage to the environment causing both water pollution and ecological harm. <p>July Amendment – Objection:</p> <ul style="list-style-type: none"> • The applicant has not supplied adequate information to demonstrate that there is adequate capacity for foul waste. • The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels water pollution. • In this case we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to the environment because the applicant has failed to provide evidence that the wastewater can all be fully accommodated by the wastewater provider. The network does not have the capacity to accept the increased flows from this proposed development without either an upgrade to the system or as suggested some of the foul waste captured in an offsite storage area. <p>Original submission – No response received.</p>
<p>Oxfordshire County Council – Lead Local Flood Authority</p>	<p>November Amendment – No objection subject to the conditions stated in the South and Vale Drainage Engineer’s response:</p> <ul style="list-style-type: none"> • These conditions apply to all surface water drainage from the site, including the highways <p>July Amendment – Comment:</p>

	<ul style="list-style-type: none"> • Adequate land needs to be safeguarded for Highway infrastructure including SUDs measures. <p>Original submission – No response received.</p>
<p>Drainage Engineer</p>	<p>November Amendment – No objection:</p> <ul style="list-style-type: none"> • We would encourage the use of swales and overedge drainage to drain surface water from roads within the development and note that this forms part of the proposed SUDS configurations proposed within the FRA. We would therefore appreciate clarity that sufficient space will be set aside within the green link streets for these ‘blue’ sustainable drainage infrastructure elements. • Otherwise, comments provided previously remain valid. <p>July Amendment – No objection, subject to conditions detailing on and off-site drainage works.</p> <p>Original submission – No objection, subject to conditions detailing on and off-site drainage works.</p>
<p>Thames Water</p>	<p>November Amendment – No objection, subject to Grampian conditions:</p> <ul style="list-style-type: none"> • In response to Environment Agency comments, Thames Water confirm that there is a Water Industry National Environmental Programme scheme currently underway to upgrade Kinston Bagpuize sewage treatment works that will accommodate future growth. The deadline for the scheme to be completed is March 2024. • The development should not be occupied until all wastewater network upgrades required are completed. • Thames Water have identified that some capacity exists within the water supply network to serve 49 dwellings, but beyond that upgrades will be required. No more than 49 dwellings to be occupied until all required water supply upgrades are completed. <p>July Amendment – No objection, subject to Grampian conditions.</p> <ul style="list-style-type: none"> • Thames Water has identified an inability of the existing foul water network, existing sewage treatment works and existing water supply network infrastructure to accommodate the needs of this development proposal.

	<p>Original submission – No objection, subject to Grampian conditions.</p> <ul style="list-style-type: none"> • Thames Water has identified an inability of the existing foul water network, existing sewage treatment works and existing water supply network infrastructure to accommodate the needs of this development proposal. • The developer is requested to supply Thames Water with the proposed delivery programme for the site to enable planning of needed upgrades.
<p>Health & Safety Executive</p>	<p>The proposed development does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.</p>
<p>Southern Gas Networks</p>	<p>Draw attention to utilities networks within the vicinity of the site.</p>
<p>Air Quality</p>	<p>November Amendment – Objection:</p> <ul style="list-style-type: none"> • I have reviewed the November Technical Note on air quality. The note predicts that in 2031 the air quality throughout the Marcham AQMA will be below the objective. • It must be borne in mind that air quality annual averages vary from year to year and in view of this it is important to consider the trend in air quality results over a number of years. The site recording the highest levels in Marcham is S.16 at 10 Packhorse Lane. Over the last 5 years there has been a fluctuating trend in monitored air quality at S.16, but all NO₂ measurements remain above the national air quality objective(AQO) and there is no current indication of a falling trend in levels at this location. The introduction of vehicles using alternative fuels could show a reduction in levels, and the revised Emissions Factors Toolkit (EFT) attempts to make predictions based on emissions in future years based on the predicted modal shift. • The earlier version of the EFT predicted reductions in emissions which were widely recognised as being overly optimistic. The assumptions from the newer version of EFT on reduction in emissions require predictions to be accurately reflected in practice and this has yet to be demonstrated. It is also not clear how any predictions in emission reductions will translate into monitored levels at 10 Packhorse Lane which is in a street canyon with poor dispersion of polluted air. With the Marcham AQMA in place, we will continue to be guided by the actual measured NO₂ levels.

- The note also assumes that the Marcham AQMA will be imminently revoked because the NO₂ level recorded was lower than the previous year. The council will only give consideration to revoking the AQMA, when it is satisfied that monitored levels are and will remain consistently below the AQO (and following consultations with Defra). In practice, this means seeing measured annual mean levels for NO₂ below 36 µg/m³, for a least a period of 4 years.
- In view of the above, I maintain my objection to this proposal due to my ongoing concerns about the potential negative impacts on air quality in the Marcham AQMA.

July Amendment – Objection:

- I have reviewed the Air Quality Chapter in the ES. This includes modelling which predicts an increase in NO₂ levels in the Marcham AQMA and introduces a new exceedence in Kingston Bagpuize. It is stated that the exceedence in Kingston Bagpuize will be mitigated with the introduction of a new link road. This statement will need to be supported with evidence.
- With regard to the predicted increases in NO₂ levels within the Marcham AQMA it is proposed that these can be effectively mitigated principally by restricting HGVs through the AQMA and redirecting them from the A415 via Gozzards Ford to the A338. This proposal has previously been considered by the Highways Team at Oxfordshire County Council and they have indicated that this proposal is not feasible. In view of this I object to the application on the basis that it will have a negative impact on air quality including within the Marcham AQMA, and that the increase in NO₂ cannot be effectively mitigated by the current proposed mitigation strategy.

Original submission – Holding objection:

- A comprehensive air quality assessment has been submitted to support the application, and modelling undertaken on possible air quality impacts associated with the development. The development is predicted to increase the quantity of traffic travelling through the Marcham Air Quality Management Area and modelling has assessed the air quality impacts on this area to be substantial.
- Until a suitable mitigation scheme is worked up, agreed and signed off as effective and deliverable by the Highways Authority, there is a holding objection to this application on air quality grounds.

<p>Contaminated Land</p>	<p>November Amendment – No objection subject to conditions on contaminated land risk assessment and remediation:</p> <ul style="list-style-type: none"> • The latest document makes recommendations for gas and ground monitoring to characterise and establish any risk to the development from former quarries 1 and 2 and the potential infill. To ensure that these risks are adequately characterised, I would recommend that any planning permission is subject to conditions. <p>July Amendment – Holding objection:</p> <ul style="list-style-type: none"> • I have reviewed the following document: Atkins Technical Note Land East of Kingston Bagpuize; Former Quarry on Western Site Boundary Date: 27/07/2020 Project No.: 5146468 • This report investigates the nature of material in the former onsite quarry and does not identify any land contamination of concern with respect to the proposed development. Previous comments referenced two quarries of concern although the above report mentions just one. All potential sources for land contamination need to be addressed and I recommend that the above report is amended accordingly. <p>Original submission – Holding objection:</p> <ul style="list-style-type: none"> • The Geo-Environmental Assessment Report provided has not identified the presence of any significant soil contamination on site that would preclude the redevelopment of the site. • The report has however identified the presence of a former quarry in the western part of the site and another infilled quarry located off site. Further site investigations are required to assess the risk.
<p>Environmental Protection Team</p>	<p>November Amendment – No further observations.</p> <p>July Amendment – No further observations.</p> <p>Original submission – no objection:</p> <ul style="list-style-type: none"> • Subject to the full implementation of the mitigation measures identified in the acoustic report, I have no objection to the proposed development.
<p>Housing Development Team</p>	<p>November Amendment – No objection:</p> <ul style="list-style-type: none"> • For a site of 660 units this would equate to 231 affordable homes of which 75% (173 units) should be for rent and 25% (58 units) should be for shared ownership.

	<ul style="list-style-type: none"> • Draw attention to general issues on mix, property types, size, location and clustering. <p>July Amendment – No response received.</p> <p>Original submission – No objection:</p> <ul style="list-style-type: none"> • Draw attention to policy CP24, SHMA mix of unit sizes, property types and general issues for location of affordable housing
<p>Oxfordshire Clinical Commissioning Group</p>	<p>November Amendment – No response received.</p> <p>July Amendment – No response received.</p> <p>Original submission – Objection:</p> <ul style="list-style-type: none"> • No mitigation on how the increase on pressure on local health services would be abated.
<p>Thames Valley Police</p>	<p>November Amendment – No response received.</p> <p>July Amendment – No objection:</p> <ul style="list-style-type: none"> • Reiterate request for development to seek secured by design accreditation. <p>Original submission – No objection:</p> <ul style="list-style-type: none"> • Request development seeks secured by design accreditation. • Seek contributions towards increased policing for the area.
<p>Landscape Architect</p>	<p>November Amendment – No objection, subject to conditions:</p> <ul style="list-style-type: none"> • If the application is granted planning permission, full details of soft and hard landscape proposals will be required along with a Maintenance and Management Plan covering the maintenance of existing landscape features and the establishment and maintenance of the site including woodlands, open space and play areas to ensure the proposed concept is implemented and maintained along with the management of the existing vegetation on site. • A Condition covering lighting is required to ensure that light pollution is kept to a minimum on the site edges due to ecological and landscape reasons. <p>July Amendment – Holding objection:</p> <ul style="list-style-type: none"> • Holding Landscape Objection. There are a few items which are contradictory in the Design and Access Statement which need clarification.

	<ul style="list-style-type: none"> • However, the additional information with regards to Landscape and Visual Impact and building heights have been addressed by the Landscape Addendum and the revised parameter plans. <p>Original submission – Holding objection:</p> <ul style="list-style-type: none"> • There are a few items which are a concern in the EIA, associated LVIA, and Design and Assess statement with regards to proposed Building heights. • Additional information should be provided on the rationale behind the proposed Parameter Plan – Building Heights, including additional information exploring the visual impact of the proposed heights. • Clarification on proposed play provision, parking spaces and cycle routes is required.
Forestry Team	<p>November Amendment – Previous comments apply.</p> <p>July Amendment – Previous comments apply.</p> <p>Original submission – No objection subject to conditions:</p> <ul style="list-style-type: none"> • I am satisfied that the arboricultural impact of the two roundabouts and the link road can be successfully mitigated and that, if planning permission is granted, it should be subject to a condition requiring a landscape scheme to be submitted. The tree protection plan is acceptable in regard to the detailed element of the scheme and a compliant condition would ensure that the trees are protected during any site works. • The outline scheme indicates that most of the trees and the boundary hedges will be retained. I am satisfied that the intention is to ensure successful retention of the trees but, as the layout is yet to be submitted, a condition requiring a site wide tree protection plan that reflects the layout, should be attached to any forthcoming outline planning consent.
Waste Management Officer	<p>November Amendment – No additional comments.</p> <p>July Amendment – No additional comments.</p> <p>Original submission – No objection, subject to contributions for refuse and recycling bins.</p>
Equality Officer	<p>No objection, list of comments to consider at Reserved Matters stage.</p>

<p>Urban Design Officer</p>	<p>November Amendment – No response received.</p> <p>July Amendment – No objection:</p> <ul style="list-style-type: none"> • Overall previous key issues are now resolved from and urban design perspective, a revised and tested block layout maintains the schemes key design principles and a good response to the site’s opportunities and constraints. The revised scheme also incorporates spatial provisions such as a refined understanding of the necessary pitch / playing field to the south of the site. • As above, the block plan now demonstrates an ability to deliver the desired quantum of development and in more robust terms as its regulatory elements, dimensions and key spatial metrics, indicate it can accommodate a mix of 660 dwellings including the required amenity and parking, without compromising the configuration and design quality of dwellings. <p>Original submission – Holding objection:</p> <ul style="list-style-type: none"> • The overall principles of the scheme and its response to the site are sound from an urban design perspective, the application of block forms and integrated network of streets types with a varying scale of green spaces work to enable a good level of pedestrian permeability through the scheme, linking where possible to adjoining key spaces. • Despite this there are key issues that arise through the schemes spatial response to the site based on its technical constraints and the resolution of its layout with the proposed block development and revisions are required.
<p>Sport England</p>	<p>November Amendment – No objection.</p> <p>July Amendment – No objection:</p> <ul style="list-style-type: none"> • The omission of the single football pitch is welcomed. Whilst this an outline planning application it would have been good to have had details for the pavilion and parking to ensure that both are of sufficient size to support the cricket pitches. Sport England would welcome an opportunity to work with applicants to develop a financially and environmentally sustainable pavilion. <p>Original submission – No objection:</p> <ul style="list-style-type: none"> • Raise concern on the single isolated football pitch as part of this development. Single pitch sites are costly to maintain, and the applicants have not provided any justification for the providing the pitch.

	<p>It would be better to make a financial contribution towards off-site sporting infrastructure.</p>
<p>Leisure Team</p>	<p>November Amendment – No objection:</p> <ul style="list-style-type: none"> • The detailed construction of the pavilion, playing field and ancillary facilities along with the youth provision on site will need careful consideration to meet requirements and current Sport England standards. <p>July Amendment – No objection:</p> <ul style="list-style-type: none"> • Support the principle of the proposed development, providing the required leisure infrastructure is delivered. <p>Original submission – Holding objection:</p> <ul style="list-style-type: none"> • The proposed site layout does not meet sport and leisure requirements with the segregation of the football pitches and do not link to the current football facilities. • Both on-site and off-contributions towards leisure infrastructures should be sought as identified within the leisure strategy and costed using the Vale sports calculation.
<p>Kingston Bagpuize Cricket Club</p>	<p>November Amendment – Comment:</p> <ul style="list-style-type: none"> • The club is concerned with what is shown on the plans for cricket. The area marked for the pitch is too small for Adult Cricket. The pavilion is too small, and its shape appears awkward. There appears to be little space for car parking and no storage for maintenance equipment. The location of nets is too remote and boundary fencing will be required. • It is also not clear who is responsible for funding and delivering these facilities and who will own and maintain them. <p>July Amendment – Comment:</p> <ul style="list-style-type: none"> • The plans include a new Adults cricket field along with a new Juniors cricket field. However, the plans don't make it clear whether the developer also intends to provide a new Pavilion, Machinery Storage and Parking facilities. • Please ensure that in the event of the Lioncourt development going ahead full funding is secured for a) New Pavilion, b) Parking, c) Playing field constructed to the standard needed for Cricket, d) Funding for ancillaries such as practice nets, catch fencing, and machinery storage.

	<p>Original submission – Comment:</p> <ul style="list-style-type: none"> • Developer should be required to provide funds to enhance sports facilities. • It would be good if the space could be redesigned to include a cricket ground. • There should be some form of pedestrian access to the current sports ground.
Economic Development	<p>November Amendment – No response received.</p> <p>July Amendment – No objection, subject to delivery of a Community Employment Plan.</p> <p>Original submission – No response received.</p>
National Planning Casework Unit	<p>We acknowledge receipt of the environmental statement and have no comments to make.</p>

3.0 **RELEVANT PLANNING HISTORY**

3.1 There is no relevant planning history for this site. Two scoping opinions were determined as follows:

P17/V3333/SCO – Issued 31 January 2018 – Scoping opinion request for the development of up to 700 homes, an eastern link road between the A420 and the A415, a two form entry primary school, a local centre to include an extra care development of up to 70 units and associated open space and landscaping.

P17/V2579/SCO – Issued 27 October 2017 – Scoping opinion request for the development of up to 700 homes, an eastern link road between the A420 and the A415, a two form entry primary school, a local centre and associated open space and landscaping.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The scale of development requires an Environmental Impact Assessment under Part 10b of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The application is accompanied by an Environmental Statement (ES) and addendums. These are available to view online at www.whitehorsedc.gov.uk.

4.2 The following areas of potential impact were assessed: transport and access, air quality, noise, flood risk and drainage, ecology and biodiversity, landscape effects and visual amenity, archaeology and heritage, agricultural land and farming circumstances, socio-economic effects, mitigation and residual effects.

5.0 **MAIN ISSUES**

5.1 The main issues are:

- Principle of development

- Amount of housing
- Affordable housing and housing mix
 - Affordable housing
 - Market housing
 - Accommodating needs of an ageing population
 - Space standards
- Urban Design
 - Density
 - Open space
 - Onsite sports and youth provision
- Residential amenity
 - Noise
- Landscape and visual impact
- Flood risk and drainage
 - Foul water
 - Water supply
- Traffic and highway safety
- Air Quality
- Historic environment
 - Conservation Areas
 - Listed buildings
 - Archaeology
- Biodiversity
- Other considerations
 - Loss of agricultural land
 - Education
 - Health and wellbeing
 - Retail use
 - Contaminated land
 - Community employment plan
 - Public art
- Financial contribution requests
 - Community Infrastructure Levy
 - S106 legal agreement

5.2 **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to 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. The development plan for this proposal comprises the adopted Local Plan 2031 Part 1 (LPP1) and the adopted Local Plan 2031 part 2 (LPP2). There is currently no neighbourhood plan for Fyfield and Tubney.

5.3 The application site area is the East of Kingston Bagpuize with Southmoor strategic housing site, allocated for housing by core policies CP4a and CP8a of

LPP2. The principle of development is therefore acceptable unless material considerations indicate otherwise.

5.4 Policies CP4a and CP8a of LPP2 state that development at this strategic allocation will be supported where development meets the requirements set out within the Site Development Template and in accordance with the Development Plan taken as a whole. The Site Development Template states that the overall allocation will deliver around 600 homes, subject to master planning.

5.5 The proposed development is assessed against the requirements of the Site Development Template and the Development Plan taken as a whole, below.

5.6 **Amount of Housing**

Objections have been raised that the amount of housing exceeds that envisaged by the adopted local plan. Policies CP4a and CP8a allocate the site for around 600 dwellings. Housing allocation figures are only approximate as the final figure will always depend on the more detailed information and assessment that is entailed with a full planning application.

5.7 In meeting our housing needs, there is a presumption in favour of sustainable development under policy CP1 of LPP1. The National Planning Policy Framework (NPPF) also expects allocated sites to make optimal use of their potential to achieve efficient use of land. As set out below, 660 units have been assessed against all relevant planning considerations and no technical objections have been raised regarding the quantum of development on site. Therefore, officers consider an increase of up to 60 dwellings (and the 70bed care home) on the approximate number of 600 is, in principle, reasonable.

5.8 **Affordable housing and housing mix**

Affordable housing

Policy CP24 of LPP1 requires development to provide 35% affordable housing with a tenure split of 75% affordable rented and 25% shared ownership. Based on 660 dwellings the proposal will provide 231 affordable dwellings (35% of 660) and such provision can be secured through a legal agreement. The proposal complies with policy CP24.

5.9 *Market housing*

Policy CP22 of LPP1 expects a mix of house types that is in accordance with the Strategic Housing Market Assessment (SHMA) unless an alternative approach is proven to be necessary due to viability constraints. A range of dwelling sizes are proposed within the application to accord with SHMA and this can be secured by condition should permission be granted. The proposal complies with policy CP22.

5.10 *Accommodating needs of an ageing population*

Policy CP26 of LPP1 expects strategic site allocations to provide residential units for older people (with or without extra care). The proposal includes a 70bed (Class C2) care home use and a mix of house sizes which may be

attractive to people wishing to downsize which meets the requirements of this policy.

5.11 *Space standards*

Policy DP2 of LPP2 sets out space standards for new residential development. The proposed development has been designed to accord with these standards and policy requirements for Category 2 – Accessible and adaptable dwellings and Category 3 – Wheelchair user dwellings can be secured through a legal agreement. The proposal therefore complies with policy DP2.

5.12 **Urban Design**

Policy CP37 of LPP1 states that new development must demonstrate high quality design that responds positively to the site and its surroundings, creating a distinctive sense of place through high quality townscape and landscaping that physically and visually integrates with its surroundings. It sets out further design criterion for streets and movement, green infrastructure, social inclusion and safe communities, climate change resilience and that development must be visually attractive, with scale, height, massing and materials appropriate to the site and surrounding area. Policy CP38 of LPP1 sets out more detailed design criterion required for strategic and major development sites.

5.13 Commercial uses and the residential element of this proposal is an outline submission with only access into the site to be considered. Details concerning layout, scale, appearance and landscaping of the development are therefore Reserved Matters to be considered at a later stage. However, in support of the outline application parameter plans on land use, green infrastructure and heights have been submitted, along with Indicative plans and a supporting Design and Access (DAS) statement.

5.14 The proposal (as amended) is in general accordance with site specific requirements on design and layout as set out in the Site Development Template in LPP2 and officers are confident in the capacity of the site to accommodate the quantum of development intended with sufficient land set aside without compromising layout and design quality of dwellings, amenity and parking provision. The parameter plans are acceptable to inform delivery of a high quality and integrated sustainable extension with Kingston Bagpuize at Reserved Matters stage to accord with policies CP37 and CP38.

5.15 *Density*

Policy CP23 of LPP1 requires a minimum net density of 30 dwellings per hectare (dph) unless local circumstances indicate that this would have an adverse effect on the character of the area, highway safety or the amenity of neighbours. The indicative density plan shows density ranges from 25dph to 45dph with an average net density across the site of approximately 37dph. Officers consider this is acceptable and compliant with policy CP23.

5.16 *Open space*

Policy DP33 of LPP2 requires major development to provide 15% of the site as public open space. The green infrastructure parameter plan indicates the provision of public open space will exceed this requirement and this provision

can be secured through a legal agreement. The proposal complies with policy DP33.

5.17 *Onsite sports and youth provision*

Concern has been raised by the local cricket club that the area reserved for cricket facilities is too small and impractical. Sport England also wish to engage with the developer to ensure facilities are appropriately designed and financially sustainable. The detailed construction of the pavilion, playing field and ancillary facilities along with the youth provision on site will be considered at Reserved Matters stage, but this will need careful consideration to meet current Sport England standards. Officers however are confident there is adequate space to accommodate these requirements and such facilities, including their specification can be secured through a legal agreement.

5.18 **Residential Amenity**

Reserved Matters will be the opportunity to fully consider any impact on amenity for existing residents. Nearby residential properties however are located some considerable distance from the site boundaries. Officers consider, based on the indicative plans, that it should be possible to provide a housing development to accord with policy DP23 of LPP2 and design guide principles in respect of residential amenity for both new and existing dwellings.

5.19 *Noise*

Noise generated from road traffic on the A420 and the A415 is apparent on site. The applicant has provided a noise impact assessment as part of the ES and in response to its findings, mitigation is proposed (including a 3m high acoustic bund / fence to the A420) to ensure no unreasonable impact on future residents. The environmental protection team raises no objection, subject to implementation of proposed mitigation which can be secured at Reserved Matters stage. The proposal therefore accords with policy DP25.

5.20 **Landscape and Visual Impact**

Policy CP44 of LPP1 confirms that key features that contribute to the nature and quality of the district's landscape will be protected from harmful development, and where possible enhanced. Where development is acceptable in principle, proposals will need to demonstrate how they have responded to landscape character and incorporate appropriate landscape proposals.

5.21 The site and its surroundings fall within Natural England's National Character Area 'Midvale Ridge' which is described as a band of low-lying limestone hills stretching east-west from the Vale of Aylesbury to Swindon. The council's landscape capacity study (part of the local plan evidence base) locates the site within the small character area of 'Kingston Bagpuize to Woodhouse Limestone Ridge with woodland', an area situated on southern slopes of the Limestone Ridge and defined with small to medium scale parcels of land with numerous land uses.

5.22 As the site is allocated for housing development in the local plan, the loss of this site to housing should have no unreasonable impact on the surrounding

landscape. Notwithstanding, the site forms the eastern approach to the village of Kingston Bagpuize and is highly visible from the A415. The Site Development Template of policy CP8a requires mass and scale of built form to avoid being visually intrusive to sensitive views from the surrounding countryside.

- 5.23 A Landscape and Visual Appraisal (LVIA) as part of the ES and an addendum has been submitted in support of the application and the landscape architect considers these to be an appropriate assessment. The LVIA concludes that any adverse effects of the proposed development on the landscape and visual appearance would be localised and can be mitigated for by proposed Green Infrastructure.
- 5.24 Officers agree with the LVIA conclusions. As such the proposed development would not cause unacceptable landscape and visual harm to result in a conflict with policy CP44.
- 5.25 The proposed heights shown on the amended parameter plan DE214-30G include up to 12.5m three storey dwellings on the northern boundary, up to 9.5m high 2 and 2.5 storey dwellings on the eastern boundary and up to 9 and 10.5m high two storey dwellings on the southern residential edge. These heights are acceptable. Officers are satisfied that through detailed design, the development can be integrated into the landscape without material harm, and through the development of appropriate landscape proposals at Reserved Matters stage (as set out in the parameter plans) a development to comply with policy CP44 of LPP1 can be achieved. Detailed matters requested by the landscape architect can also be addressed at Reserved Matters stage.
- 5.26 **Flood Risk and drainage**
Core Policy 42 of Local Plan part 1 seeks to ensure that development provides appropriate measures for the management of surface water as an essential element of reducing future flood risk to both the site and its surroundings.
- 5.27 The Flood Risk Assessment (FRA) submitted with the application confirms that the site lies within Flood Zone 1 and is at a low risk of flooding from rivers or sea as well as from other potential sources of flood risk. The drainage strategy for the site (SUDs with attenuation and infiltration basins, swales and permeable paving) accounts for flood risk considerations to ensure surface water management and potential flooding is appropriately managed.
- 5.28 The council's drainage team raise no objection subject to conditions requiring a fully detailed scheme based on the FRA to be submitted and approved. A sustainable drainage scheme can therefore be agreed to accord with policy CP42 in respect of flood risk and surface water management.
- 5.29 *Foul water*
Local concern has been raised regarding foul sewer network capacity. Thames Water has identified a capacity issue where upgrades to the foul water network are required. Furthermore, the Environment Agency object to the proposed development as they consider it poses an unacceptable risk to the water quality

of Bagpuize Brook through increased discharged loading from the Kingston Bagpuize sewage treatment works that has been identified as being non-compliant with its permit in terms of discharge to the brook.

- 5.30 In response to the Environment Agency objection, Thames Water confirm that there is a Water Industry National Environmental Programme scheme currently underway to upgrade Kinston Bagpuize sewage treatment works that will accommodate future growth and address discharge issues to the brook. The deadline for the scheme to be completed is March 2024. Officers therefore do not consider a refusal of permission on lack of capacity could be successfully defended on such grounds.
- 5.31 Thames Water do however request an appropriately worded Grampian condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure. They advise the development should not be occupied until all wastewater network upgrades required are completed. Officers consider such a condition would be acceptable.
- 5.32 *Water supply*
Thames Water have also identified capacity issues with water supply. Some capacity exists within the water supply network to serve 49 dwellings, but beyond that upgrades will be required. An additional Grampian condition is requested to ensure no more than 49 dwellings to be occupied until all required water supply upgrades are completed. Officers consider this is reasonable and necessary, but suggest no occupation occurs to align with foul water network upgrades.
- 5.33 **Traffic and highway safety**
Policy CP33 of LPP1 actively seeks to ensure that the impacts of new development on the strategic and local road network are minimised, to ensure that developments are designed in a way to promote sustainable transport access and to promote and support improvements to the network that increase safety and improve air quality. Policy CP35 of LPP1 promotes public transport, cycling and walking and together with policy DP17 of LPP2 requires proposals for major developments to be supported by a Transport Assessment in accordance with OCC guidance. Policy DP16 of LPP2 requires evidence to demonstrate that acceptable off-site improvements to highway infrastructure can be secured where these are not adequate to service the development.
- 5.34 Much local concern has been raised on traffic generation and during the Local Plan Examination process, modifications to LPP2 were made by the Inspector which restrict the occupation of dwellings on this site until the completion of the upgrade to Frilford Junction unless an alternative phasing plan is agreed with the county council. This was due to concerns over the traffic levels generated by the development. Unless an alternative phasing plan is agreed with the county council, then the occupation of dwellings should not be permitted until the upgrade to Frilford Junction is completed.
- 5.35 The adopted site development template in policy CP8a of LPP2 sets out the following for the site relating to access and highways:

- The occupation of dwellings on the site will not begin prior to (1) the completion of the upgrade to Frilford Junction unless an alternative phasing plan is agreed with the County Council and (2) satisfactory air quality mitigation for Marcham.
- Access to be provided from A420 and the A415 via two new developer delivered roundabouts and a new link road through this site, provided to a standard acceptable to Oxfordshire County Council. The A415 roundabout will link with the business park.
- Contribute towards infrastructure improvements on the A420, A415 (including Frilford Junction) and any necessary mitigation measures identified through the site Transport Assessment.
- Contribute towards increasing the frequency of bus services.
- Provide for buses to travel through the site and provide bus stop infrastructure.
- Provide measures to alleviate current traffic flows through the centre of Kingston Bagpuize with Southmoor.
- Provide high quality pedestrian and cycle links including pedestrian crossings where necessary.
- Replace existing A420 laybys if surveys indicate a need.

- 5.36 The application is supported with a Transport Assessment and addendum reports which have been assessed by the Highway Authority. The full element of the application provides the access from the A420 and the A415 via two new developer delivered roundabouts and a new link road and is designed to a standard acceptable to Oxfordshire County Council (OCC). The A415 roundabout will also link with the business park and the road design provides for bus service access and associated infrastructure. The indicative movement plan shows pedestrian and cycle links for the development and village traffic calming measures along with the closure of A420 laybys in accordance with site template requirements.
- 5.37 Notwithstanding, the county council object to the application and consider its timing to be a strategic concern. They consider it necessary to have elements of strategic transport infrastructure in place prior to development of housing.
- 5.38 There are numerous locations on the highway network that require improvement schemes to mitigate traffic impact from this development; three key locations being the Frilford Junction and the A34 interchanges at Botley (with the A420) and Marcham (with the A415) where peak hour traffic congestion is already severe. The proposal will add to peak hour traffic queues increasing the severity of congestion. At present the extent and cost of the required works is unknown and more assessment is required. In addition, there remains concern from the Highway Authority on the transport modelling that has been undertaken and further information is requested.
- 5.39 On this basis, your officers consider the proposal to be contrary to the development plan. In the absence as to what mitigation is required, how and timing for its delivery, officers consider it cannot be demonstrated at this time

that the development would be sustainable in terms of mitigating traffic generation and severe congestion to an acceptable degree.

5.40 Air Quality

Policy DP26 of LPP2 confirms that development proposals that are likely to have an impact on local air quality, including those within relative proximity to existing air quality management areas (AQMA) will need to demonstrate measures / mitigation to minimise any impacts associated with air quality. Paragraph 181 of the NPPF states decisions should ensure that any new development in AQMA is consistent with the local air quality action plan.

- 5.41 The applicant has provided an assessment of air quality as part of the ES and an addendum has been submitted in support of the application. The development is predicted to increase the quantity of traffic travelling through Kingston Bagpuize and Marcham. Assessment modelling indicates a negligible impact on air quality for locations within Kingston Bagpuize following completion of the new link road. The air quality officer however requires further evidence to demonstrate this. The ES also identifies negligible to substantial impacts for Marcham.
- 5.42 The A415 through Marcham is subject to an AQMA. Declared in 2015, it concerns the whole of the area adjacent to the A415 as it passes through the built-up area. There are regular exceedances of nitrogen dioxide (NO₂) levels exacerbated by the narrow constriction of the A415 as it passes through the village and the proximity of housing to this road and the high impact of HGVs which frequently hold up other traffic.
- 5.43 Parish councils, residents and OCC raise concern that the proposal will exacerbate poor air quality. During the LPP2 examination process modifications were made by the Inspector which restrict the occupation of dwellings on this site until there is satisfactory air quality mitigation for Marcham, in part due to upgrade work at Frilford junction and the resultant increase in traffic through Marcham. This is reflected in the adopted site template of policy CP8a of LPP2.
- 5.44 The council's air quality action plan (published in 2015) identifies numerous district wide actions and for Marcham it sets out the following specific measures:
- M1) Low emission zone feasibility study
 - M2) Weight restriction
 - M3) Marcham bypass
- 5.45 The applicant has provided a technical note outlining various mitigation measures consistent with this action plan. Whilst options suggested have been assessed by environmental health, an air quality objection to the proposal remains.
- 5.46 Officers consider initial suggestions for sustainable transport options to reduce vehicle trips to and from the development through a framework travel plan are

simply inadequate to meet the policy requirement of CP8a. In addition, options for a low emission zone and / or weight restriction are not considered feasible due in part to the lack of decriminalisation of moving traffic contraventions. To enforce such measures would require criminal prosecution and neither Thames Valley Police, OCC or this council is currently resourced to make these effective. The applicant has also suggested traffic signals on the A415 and HGV diversion. Notwithstanding issues concerning enforcement, officers and the Highway Authority consider these options presents their own problems to be a realistic or viable alternative, with adverse traffic impact on other local communities. To date, OCC has not been able to identify any suitable alternative HGV route on the local highway network.

- 5.47 The third option is a bypass. Since the adoption of LPP2, land has been safeguarded under policy CP12a and this option is being investigated by OCC. Notwithstanding, option work is at a very early stage and the extent and cost of any bypass is currently unknown to calculate any proportionate contribution from this development. Furthermore, whilst a bypass may be delivered during the local plan period (2031) officers are not confident this option could be delivered within the lifetime of a planning permission for this site (5 years) should permission be granted now with a Grampian style condition restricting occupation. Planning Practice Guidance is clear that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.
- 5.48 The technical note includes opinion that predicts air quality throughout the Marcham AQMA will be below the objective of the action plan in 2031, citing the trend from recent annual air quality status reports is downward. The note also assumes that the Marcham AQMA will soon be removed because the NO₂ level recorded was lower than the previous year. This is disputed by the air quality officer as the council's evidence indicates air quality averages vary from year to year and over the last five years all NO₂ measurements remain above the national air quality objective.
- 5.49 The applicant has suggested vehicles using alternative fuels could show a reduction in pollution levels over time with a predicted modal shift to electric / hybrid and the proposed ban on petrol and diesel vehicle sales by 2035. Officers consider however that such assumptions cannot be relied upon to either set aside air quality impacts or satisfactorily mitigate a fall of the actual monitored levels at Marcham.
- 5.50 Officers consider overall that no viable options for satisfactory air quality mitigation for Marcham have been demonstrated by the applicant. On this basis the proposal is contrary to the development plan, as the proposal will have a negative impact on air quality.
- 5.51 **Historic Environment**
Policies CP39 of LPP1 and DP36 of LPP2 state that proposals for new development that may affect heritage assets must demonstrate that they conserve and enhance the special interest or significance of the heritage asset and its setting.

- 5.52 There are no designated assets within the application site. However, the site shares a boundary with Kingston Bagpuize Conservation Area, within which is the Grade II* listed Kingston Bagpuize House and many listed buildings and structures associated with the country house estate.
- 5.53 *Conservation areas*
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. Policy DP37 of LPP2 states development within or affecting the setting of a conservation area must demonstrate that it will conserve or enhance its special interest, character, setting and appearance. Considerable importance and weight are therefore given to the desirability of protecting or enhancing the character or appearance of the conservation area.
- 5.54 Objections were received to the original proposal from both Historic England and the conservation officer, as the original scheme was considered to adversely impact the Kingston Bagpuize conservation area. The existing approach to the conservation area is made quite distinct by the openness along this part of the A415 and the green and verdant corridor that then frames the edge of Kingston Bagpuize House, separating the estate from the rest of the village. Residential development in this part of the village is also sparse and the presence of a new residential edge immediately along this approach would alter its character considerably.
- 5.55 Following negotiation, development areas have now been removed from the southern and south-western corner of the application site to better preserve this character. As such, officers are confident development could proceed in such a way as not to cause unacceptable harm to the character and appearance of the conservation area to accord with policy DP37.
- 5.56 *Listed buildings*
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.
- 5.57 DP38 of LPP2 states that development within the setting of a Listed Building must demonstrate that it will preserve or enhance its special architectural or historic interest and significance.
- 5.58 The application site is considered to sit within the setting of the Grade II* listed Kingston Bagpuize House. The house is architecturally designed to look across its designed parkland, through an avenue of trees and across the open countryside. The conservation officer advises the significance of the house is not only its architectural frontage, but also the command it has over this edge of the settlement.

- 5.59 As originally proposed the separation between the house and its open setting was considered to heavily compromise the experience of approaching the house to the detriment of the significance of the building and Historic England have raised specific concerns on this impact. Amended plans now address this, retaining a development free corridor that extends from the tree lined avenue to open countryside beyond. Both Historic England and the conservation officer are now satisfied the proposal (as amended) responds appropriately to the setting of Kingston Bagpuize House, whereby a scheme for development could be suitably implemented in heritage terms to accord with policy DP38.
- 5.60 *Archaeology*
DP39 of LPP2 states that development will be permitted where it can be shown that it would not be detrimental to the site or setting of Scheduled Monuments or nationally important designated or non-designated archaeological remains.
- 5.61 Archaeological investigation comprising of geophysical survey and evaluation have revealed two areas of archaeological significance. A Bronze Age barrow with a possible associated enclosure has been revealed within the central field and in the northern field, several large ditches, pits and a hearth. Pottery assemblage suggests middle Iron Age.
- 5.62 The county archaeologist has confirmed neither are demonstrably of such significance as to preclude the principle of development, but further investigation of those areas will be required in advance of development. Further investigation can be achieved through appropriate conditions should consent be granted to accord with policy CP39.
- 5.63 **Biodiversity**
Policy CP46 of LPP1 requires development to avoid losses in biodiversity and actively seeks net gains. The site is not covered by statutory or non-statutory designations and comprises arable land under cultivation.
- 5.64 The site has been subject to a series of ecological surveys covering habitats and protected species surveys for breeding birds, bats, reptiles, great crested newts, badgers and dormouse. The main habitat on site is intensive arable fields which are of low ecological value. The most significant impact on habitats relate to the loss of the hedgerows along either side of the old Oxford Rd and along the boundary with the A420.
- 5.65 The countryside officer advises a population of great crested newts (GCN) found in the pond on the Millennium Green are unlikely to make any significant use of the habitats within the application site. A small population of grass snakes is also present on the southern site boundary. Mitigation measures are available to ensure that there are no impacts on either species.
- 5.66 Badger surveys revealed the presence of a main badger sett nearby. The proposal indicates a buffer area adjacent to the badger sett which should protect it both during construction and once the development is complete. The population of breeding birds on site is typical of similar arable habitats across

Oxfordshire and impacts would not be significant. No bat roosting sites are present on site although habitats on the periphery are used for commuting and feeding. Most peripheral habitats would be retained in the proposed scheme.

5.67 The countryside officer raises no objection to the application, subject to conditions for biodiversity construction environmental management and enhancement. In addition, sustainable drainage can be designed to maintain greenfield rates of surface runoff and infiltration to mitigate any groundwater impact on Frilford Heath, Ponds and Fens SSSI. Overall, officers consider the proposal can achieve compliance with CP46, subject to careful design at Reserved Matters stage (layout and landscaping).

5.68 **Other considerations**

Loss of agricultural land

Concern has been raised on the loss of good quality agricultural land. The land and soils have been surveyed and assessed to be land predominantly Grade 2 with a small area of Grade 3a at the southern end of the site. The ES identifies the impact of the development as one of moderate adverse significance, which is significant in EIA terms. Whilst there are no effective measures available to mitigate the direct loss of agricultural land through the development of this site, the site is strategically allocated for housing development in the local plan, where the loss of agricultural land to housing has previously been found to be acceptable.

5.69 *Education*

One of the key infrastructure aspects of this scheme is the provision of a new primary school on the site. OCC, as Education Authority, is clear this development would trigger the need for the construction of a new primary school as the existing primary school (John Blandy) would not be able to expand sufficiently to accommodate new pupils from this development. The new school would be 1 form entry, with a total capacity of 210 primary places and a 60-place nursery. This is slightly larger than the expected pupil generation from the proposed development (198 pupils and 42 nursery) but is the smallest viable size of new school. Land allocated within the development will also enable future expansion to 2 form entry.

5.70 Concern has been raised regarding the location of the school within the site. The location has been sought by and is acceptable to OCC.

5.71 For secondary education, the proposed development lies in the designated area of Matthew Arnold School in Cumnor and adjoins the designated area of Faringdon Community College. Contributions are sought for the further expansion of Matthew Arnold School. Contributions to expand special school provision are also required.

5.72 *Health and wellbeing*

The application is supported by a Health Impact Assessment which confirms the scheme is arranged to encourage walking and cycling and will provide facilities to meet day to day needs for all ages. The layout will be determined at Reserved Matters stage to ensure an appropriate buffer from sources of

noise and air pollution along with a mix of housing responding to local needs. Offsite facilities and public transport can be supported by contributions and electric vehicle infrastructure and superfast broadband can be achieved on site. Officers are satisfied the proposal could create a healthy and sustainable community.

5.73 *Retail use*

The Site Development Template requires the site to provide a new local centre adjacent to the primary school, located and designed to meet the needs of the expanded village. DP14 of LPP2 confirms proposals for the development of village or other local shops with less than 500sq.m floorspace, designed to meet the day to day needs of the local population will be permitted. The detail of the precise commercial uses within the scheme are unknown at this stage, but in principle a convenience store / retail use is acceptable to your officers. Such uses are unlikely to undermine the vitality and viability of existing retail facilities nearby. A restriction to ensure compliance with policy DP14 on floorspace can be secured through a condition or a S106 legal agreement.

5.74 *Contaminated land*

Policy DP27 of LPP2 requires proposals for the development, redevelopment or re-use of land known, or suspected, to be contaminated, to submit a Contaminated Land Preliminary Risk Consultant Report.

5.75 The applicant has provided a Geo-Environmental assessment with addendums to support the proposal. Historically the site has been used as agricultural farmland. A limestone quarry was located at the western boundary and infilled with another infilled quarry located nearby. The reports find there is no evidence of contamination being present on site that could prevent development, but the latest addendum recommends gas and ground monitoring to characterise and establish any risk to the development from former quarries and the potential infill. The contaminated land officer has confirmed this can be managed by a planning condition to accord with policy DP27.

5.76 *Community Employment Plan*

Policy DP11 of LPP2 states all new development should demonstrate how opportunities for local employment, apprenticeships and training can be created. A Community Employment Plan is required and can be secured by condition to accord with policy DP11.

5.77 *Public Art*

Policy DP20 of LPP2 requires proposals for all major development to provide public art that makes a significant contribution towards the appearance of the scheme or character of the area, or which benefits the local community. Officers are confident the site can successfully accommodate public art to accord with policy DP20, and further detail can be determined at Reserved Matters stage and through a S106 legal agreement.

5.78 **Financial contribution requests**

Paragraph 56 of the NPPF advises that planning obligations should only be sought where they meet all of the following tests:

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

5.79 Policy CP7 of LPP1 provides that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured.

5.80 *Community Infrastructure Levy*

The Community Infrastructure Levy (CIL) was adopted in September 2017 and implemented in November 2017. CIL is a levy charged on new development in the district; the money raised will be used to fund infrastructure and support growth. In general, off-site mitigation would be sought via CIL and on-site elements and direct mitigation would be sought via a S106 agreement. The site is CIL liable and will remain so until the new CIL strategy (which proposes the site's exemption) is adopted.

5.81 Local concern has been raised in relation to existing health provision and the need for expanded facilities to support new residents and a request for funding has been received from the Oxfordshire Clinical Commissioning Group. The expansion of health provision would be funded by CIL. Similarly, funding requests from Thames Valley Police, parish councils and the council's leisure team towards off-site facilities would be funded this way.

5.82 The parish proportion of any CIL monies received would be paid to Fyfield and Tubney parish council, not Kingston Bagpuize with Southmoor. Officers understand a boundary review may take place in the future, but this is yet to be confirmed. This however is not a material planning consideration.

5.83 *S106 Legal Agreement*

In accordance with the Developers Contributions SPD if permission were to be granted, a s106 legal agreement would be required to secure affordable housing including the amount (35%), tenure, mix, size, being indistinguishable from the market housing and clustering (no more than 16 per cluster), provision to offer self and custom build plots, on site play and sports provision and financial contributions towards traffic and air quality impact mitigation, public transport, travel plan monitoring, public art, street naming, waste bin provision, education and the management of public open spaces, sport and play areas.

5.84 Should planning permission be granted this authority would expect the following on-site infrastructure and contributions (all indexed linked) to be secured which are considered fair and proportionate to mitigate the impact of this development:

Vale of White Horse District Council – Planning Committee – 11 February 2021

District Council	Amount (£)	Trigger	Towards (details)	CIL tests compliance
Public art	£306 per dwelling	1 st Occupation	On site or in vicinity	Yes
Waste bins	£186 per dwelling	Commencement	On site wheelie bin provision	Yes
Street naming	£229 per 10 houses	Commencement	On site street naming	Yes
Public Open space	15% of site area	60% occupation of phase to which it relates	On site POS / direct delivery	Yes
Public Open space maintenance	TBC	Transfer	Payable if going to parish council	Yes
Play equipment	TBC	60% occupation of phase to which it relates	On site play areas / direct delivery	Yes
Play maintenance	TBC	Transfer	Payable if going to parish council	Yes
Youth provision	£109,163	60% occupation of phase to which it relates	On site / direct delivery	Yes
Youth Maintenance	4.9% per annum / 25yr	Transfer	Payable if going to parish council	Yes
Cricket pitch	£285,000	60% occupation of phase to which it relates	On site / direct delivery	Yes
Cricket pitch sinking fund	4.9% per annum / 25yr	Transfer	Payable if going to parish council / set aside for sports club	Yes
Cricket pitch maintenance	15.3% per annum / 25yr	Transfer	Payable if going to parish council / set aside for sports club	Yes
Cricket pavilion	£665,000	60% occupation of phase to which it relates	4 team changing room and club room – traditional construction On site / direct delivery	Yes
Cricket pavilion sinking fund	0.5% per annum / 25yr	Transfer	Payable if going to parish council / set aside for sports club	Yes
Cricket pavilion	0.8% per	Transfer	Payable if	Yes

Vale of White Horse District Council – Planning Committee – 11 February 2021

maintenance	annum / 25yr		going to parish council / set aside for sports club	
Cricket nets	£70,000	60% occupation of phase to which it relates	2 caged nets On site / direct delivery	Yes
Cricket nets maintenance	0.8% per annum / 25yr	Transfer	Payable if going to parish council / set aside for sports club	Yes
Cricket machinery store	TBC	60% occupation of phase to which it relates	To provide secure and dry storage on site	Yes
Cricket machinery store maintenance	0.8% per annum / 25yr	Transfer	Payable if going to parish council / set aside for sports club	Yes
Agronomist	TBC	Commencement	To pay for inspection during construction of cricket pitch	Yes
Pavilion QS	TBC	Commencement	To pay for independent QS during construction of pavilion	Yes
Affordable housing	35%	TBC	75% rented 25% shared ownership	Yes
Self & custom build plots	TBC	TBC	Compliance with policy DP1	Yes
AQMA Mitigation	TBC	TBC	TBC	TBC
County Council	Amount (£)	Trigger	Towards (details)	CIL tests compliance
Transport				
Highway works	TBC	TBC	Direct delivery or financial contributions towards the Frilford lights junction, a Marcham bypass, Botley and Marcham A34 interchange works.	TBC

Public transport services	£725,900	TBC	Towards bus services in the vicinity of the site at a rate of £1,037 per dwelling.	Yes
Public transport infrastructure <i>(if not dealt with under S278/S38 agreement)</i>	£75,548	TBC	Towards 4 bus stop pole & flags, shelters with integral RTI display. Cost for each stop is £18,887.	Yes
Travel Plan Monitoring	£5,198	TBC	Monitoring of Travel Plans for a period of 5 years	Yes
Education				
Primary and nursery education	£7,706,132	If no direct delivery instalment starting 1 st occupation. If DD – 349 th completion, 350 th Transfer	A new 1 form entry primary school with nursery, within the development	Yes
Secondary (including sixth form)	£4,200,939	Instalment starting 1 st occupation	Expansion of secondary school capacity serving the development	Yes
SEN	£466,191	Instalment starting 1 st occupation	Oxfordshire's strategic expansion of special school capacity.	Yes
MONITORING				
Vale	£TBC	Payable on completion of S106	To fund monitoring of the agreement	Yes
OCC	£TBC	Payable on completion of S106	To fund monitoring of the agreement	Yes

6.0 CONCLUSION AND PLANNING BALANCE

6.1 The application has been assessed on its merits, against the requirements of the adopted Local Plan 2031 Part 1 and Part 2 and the National Planning Policy Framework. All relevant consultations have been undertaken and all responses received have been fully considered.

- 6.2 The application site is a strategic housing allocation in the council's adopted Local Plan to contribute towards the sustainable planned growth of the district. The application could support an economic and social objective through construction employment, increased investment in the local economy and providing additional market and affordable housing. The application could also make contributions towards local infrastructure.
- 6.3 Notwithstanding the above, the application fails to identify and coordinate the provision of highways infrastructure and provide satisfactory air quality mitigation. Officers consider the harm identified is contrary to development plan requirements which significantly undermines economic and environmental objectives and demonstrably outweighs the benefits of the proposal.
- 6.4 *Plan delivery*
Officers are mindful of the impact this site may have on housing supply and delivery of the local plan and requirements of policies CP47 of LPP1 and CP47a of LPP2. The trajectory for this site has been forecast to deliver dwellings from 2024. Whilst influenced by market conditions and other factors, it is clear upgrades to Frilford junction, A34 interchanges and satisfactory mitigation for Marcham (e.g. a bypass) will not be completed by 2024.
- 6.5 The local plan expects housing to be supported by infrastructure improvements and officers consider the planning harm identified is tangible to outweigh the site's delivery at this time.
- 6.6 Furthermore the council can presently demonstrate a three-year supply of housing land in accordance with the ministerial statement and can demonstrate a five-year supply based on objectively assessed need for this district (there is a Whole District supply of 5.6yrs and 7.6yrs for Rest of District as set out in table 9 on p52 of the August 2020 HLS). Consequently, it is not essential that this site is delivered now in advance of required infrastructure nor is there a need to invoke policies CP47 or CP47a. The application is therefore recommended for refusal.

The following have been taken account of in assessing this application:

Vale of White Horse Local Plan 2031, Part 1 policies:

- CP01 - Presumption in Favour of Sustainable Development
- CP02 - Cooperation on Unmet Housing Need for Oxfordshire
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP06 - Meeting Business and Employment Needs
- CP07 - Providing Supporting Infrastructure and Services
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP12 - Safeguarding of Land for Strategic Highway Improvements within the Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing

- CP26 - Accommodating Current and Future Needs of the Ageing Population
- CP32 - Retail Development and other Main Town Centre Uses
- CP33 - Promoting Sustainable Transport and Accessibility
- CP34 - A34 Strategy
- 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 of Biodiversity
- CP47 - Delivery and Contingency

Vale of White Horse Local Plan 2031, Part 2 policies:

- CP04A - Meeting our Housing Needs
- CP08A - Additional Site Allocations for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP12A - Safeguarding of Land for Strategic Highway Improvements within the Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP47A - Delivery and Contingency
- DP01 - Self and Custom Build
- DP02 - Space Standards
- DP08 - Community Services and Facilities
- DP11 - Community Employment Plans
- DP14 - Village and Local Shops
- DP16 - Access
- DP17 - Transport Assessments and Travel Plans
- DP20 - Public Art
- DP21 - External Lighting
- DP23 - Impact of Development on Amenity
- DP24 - Effect of Neighbouring or Previous Uses on New Developments
- DP25 - Noise Pollution
- DP26 - Air Quality
- DP27 - Land Affected by Contamination
- DP28 - Waste Collection and Recycling
- DP30 - Watercourses
- DP31 - Protection of Public Rights of Way, National Trails and Open Access Areas
- DP33 - Open Space
- DP34 - Leisure and Sports Facilities
- DP36 - Heritage Assets
- DP37 - Conservation Areas
- DP38 - Listed Buildings
- DP39 - Archaeology and Scheduled Monuments

Neighbourhood Plan

There is currently no neighbourhood plan for Fyfield and Tubney.

Adopted guidance

Design Guide SPD 2015: The Design Guide was adopted on 10 March 2015 and sets out design principles to guide future development and encourage a design-led approach to development.

Developer Contributions – Delivering Infrastructure to Support Development SPD 2017: The Developer Contributions SPD was adopted on 30 June 2017 and provides guidance on how planning obligations will work alongside CIL to deliver the infrastructure needed to support development in the Vale.

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Section 149 of the Equality Act 2010
- Provisions of the 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)
- Countryside and Rights of Way Act 2000
- Environment Act 1995
- Air Quality (England) Regulations 2000
- Air Quality (England) Amendment Regulations 2002
- Air Quality Standards (England) Regulations 2010
- Air Quality Standards (England) Amendment Regulations 2016

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