

APPLICATION NO.	<u>P22/V0550/O</u>
SITE	Land East of Grove East of the A338 Station Road North of Tulwick Lane
PARISH	GROVE
PROPOSAL	Outline planning application (with all matters reserved except for access into the site) for up to 300 dwellings and provision of public open space including associated landscape planting with associated infrastructure, drainage measures and earthworks and all other associated works (as amended by plans and information received 24 June 2022).
WARD MEMBER(S)	Ron Batstone Ben Mabbett
APPLICANT	David Wilson Homes (Southern)
OFFICER	Stuart Walker

RECOMMENDATION

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

- 1. This is an unallocated site beyond the built-up area of Grove and the proposal would extend development onto land forming part of the wider open countryside in a manner which does not accord with the District Council's strategy for growth as set out in the Development Plan. The proposal is therefore contrary to the adopted Vale of White Horse Local Plan 2031 Part 1, core policies 3, 4 and 15, the Vale of White Horse Local Plan 2031 Part 2, core policies 4a and 15a, and to advice within the National Planning Policy Framework, including paragraphs 11 and 15.**
- 2. The site is located beyond the eastern extent of Grove, in an intact part of the wider rural landscape, highly visible from public viewpoints. It is the Local Planning Authority's opinion that the proposal would adversely impact the quality of this part of the landscape in respect of character and settlement pattern and would cause harm. The proposal is therefore contrary to core policy 44 of the adopted Vale of White Horse Local Plan 2031 Part 1 and to advice within the National Planning Policy Framework, including paragraphs 130 and 174.**
- 3. The submitted application has failed to provide sufficient information to fully assess the impacts of the proposal on**

archaeology. In the absence of field evaluation information (including trial trenching) to prove otherwise, the proposed development is therefore contrary to core policy 39 of the adopted Vale of White Horse Local Plan 2031 Part 1, development policy 39 of the adopted Vale of White Horse Local Plan 2031 Part 2 and to advice within the National Planning Policy Framework, including paragraph 194.

4. The submitted application has failed to provide sufficient information to fully assess the impacts of the proposal on the highway network and to determine the suitability of development access. As such the application is unable to demonstrate that the impact upon the highway network would not be severe, as required by Paragraph 111 of the National Planning Policy Framework and the application is therefore contrary to policy development policy 16 of the Local Plan 2031 Part 2.
5. In the absence of a s.106 agreement relating to the provision of affordable housing and financial contributions towards public transport, education, public art, street naming, waste bin provision, household waste and recycling centres and the provision of and management of public open spaces and play areas, the proposal would place increased pressure on these facilities and fail to provide the environmental, social, and recreational services needed to support this development. This is considered contrary to core policies 7, 24, 33 and 35 of the Vale of White Horse Local Plan 2031 Part 1 and development policies 20, 28 and 33 of the Vale of White Horse Local Plan 2031 Part 2.

Informative

1. The third reason for refusal could be overcome by the submission of an archaeological field evaluation.
2. The fourth reason for refusal could be overcome by the submission of up-to-date transport assessment information, with methodology and traffic distribution agreed by the Highway Authority.
3. The fifth 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 affordable housing, financial contributions towards infrastructure and services improvements. open spaces and play areas.
4. The applicant is advised this refusal is based on the following submitted plans:

Location Plan 1218 004 Rev I
Parameter Plan 1218 006 Rev E
Illustrative Framework Plan 1218 SK004 Rev V12

Highway Scheme Location Plan 184390-PD06 Rev D
Proposed Highway Alignment 184390/PD06.1 Rev E
Proposed Site Access Arrangement 184390/PD06.2 Rev C
Forward Visibility Measured at Entry 184390-PD06.3 Rev –
Visibility to Proposed Signals 184390-PD06.4 Rev –
General Arrangement & Visibility Splay 184390-PD07 Rev A
Swept Path Analysis (Refuse) 184390/PD06-AT01 Rev –
Swept Path Analysis (Refuse) 184390/PD06-AT02 Rev –
Swept Path Analysis (Refuse) 184390/PD07-AT01 Rev A

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application comes to Planning Committee as a large-scale major application seeking permission for more than 200 dwellings.
- 1.2 The application seeks outline consent for up to 300 dwellings and provision of public open space, associated landscape planting and infrastructure, drainage measures and earthworks and other associated works. All matters are reserved, except access into the site.
- 1.3 The application site, approximately 18.04ha, lies to the northeast of Grove, beyond the built-up area of the settlement and consists of generally flat arable land (Graded 3a 'good' and 2 'very good') with two isolated patches of woodland. The site is bound by Grove Park Drive to the north and east, Tulwick Lane to the south and the A338 (Station Road) to the west. The deserted medieval village of Tulwick lies at the site east boundary and six grade II listed buildings are located within 500m of the site. A location plan is **attached** at Appendix 1.
- 1.4 The proposal is supported by a parameter plan and technical documents. The parameter plan shows built form up to 12.5m in height, multifunctional green space, retained vegetation and woodland, indicative locations of attenuation basins and potential pedestrian and cycle connection (final locations to be confirmed at Reserved Matters stage). The proposal has been amended to take account of comments received from the Highway Authority, the drainage engineer, air quality, countryside, forestry, and landscape officers.
- 1.5 All plans and supporting documents accompanying the application are available to view online at www.whitehorsedc.gov.uk. The latest parameter plan is **attached** at Appendix 2.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 A summary of the responses received is set out below. Comments made can be viewed in full online at www.whitehorsedc.gov.uk.

Grove Parish Council	<p>June 2022 Amendment – Objection:</p> <ul style="list-style-type: none">• Grove Parish Council reiterates its comments and strongly object to this application on the grounds of unsustainability. <p>Original Plans – Objection:</p>
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	<ul style="list-style-type: none"> • Grove Parish Council strongly object to this application on the grounds of unsustainability. • The Parish Council also agree with the Planning Officers comments in his pre-application advice letter to the applicant dated 12 November 2021 in particular to the principle of development - that the site is not allocated for development and lies outside Grove in open countryside, and is contrary to the spatial strategy for housing set out in the development plan; that the district can demonstrate a 5-year housing land supply for the district and therefore, the development plan is up to date, and full weight can be given to development plan policies CP4, CP15 and paragraph 11.d) of the NPPF is not engaged; there are no material considerations which would indicate that the development plan should not be followed.
Residents	<p>June 2022 Amendment – Two letters of objection raising the following concerns:</p> <ul style="list-style-type: none"> • Air quality is poor from existing traffic. Extra traffic will exacerbate this. • Without sufficient infrastructure, there is no change to earlier objections. <p>Original plans – Thirty letters of objection raising the following concerns:</p> <ul style="list-style-type: none"> • Contrary to the Local Plan. • Site is not allocated for development. • Site is in open countryside, outside Grove. • Harmful expansion into countryside. • Impact on existing social and physical infrastructure – there is no capacity in schools, doctors, dentists, foul water network for additional population. • Infrastructure needs to be improved first before more houses. • Site is not within suitable walking distance to facilities and therefore is an unsustainable location. • A338 is a barrier to walking and cycling – new residents will just drive with no safe alternative. • Pedestrian connectivity is lacking. • Primary schools are unlikely to be accessible by cycle or foot. • There is no requirement for additional housing in Grove and Wantage – existing site allocations at Crab Hill, Monks Farm and Grove Airfield provide for growth and should be completed first. • Land is prone to flooding. • This is only phase 1 of a much larger development.

	<ul style="list-style-type: none"> • Adverse impact on character of area. • Adverse impact on listed buildings. • Loss of quality agricultural land. • Adverse impact on landscape. • Adverse impact on historical parkland of Lockinge Estate. • Loss of wildlife habitat. • Adverse impact on residential amenity. • Inadequate road network to take additional traffic. • Transport Assessment is inadequate. • No evidence to demonstrate proposal will have no severe impact on highways. • Construction noise and disturbance and mud on road. • Proposal fails to deliver net zero or carbon reduction. • Viability of drainage solution to use canal is questioned.
Harwell Bicycle Users Group (HARBUG)	<p>June 2022 Amendment – No response.</p> <p>Original plans – Objection.</p> <ul style="list-style-type: none"> • Contrary to the Local Plan. • This development is on the opposite side of a busy road (the A338) to the existing development of Grove. I note that: <ul style="list-style-type: none"> - The housing developments already being built in Wantage and Grove mean that this road is becoming significantly busier. - This development is on the opposite side of that road to all amenities such as schools and shops. Anyone (including schoolchildren) wishing to walk or cycle to any of those amenities will have to cross this road. - The provision of a Toucan crossing makes getting across the road possible but nevertheless it is a significant discouragement to active travel. - Parents will see this as a potentially dangerous crossing for their younger children getting to school. - The result is a community that will be relatively isolated from the rest of Grove. • The transport assessment (part 2 - para 1.5) states that there is an existing shared path on the western side of Station Road (the A338) throughout the scheme. This is incorrect. Sections of the path are too narrow to be a shared route. This applies both to the older section in front of Bellinger's Garage and part of the new section installed by David Wilson homes themselves.

	<ul style="list-style-type: none"> • The developers also state they are "exploring the potential" to provide a shared footway/cycle path on the eastern side of the A338 to connect with the existing shared path south of the A388/Main Street junction. <ul style="list-style-type: none"> - It is not clear this will ever be installed. - Although the provision of a cycle (or shared use) path would be useful for some, it has limited practical use for the existing residents of Grove or those wishing to access existing Grove amenities. - As an example, those wishing to cycle from Grove southwards towards Wantage will leave Grove along Main Street at its southern end to join the existing path alongside the A338. • The Transport Assessment also states (para 3.32) the development could be within 500 metres of a new station at Grove. One cannot pre-judge whether a station will be built at Grove or its exact location. However, the most detailed recent analysis of a possible station at Grove is the Wantage & Grove Station "Statement of Opinion - Report" commissioned by Oxfordshire County Council and the Vale of White Horse District Council and delivered in 2018. <ul style="list-style-type: none"> - This report considered various specific locations for the station and proposed that two of them ("Bradfield" and "Denchworth Road") be carried forward for future consideration with both sites to the west of the A338. - Again, residents of this proposed development would have to cross a busy road to access the station.
Planning Policy Team	<p>June 2022 Amendment – Comment.</p> <ul style="list-style-type: none"> • We have reviewed the rebuttal comments from the applicant and do not wish to provide any further response to these. We consider our position on the matters raised in the document to be sufficiently set out in either the previous policy response on the application, the Local Plan Part 1 Review document, or the June 2021 Five Year Housing Land Supply Statement. As a result, we do not consider it necessary to provide any further comments than those already submitted. <p>Original plans – Comment.</p> <ul style="list-style-type: none"> • It is considered that the principle of development on this site is contrary to the adopted development plan, as it conflicts with Core Policies 3, 4 and 15 of the LPP1 and Core Policies 4a and 15a of the LPP2.

	<ul style="list-style-type: none"> • The key housing policies of the adopted Local Plan are up to date, and the Council can demonstrate a 5-year housing land supply. • We consider policies of the development plan do not support the principle of development for this proposal when read as a whole. • The applicant has not demonstrated that there are relevant material considerations for not following the plan.
Network Rail	<p>June 2022 Amendment – No objection in principle.</p> <p>Original plans – No objection in principle.</p>
Stagecoach West	<p>June 2022 Amendment – No response.</p> <p>Original plans – No objection, subject to funding for bus service infrastructure.</p> <ul style="list-style-type: none"> • The site has and continues to benefit from the highest level of public transport accessibility of any part of Grove. • In considering the sustainability of the site, we urge this is given appropriate strong weight in the planning balance.
Oxfordshire County Council - Transport	<p>June 2022 Amendment – Objection.</p> <ul style="list-style-type: none"> • Trip rates / distribution / modelling is not agreed. • Secondary access is not supported. <p>Original plans – Holding objection.</p> <ul style="list-style-type: none"> • Further information required to enable contributions to be calculated for strategic schemes. • Trip rates, distribution, generation, modelling, and junction design require a review. • The secondary vehicular access is not acceptable as it will encourage additional traffic onto Grove Park Drive. • Additional pedestrian crossings on A338 will require a reduction in the speed limit from 50mph to 30mph.
Oxfordshire County Council – Lead Local Flood Authority	<p>June 2022 Amendment – No objection.</p> <p>Original plans – Holding objection.</p> <ul style="list-style-type: none"> • Further information and clarification on calculations in Flood Risk Assessment required.
Oxfordshire County Council – Education	June 2022 Amendment – No further comment.

	Original plans – No objection, subject to funding for primary and nursery education, secondary education, and special education.
Oxfordshire County Council – Archaeology	<p>June 2022 Amendment – Objection.</p> <ul style="list-style-type: none"> The submitted amendments do not alter our previous comments. <p>Original plans – Holding objection.</p> <ul style="list-style-type: none"> The results of a trenched evaluation will need to be submitted in line with the National Planning Policy Framework (2021), paragraph 194, prior to the determination of this planning application.
Oxfordshire County Council – Waste Management	<p>June 2022 Amendment – No further comment.</p> <p>Original plans – No objection, subject to funding for household waste recycling centres.</p>
Conservation Officer	<p>June 2022 Amendment – No objection.</p> <ul style="list-style-type: none"> The location of the milestone has been identified and I am satisfied the access and proposed footway would not impact its setting. <p>Original plans – Holding objection.</p> <ul style="list-style-type: none"> Further information is required to confirm position of listed milestone.
Drainage Engineer	<p>June 2022 Amendment – No objection, subject to condition.</p> <ul style="list-style-type: none"> Initial monitoring has occurred across the site, with results indicating shallow groundwater, with the shallowest groundwater only 0.21m below the surface. It is clear from the monitoring that ground raising will need to occur. It is recommended that further groundwater monitoring is undertaken across the whole site to give a better awareness of the groundwater level. A level of 0.5m above maximum recorded groundwater level should be achieved as a minimum. At present the report has not provided a plan of where proposed ground levels will need to be raised. I recommend that this is secured by condition. Conditions are also required for updated surveys of the boundary ditch and downstream culverts, detailed design of sustainable drainage and foul drainage to be agreed, and a compliance report to ensure drainage is constructed on site to the approved designs. <p>Original plans – Holding objection.</p>

	<ul style="list-style-type: none"> • Further information is required. • The applicant has undertaken groundwater monitoring, but further levels of monitoring for the period February to March should be confirmed. • Flood risk information should expand on details of proposed site levels to ensure sufficient freeboard and identify where proposed levels would need to be raised or not lowered by a set level. • Preliminary information on gravity drainage should be provided and to demonstrate the outfall has capacity. • A greater commitment to SUDS provision should be included in the outline strategy. • It is noted from foul drainage correspondence that Thames Water are unlikely to have capacity to accept drainage from the site without off-site upgrade works. It is likely a build-out will need to be agreed.
Thames Water	<p>June 2022 Amendment – See previous comments.</p> <p>Original plans – Comment.</p> <ul style="list-style-type: none"> • The existing foul water network infrastructure is unable to accommodate the needs of the development proposal and network reinforcement works are likely to be required to avoid sewage flooding and / or pollution incidents. • The existing water supply network is unable to accommodate the needs of the development proposal and reinforcement works are anticipated to be necessary to avoid no / low pressure water. • Grampian conditions are required.
Environmental Health – Contamination	<p>June 2022 Amendment – No response.</p> <p>Original plans – No objection, subject to condition.</p> <ul style="list-style-type: none"> • The content of the Geo-Environmental Site Assessment satisfactorily addressed the requirements of a Phase 1 assessment. • Various potential sources for land contamination have been identified which could present a significant risk to the proposed development. These include the former agricultural use on site and garages/ vehicle repair, substation, railway, and fuel station nearby. Intrusive investigations have been recommended in the above report to characterise any contamination and substantiate any risk to the proposed use. • To ensure that any contaminated land risks are addressed conditions are required to investigate further for contamination before development

	commences and any necessary remediation is undertaken before occupation.
Environmental Health – Protection Team	<p>June 2022 Amendment – No objection, subject to condition.</p> <ul style="list-style-type: none"> The applicant will need to demonstrate how the recommendations of the acoustic report are realised in detail. <p>Original plans – No objection, subject to condition.</p> <ul style="list-style-type: none"> A detailed scheme of acoustic mitigation shall be submitted with any final layout to ensure internal and private amenity area acoustic environments are satisfactory.
Environmental Health – Air Quality	<p>June 2022 Amendment – No objection.</p> <ul style="list-style-type: none"> Suggest conditions for dust management and electric vehicle charging infrastructure to accord with Air Quality – Developer Guidance. <p>Original plans – Holding objection.</p> <ul style="list-style-type: none"> The air quality does not appear to have considered the cumulative impacts of other committed development which will add additional traffic to the A415 through the Marcham AQMA. I welcome the updating of the air quality assessment to include other committed development impacts in the modelling for Marcham.
Countryside Officer	<p>June 2022 Amendment – No objection, subject to condition.</p> <ul style="list-style-type: none"> I have reviewed the additional ecological information provided in response to previous comments and am happy to accept the position put forward by the applicant. It is acknowledged that development on this site may pose a risk to GCN which may require a derogation licence from Natural England. I am happy to accept the applicant's position that a derogation licence from Natural England would likely be granted for the scheme, having regard for the scope for mitigation and enhancement (pursuant to the 'favourable conservation status test' of derogation). This matter can be deferred to the reserved matters and implementation stage. The district licence remains open to the applicant, should development go ahead in the north-west of the site, closest to the offsite ponds known to support populations of GCN. The applicant has provided update survey information for the branched drainage outfall connection zone, which is acceptable. No notable

	<p>constraints were noted which would impede the grant of outline permission based on ecology.</p> <ul style="list-style-type: none"> • Should this application be approved, I recommend that two conditions are applied to the decision notice. <ul style="list-style-type: none"> - Construction environmental management plan (CEMP), prior to commencement. This would need to be phase specific and have a specific section on GCN mitigation/licensing. - Biodiversity enhancement plan, concurrent with the submission of any reserved matters application. This would also need to be phase specific and have an emphasis on securing the favourable conservation status of GCN, in addition to demonstrating BNG for each phase with a biodiversity metric. <p>Original plans – Holding objection.</p> <ul style="list-style-type: none"> • Further information is required. • Whilst ecological surveys have concluded that the habitats on site are not a constraint to development, being primarily arable land and species-poor semi-improved grassland, it appears the drainage outfall connection zone was added after the surveys were completed. It is also not known whether the treeline T2 was subject to bat roosting surveys. • There are queries over the biodiversity metric assessment and GCN licence documentation should be provided prior to determination to demonstrate entry to the district licence.
Landscape Architect	<p>June 2022 Amendment - Objection.</p> <ul style="list-style-type: none"> • The additional information has provided a revised location of the proposed western cycle link to reduce the impact on the vegetation along the A338. A scale has been added to the Illustrative Framework Plan and measurements illustrate that there are issues with providing the required offset to play areas especially the NEAP as expected from the parameter plan. • Concerns on Landscape and Visual Impact, the parameter plan, and the ability of the submitted parameter plan to inform a satisfactory RM application remain. <p>Original plans – Objection.</p> <ul style="list-style-type: none"> • The proposed development lies outside the existing well defined settlement edge, within a rural and unspoilt area of open countryside. The site is not allocated in the Local Plan or in any neighbourhood plan. The existing settlement of Grove has limited urban influence on the site.

	<ul style="list-style-type: none"> • The proposed development would breach the established edge of Grove to the west of the A338, introducing intensive, urban form of development to the eastern side of the A338 which is currently rural in character, with little influence from the settlement edge. This would adversely affect the rural landscape character of this area of open countryside. • The proposal for up to 300 houses would not reflect the landscape character of the area and would be contrary to Local Plan Part 1 policies 37 and 44 and Part 2 policies 21 and 33. • Parameter Plan – concerns raised: <ul style="list-style-type: none"> - There is little detail in the plan without any specific land budget which means there is little to inform any RM applications. - There is no variation in heights or density proposed between different areas of the site in the Parameter Plan, to reflect the relationship between the site and the adjacent open countryside. The Landscape and Visual appraisal refer to maximum height of 3 storeys. The Parameter Plan could allow development of three storeys across the whole site area which does not reflect the landscape character of the area. - The Parameter Plan does not indicate that it could easily accommodate the proposed requirements on site, i.e., at the widest part of the multifunctional green space there is approximately 70m between the built form blocks, a NEAP and youth provision requires at least 30m offset from properties, leaving only a 10m wide strip in which NEAP and youth provision could be accommodated. - There is no scale provided on the Illustrated Framework Plan, to be able to test that the Parameter Plan can create a policy compliant layout.
Forestry Officer	<p>June 2022 Amendment – No objection.</p> <p>Original plans – Holding objection.</p> <ul style="list-style-type: none"> • Further information required. • The trees across this site form a significant feature of the landscape. The submitted arboricultural information provides a fair representation of the tree stock, highlighting that many of the trees have significant arboricultural qualities. However, no tree survey schedule has been included within the Arboricultural Impact Assessment (AIA). • The illustrative plans submitted for this outline application appear to broadly reflect the tree constraints identified, with three notifiable exceptions.

	<p>1) The proposed drainage route extending due northeast would involve the removal of two sections of trees within groups 1.14 (Cat B Poplars) and 1.13 (Cat A Oak & Poplar). The AIA does not comment on the impact of this work, other than to say the loss could easily be mitigated by replacement planting. However, no justification has been provided as to why an alternative route for the drainage cannot be found that avoids the need to pass through the two belts of good quality trees.</p> <p>2) The proposed residential development footprint is shown too close to tree group 4.36 (Cat A - Norway Maple, Ash). Greater separation is needed between the developed area and the trees, removing future pressure, and utilising the trees as a landscape feature within POS further away from dwellings.</p> <p>3) The proposed cycle way illustrated along the western site boundary has the potential to cause damage / loss of multiple trees along this section of the site boundary, however as the detail is very limited the extent of tree removal cannot be determined.</p> <ul style="list-style-type: none"> • The above issues need to be addressed before the application can be considered compliant with Vale of White Horse District Council Local Plan 2031, Core Policy 37 - Design and Local Distinctiveness and Core Policy 44 Landscape, and BS 5837, 2012 Trees in Relation to Design, Demolition and Construction. • If any permission is granted for this site, future applications need to address the requirements of paragraph 131 of the NPPF by providing a site layout that successfully accommodates street trees right across the site, not just limiting them to the site boundaries and along spine roads.
Thames Valley Policy Design Advisor	<p>June 2022 Amendment – No response.</p> <p>Original plans – No objection.</p> <ul style="list-style-type: none"> • Provide general comment to ensure any forthcoming detailed applications meet design requirements to minimise risk of crime.
Waste Management Team	<p>June 2022 Amendment – Comment.</p> <ul style="list-style-type: none"> • Refuse strategy with bin locations and tracking to be decided later (under Reserved Matters). <p>Original plans – No comment.</p>

Housing Development Team	June 2022 Amendment – No further comment. Original plans – No objection, subject to legal agreement securing 35% affordable housing provision.
(Former) Oxfordshire Clinical Commissioning Group	June 2022 Amendment – No response. Original plans – No objection, subject to funding for NHS services. <ul style="list-style-type: none"> • This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Church Street practice to provide primary care services to the increasing population which has insufficient consulting rooms to cope with increased population growth. Primary Care infrastructure funding is therefore requested to support plans to alter the surgery or other capital projects to support patient services.
Infrastructure and Development Team	June 2022 Amendment – Comment. <ul style="list-style-type: none"> • Previous comments still apply. Original plans – Comment. <ul style="list-style-type: none"> • This development is CIL liable.

3.0 RELEVANT PLANNING HISTORY

3.1 There is no relevant planning application history for the application site.

3.2 Pre-application History

[P21/V2335/PEJ](#) - Advice provided (12/11/2021)

Pre-application request in respect of an emerging outline planning application, with all matters reserved except for access into the site.

3.3 Screening Opinion requests

[P21/V3066/SCR](#) – EIA not required (29/11/2021)

EIA Screening Opinion for a residential development for up to 300 homes, with associated landscaping, parking, and infrastructure.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 As the site area exceeds 5ha, this development has previously been subject to a screening opinion by this Authority in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (and as amended in 2018). The proposal is not considered EIA development.

5.0 MAIN ISSUES

5.1 The main issues in this case are:

1. Principle of development

2. Landscape and Visual Impact
3. Affordable housing and housing mix
 - Affordable housing
 - Market housing
 - Self and custom build
 - Space standards
4. Urban Design
 - Density
 - Open Space
5. Residential amenity
 - Noise
6. Flood risk and drainage
 - Foul water
 - Water supply
7. Traffic and Highway safety
 - Transport Assessment methodology
 - Access
 - Active travel
8. Historic environment
 - Conservation Areas and Listed Buildings
 - Archaeology
9. Biodiversity
 - Habitats
 - Protected species
 - Biodiversity net gain
10. Other considerations
 - Loss of agricultural land
 - Education
 - Health care
 - Contaminated land
 - Air quality
 - Community employment plan
 - Public art
 - Quantum of development
 - Climate change
11. 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 be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

- 5.3 There is no neighbourhood plan for Grove parish. The Development Plan for this proposal therefore comprises the adopted Local Plan 2031 Part 1 (the LPP1) and the Local Plan 2031 Part 2 (the LPP2).

- 5.4 The site is not allocated in the Development Plan for development and forms part of open countryside outside the built-up area of a settlement.
- 5.5 As explained below the proposal conflicts with the spatial strategy for housing growth set out in the Development Plan at core policies (CP) 3, 4 and 15 of the LPP1, core policies 4a and 15a of the LPP2.
- 5.6 The overall spatial strategy of the Development Plan is to direct development within the existing built-up areas of market towns, local service centres and larger villages. CP3 of the LPP1 sets out the settlement hierarchy and identifies three sub-area strategies. Grove is identified by CP3 of the LPP1 as a local service centre within the South-East Vale Sub-Area of the District.
- 5.7 CP4 of the LPP1 specifies the amount of housing to be provided during the plan period and the location of housing. The site is not within the existing built-up area of Grove or any other settlement. The site is part of the wider open countryside. CP4 of the LPP1 advises that "*Development outside of the existing built area of these settlements*" (i.e., market towns, local service centres and larger villages), "*will be permitted where it is allocated by the Local Plan 2031 Part 1 or has been allocated within an adopted Neighbourhood Development Plan or future parts of the Local Plan 2031. This development must be adjacent, or well related, to the existing built area of the settlement or meet exceptional circumstances set out in the other policies of the Development Plan and deliver necessary supporting infrastructure*". CP4 also makes clear that "*development in open countryside will not be appropriate unless specifically supported by other relevant policies set out in the development plan or national policy*".
- 5.8 Officers consider the proposal is contrary to CP4 of the LPP1 because:
 - The site is not allocated for development in the LPP1.
 - The site is not allocated for development in future parts of the Local Plan 2031 (the LPP2).
 - The site is not well related to the existing built-up area of the settlement.
 - There are no exceptional circumstances set out in any other Development Plan policies to justify the development.
 - This proposed development has no support from any other relevant policies set out in the Development Plan or national policy to set aside the conflict with this policy.
- 5.9 CP15 of the LPP1 sets out the spatial strategy for the South-East Vale Sub-Area. It identifies the strategic housing site allocations for the area. It also confirms development within the Sub-Area "*should be in accordance with the Settlement Hierarchy set out in Core Policy 3*". The site is not identified under this policy and the proposal, as outlined above does not comply with CP3 or CP4 of the LPP1.
- 5.10 CP4a of the LPP2 identifies housing site allocations "*arising from elsewhere in the Housing Market Area, expressly the quantum of unmet housing need for*

Oxford City to be addressed within the Vale of White Horse of 2,200 homes, as agreed at the Oxfordshire Growth Board meeting in September 2016". This site is not allocated for development by CP4a (or any other policy in the LPP2 including CP15a).

- 5.11 The council can demonstrate a 5-year housing land supply for the district and therefore, the development plan is up to date where full weight can be given to Development Plan policies, and paragraph 11.d) of the NPPF is not engaged.
- 5.12 The applicant acknowledges that the council's Housing Supply Statement indicates a housing land supply of 5.04 years for the district, but they dispute the figure believing it to be overly optimistic and draw support from the Science Vale ring fence (as defined by policy CP5 of the LPP1) being below at 4.6 years.
- 5.13 Last year a regulation 10A review was undertaken of the LPP1, evaluating the policies for their consistency with national policy. The review found that the housing requirement in policy CP4 required updating, and as a result, a decision was made by the Council to revert to a local housing need figure based on the standard method. As policy CP5 is connected to the housing requirement in CP4, it also required updating. Since there is no mechanism for applying a shortfall or ringfence to the standard method calculation, it was found that policy CP5 is out of date. Therefore, policy CP5 is no longer used for monitoring purposes and decision making.
- 5.14 Even if policy CP5 were up to date, the policy is clear that "*the supply calculations for the ring-fence area and the rest of district area will be combined to provide a district wide calculation*" and this has been supported in planning appeals. Any shortfall in the Science Vale ring fence does not result in a loss of supply across the district. Furthermore, no land supply evidence has been submitted to support the applicant's case. As the council can demonstrate a 5 year housing land supply for the whole district, officers consider full weight can be given to the Development Plan.
- 5.15 The NPPF at paragraph 12 expects that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. There are no material considerations which would indicate that the Development Plan should not be followed. As such the principle of development on this site is not supported.
- 5.16 The following issues are assessed without prejudice to the assessment above in respect of the principle of development and even if the following matters were successfully addressed, the proposal would remain unacceptable in principle, being contrary to the development plan housing strategy.
- 5.17 **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.

- 5.18 The site and its surroundings fall within Natural England's National Character Area 'Upper Thames Clay Vales' which is described as a broad belt of open, gently undulating lowland farmland, with contrasting landscapes, "*including enclosed pastures of the claylands with wet valleys, mixed farming, hedges, hedge trees and field trees and more settled, open, arable lands. Mature field oaks give a parkland feel in many places.*" The council's landscape capacity study (part of the local plan evidence base) locates the site within the character area 'Grove to Steventon Lower Vale Farmland'.
- 5.19 Although located on the western edge of the landscape character area the site is representative of this landscape character, being relatively flat, irregular patterns of medium to large fields, occasional large trees within fields, limited human habitation, with views across the fields to the scarp and elevated Downs on the horizon to the south, and the Corallian Limestone Ridge to the north, reinforcing the sense of being located within a broad Vale landscape.
- 5.20 Guidelines for development in this character type include retain the pattern of limited settlement, ensure new large-scale development does not impact adversely on rural views, and maintain control to ensure that new settlement is sympathetic to the wider pattern of settlement.
- 5.21 The application site, as part of a larger area, was previously considered as a potential housing site in the Vale of White Horse Local Plan evidence base but it concluded "*the site was separate from the existing settlement and is in an intact part of the wider rural landscape. The site is not suitable for development in landscape and visual terms*". Officers see no reason to discount this conclusion.
- 5.22 A Landscape and Visual Appraisal (LVIA) has been submitted in support of the application and has been assessed by the landscape architect, who considers the appraisal downplays the adverse effects of the proposed development and relies heavily on built development to the west of the A338, the A338 and the railway to justify the proposal.
- 5.23 Officers agree with the landscape architect that the proposal would result in the direct loss of open countryside and would breach the existing established edge of Grove on the western side of the A338. It would introduce an intensive, urban form of development, to an area which is currently rural in character with limited detractors or influence from the adjacent settlement edge. The proposal therefore is contrary to policy CP44 of the LPP1.
- 5.24 **Affordable housing and housing mix**
Affordable housing
The application aims to provide 35% affordable dwellings in accordance with policy CP24 of the LPP1. For up to 300 units this would equate to 105 affordable homes with 25% (26 units) for First Homes, 56% (59) for social or affordable rent and 19% (20) for shared ownership. Depending on any final

scheme approved, a financial contribution would be required for a part unit shortfall in affordable housing. To further accord with CP24 of the LPP1, affordable housing should be indistinguishable from the market dwellings and evenly distributed across the site. The Council's Developer Contributions SPD expects affordable housing on a site of this size to have clusters of affordable housing in groups of no more than 14 affordable dwellings.

- 5.25 A S106 legal agreement could secure the affordable housing including First Homes, tenure and size mixes, and cover matters such as clustering and indistinguishable appearance. The proposal could therefore comply with CP24 of the LPP1.
- 5.26 *Market Housing*
CP22 of the LPP1 requires a mix of dwelling types and sizes to meet the needs of current and future households. This should be in accordance with the Council's current Strategic Housing Market Assessment unless an alternative approach can be demonstrated to be more appropriate through the Housing Register or where proven to be necessary due to viability constraints. The application does not provide a housing mix. If planning permission were to be granted, a condition should be imposed requiring the market housing mix to comply with SHMA expectations, making the scheme compliant with CP22 of the LPP1.
- 5.27 *Self and custom build*
Policy DP1 of the LPP2 supports the provision of plots for sale for self and custom builders. The application currently does not indicate self and custom build provision, but it could be secured through a legal agreement to ensure compliance with the policy.
- 5.28 *Space standards*
Policy DP2 of the LPP2 sets out space standards for new residential development. The proposed development can be designed to accord with these standards and secured through a legal agreement including 15% of market dwellings and all affordable housing constructed to the Category 2 standard as set out in the Building Regulations approved document M Part 2 and 5% of affordable housing and 2% of market units built to category 3 standards. The proposal could be made compliant with policy DP2.
- 5.29 **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. The council also has a newly adopted design guide which aims to raise the standard of design across the district.

- 5.30 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 should permission be granted. However, in support of the outline application an illustrative plan and parameter plan have been submitted, along with a supporting Design and Access statement (DAS).
- 5.31 The site appears to have capacity to accommodate the quantum of development intended without compromising layout and design quality of dwellings, amenity, and parking provision. However, there is little detail on the parameter plan and no specified land budget which means there is limited information to inform Reserved Matters. There is no variation in height or density proposed between different areas of the site for example to reflect the relationship of the site to adjoining open countryside. Furthermore, the parameter plan does not indicate policy requirements for a NEAP and youth provision can be successfully accommodated. Further information to inform delivery of a high-quality development is required to ensure compliance with policies CP37 and CP38, should outline permission be granted.
- 5.32 *Density*
Policy CP23 of the 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 17dph across the site to 27dph within development parcels. Whether this density is appropriate will depend on the design of any future scheme and this matter would be considered in full should Reserved Matters stage be reached.
- 5.33 *Open space*
Policy DP33 of the LPP2 requires major development to provide 15% of the site as public open space. The 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 can be made compliant with policy DP33.
- 5.34 *Trees*
Trees across the site form a significant feature of the landscape. The submitted arboricultural information highlights that many trees have significant arboricultural qualities. The illustrative plan broadly reflects the tree constraints identified and officers agree development could proceed in accordance with the British Standard BS587 (Trees in relation to design, demolition and construction) without significant detriment to retained trees.
- 5.35 **Residential Amenity**
Reserved Matters would be the opportunity to fully consider any impact on amenity for existing residents. Officers consider, based on the submitted plans, that it should be possible to provide a housing development to accord with policy DP23 of the LPP2 and design guide principles in respect of residential amenity for both new and existing dwellings.

5.36 **Noise**

Policies DP24 and DP25 of the LPP2 seeks to ensure development is designed to ensure it is not subject to adverse noise. Noise generated from road traffic on the A338, and the railway line is apparent on site. The applicant has provided a noise impact assessment which has been assessed by the environmental protection team. They raise no objection, subject to implementation of the report recommendations. This could be secured by condition to ensure a proposal does not contravene policies DP24 and DP25 of the LPP2.

5.34 **Flood Risk and drainage**

Core Policy 42 of the LPP1 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.

- 5.35 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 as well as from other potential sources of surface water flood risk. Groundwater maps however indicate that the site is at high risk of groundwater flooding with groundwater potentially flooding at the surface in some areas during a modelled 1:100yr event. The drainage strategy for the site (SUDs with attenuation basins, swales and amended to include permeable paving) accounts for flood risk considerations to ensure surface water management and potential flooding is appropriately managed.
- 5.36 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. Along with further surveys of ditches and culverts and information on ground levelling, a sustainable drainage scheme could be agreed to accord with policy CP42 in respect of flood risk and surface water management.

5.37 **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. Thames Water 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. To date the upgrade options have not been identified, so officers have no certainty they are viable or deliverable within the lifetime of a planning permission to enable the use of a Grampian condition. Officers have therefore sought clarity from Thames Water who confirm "*Thames Water would be satisfied with the inclusion of the water and wastewater conditions as part of any approval. There are known issues in that area so it is likely upgrades will be required but further investigation needs to be undertaken to understand the scale and timeframe for delivery.*" In the absence of an objection from Thames Water, this is not a reason to refuse the proposal as a Grampian condition could make it compliant with policies CP7 and CP42 of the LPP1 in respect of foul water.

5.38 *Water supply*

Thames Water have also identified capacity issues with water supply and suggest a Grampian condition preventing occupation. Officers again have no information to confirm upgrade options are identified or deliverable within the lifetime of a planning permission, but in the absence of an outright objection from Thames Water, this is not a reason to refuse permission.

5.39 **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 the 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.

5.40 The application is supported with a Transport Assessment (TA) and addendum notes which have been assessed by the Highway Authority.

5.41 *Transport Assessment methodology*

The TA and addendum notes are unsatisfactory. The Highway Authority raise an objection pertaining to trip rates and still do not agree with the methodology used. There is also concern on traffic distribution and associated impacts on key / sensitive junctions that have not been fully assessed, notably A338 / A415 Frilford lights junction, A338 Main Street / Steventon Road junction and A417 / A4130 / A4185 Rowstock roundabout.

5.42 Paragraph 111 of the NPPF 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.*" In this case the evidence has not been provided to indicate that the cumulative impacts on the network would not be severe, therefore the Local Planning Authority is unable to determine the full effects on the network. The proposal is therefore contrary to policy DP16 of the LPP2.

5.43 *Access*

Two vehicle access points into the site are proposed, one from the A338 as a fourth arm to the Williams F1 roundabout and one from Grove Park Drive. Adequate visibility in both directions along Station Road can be provided at the A338 access and the Highway Authority are satisfied with the amended arrangement, subject to a speed limit change down from 50mph to 30mph. The Highway Authority has however raised objection to the proposal and seeks the removal of the Grove Park Drive access on highway safety grounds. The applicant considers this is not necessary as its design is informed by and consistent with the approved access for a new railway station granted in 2008 (P05/V0738/O – now a lapsed permission). The Highway Authority does not

accept this justification and considers direct access from Grove Park Drive is detrimental to highway safety due to poor alignment, evidenced by refuse vehicle tracking and Road Safety Audit recommendations, and will encourage rat running. Officers have no evidence to disagree with this.

- 5.44 Land safeguarded for the Grove Station and potential access routes to the station overlap with the redline area for this site. Officers note the access strategy does not appear to adversely impact safeguarded land identified for a station, but further information will be required to demonstrate this, should detailed Reserved Matters stage be reached.
- 5.45 *Active travel*
Opposition to the proposal highlight the site is not suitably located to existing facilities. It is further noted the applicant relies heavily on access to existing facilities (and those not yet built – Grove Airfield schools) in Grove to demonstrate the site is sustainably located and proposes several new pedestrian / cycle access Toucan crossing points on the A338 along with a 3m wide shared path, initially directly alongside the A338, but amended to be parallel to Station Road from within the site to access crossings and bus stops.
- 5.46 The National Design Guide (January 2021) advises local facilities are generally considered to be in walking distance if no more than a 10minute walk (800m radius). Except for the garage forecourt shop at Bellinger's Garage, the centre of Grove and its facilities exceed an 800m radius of the site, and this will discourage some people from walking to local facilities, including to school (and further again for secondary schools), and the requirement to cross the busy A338. Whilst facilities in the centre of Grove could be cycled to, again residents would need to cross the road. The distance of the site from local facilities in officers' opinion discourages walking as a mode of travel and this weighs against the proposal and needs to be considered in the planning balance.
- 5.47 Bus services pass along Station Road and link Grove to Oxford, Abingdon, Harwell and Wantage. Existing bus stops to the south approximately 500m from the site and are considered too far from the site but stops to the north of Williams roundabout are closer and within an acceptable walking distance. Stagecoach supports the development on the basis further funding for bus infrastructure could be secured. Subject to securing in a S106 legal agreement financial contributions requested by the Highway Authority, the proposal can mitigate its impact on bus service provision.
- 5.48 **Historic Environment**
Policies CP39 of the LPP1 and DP36 of the 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.
- 5.49 *Conservation areas and listed buildings*
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 the 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.

- 5.50 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. DP38 of the 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.
- 5.51 There are no designated heritage assets on the site. However, immediately adjoining the west boundary is a grade II listed milestone and in the wider setting of the site are the listed farmhouses of Tulwick Farm and Pinmarsh Farm to the south and east respectively. There are other listed buildings to the west of the A338 within Grove and the designated Grove conservation area.
- 5.52 The applicant's heritage assessment indicates that there is no impact on the settings on any designated heritage asset, and upon receipt of further information, the conservation officer agrees. The proposal would accord with policies DP37 and DP38 of the LPP2.
- 5.53 *Archaeology*
DP39 of the 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.
- 5.54 The site lies immediately adjacent to and contains part of the site of the deserted medieval village of Tulwick, as well as lying immediately adjacent and east of the Roman Road running from Oxford to Wantage, associated evidence for settlement along which, including earlier prehistoric occupation, has been recorded in the immediate environs.
- 5.55 The application is supported by a Heritage Desk Based Assessment, and the application site has been the subject of a geophysical survey, although not all areas proposed for development have been surveyed. To accord with paragraph 194 of the NPPF, prior to the determination of any planning application the applicant should be responsible for the implementation of an archaeological field evaluation, and the county archaeologist confirms trenched evaluation and veracity of geophysical survey results is required. The applicant has declined to provide this information stating it is an onerous requirement. As such the proposal is contrary to policy DP39 of the LPP2 and paragraph 194 of the NPPF.

5.56 **Biodiversity**

Policy CP46 of the LPP1 requires development to avoid adverse impacts on valuable ecological receptors (priority habitats, protected species, designated sites, etc.) and secure net gains for biodiversity. Where impacts are predicted, proposals must meet the tests (related to need, benefit, and reasonable alternatives) outlined under policy CP46 to be acceptable. Net losses to biodiversity will not be supported.

- 5.57 The site has been subject to a series of ecological surveys covering habitats and fauna, and protected species surveys for bats, badgers, reptiles, and great crested newts.

5.58 *Habitats*

The site is not covered by statutory or non-statutory designations and comprises mainly arable land, with some species poor grassland, boundary treelines and hedgerows and pockets of broadleaved woodland. Habitats within the site are generally considered to be of limited ecological value at present, and the loss of arable land to development would be of very limited ecological significance. Those habitats of notable value, such as the existing woodland copse, hedgerows, and tree lines, are due to be retained with only minor loss to facilitate access.

5.59 *Protected species*

Subject to appropriate safeguarding mitigation measures, no adverse impacts are identified in respect of bats, breeding birds and badgers.

- 5.60 It is noted that impacts on great crested newts (GCN) have been concluded as unlikely. There is an established population of GCN to the north of the site, associated with ponds on the Williams F1 site and on both sides of the railway line. The closest pond to the site is 40 metres to the northeast, on the other side of Station Road. When using Natural England's rapid risk assessment tool, a result of offence 'likely' is generated for the proposed development, assuming that that waterbody is inhabited with GCN.

- 5.61 The countryside officer has therefore sought further information regarding licencing, which the applicant has provided. It is accepted that a derogation licence from Natural England would likely be granted for the scheme, having regard for the scope for mitigation and enhancement (pursuant to the 'favourable conservation status test' of derogation). The countryside officer confirms this matter can be deferred to the reserved matters and implementation stage. The district licence remains open to the applicant, should development go ahead in the northwest of the site, closest to the offsite ponds known to support populations of GCN.

5.62 *Biodiversity net gain*

The supporting biodiversity metric assessment has concluded that development can comply with policy CP46 of the LPP1 by securing net gains for biodiversity with potential for a net gain of 11.13% in habitat and 85.75% gain in hedgerow units.

5.63 At this outline stage it seems likely that a no net loss of biodiversity can be achieved on site in accordance with policy CP46 of the LPP1. Detailed landscaping proposals and net gain calculations would need to be provided at Reserved Matters stage, along with biodiversity construction environmental management and enhancement, and can be secured by condition.

5.64 **Other considerations**

Loss of agricultural land

Criterion vii) of policy CP43 of the LPP1 seeks to avoid developing the best and most versatile agricultural land preferring use of areas of poorer quality land in preference to that of higher quality. The land and soils have been surveyed and assessed to be Grade 2 and Grade 3a. There are no effective measures available to mitigate the direct loss of agricultural land through the development of this site. The loss of very good / good farmland to development does not accord with policy CP43 and needs to be considered in the planning balance.

5.65 *Education*

Concern has been raised regarding the capacity of existing schools. OCC, as Education Authority, confirms the proposed development would generate significant additional pupils, requiring additional school capacity. However, subject to financial contributions for primary, secondary, and special education being secured to assist with new and expanded schools in the Wantage and Grove area, they raise no objection.

5.66 *Healthcare*

Residents and the former Clinical Commissioning Group advise that local GP and dentist facilities are oversubscribed, and additional houses will impact services further. If the application is permitted the proposal would be subject to the Community Infrastructure Levy (CIL) and in accordance with the council's Developer Contributions SPD 2021, some of these funds would be available to fund healthcare facility improvements aimed at serving future needs from the increase in population resulting from this proposal.

5.67 *Contaminated land*

Policy DP27 of the 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.

5.68 The applicant has provided a Geo-Environmental assessment to support the proposal. Historically the site has been used as agricultural farmland, but various potential sources for land contamination have been identified from offsite uses. Intrusive investigation is recommended in the report to ensure any contamination land risk is addressed. The contaminated land officer has confirmed this can be managed by a planning condition to accord with policy DP27.

5.69 *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 (AQMAs) will need to demonstrate measures / mitigation to minimise any impacts associated with air quality.

- 5.70 Whilst the site is not in or near an AQMA the site is beside the A338 along which significant traffic flows. There is also an AQMA at Marcham and a proportion of the traffic generated by this proposed development will in all probability travel through the Marcham AQMA. The applicant has provided an assessment of air quality including Marcham AQMA. A review of local air quality monitoring data in the vicinity of the site indicates that pollutant concentrations are below the relevant AQOs, and therefore the site is suitable for residential use without the need for additional mitigation. Road traffic emission impacts on annual mean NO₂ concentrations is determined to be not significant in line with IAQM/EPUK guidance. Furthermore, the overall significance of road traffic emission impacts on annual mean NO₂ concentrations within the Marcham AQMA has been determined to be not significant. The findings of the report are accepted by the air quality officer.
- 5.71 *Community Employment Plan*
Policy DP11 of the LPP2 states all new development should demonstrate how opportunities for local employment, apprenticeships and training can be created. A Community Employment Plan is normally sought for residential schemes over 500 units and is not required in this instance.
- 5.72 *Public Art*
Policy DP20 of the 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 should permission be granted.
- 5.73 *Quantum of Development*
Local concern has been raised over the amount of housing proposed and that this application is a first phase of a much larger proposal. Supporting documentation does indicate technical assessments have factored for up to 600 dwellings. Notwithstanding, the proposal is for up to 300 dwellings and needs to be assessed on its own merits accordingly. If permitted a condition can be imposed restricting the development to no more than 300 dwellings.
- 5.74 *Climate Change*
Concern has been raised on sustainable construction. The council has declared a climate emergency and policy CP40 of the LPP1 encourages developers to incorporate climate change adaptation and design measures to combat the effects of changing weather patterns in all new development. The proposal should therefore be sustainable and resilient to climate change taking account of layout, building, orientation, massing, and landscaping to minimise energy consumption and mitigate water run-off to demonstrate compliance with policy CP40. The development will also be required to reduce water consumption and be designed to a water efficiency standard of 110

litres/head/day for all new homes. These are matters that can be addressed at Reserved Matters stage to ensure compliance with policy CP40.

5.75 **Financial contribution requests**

Paragraph 57 of the NPPF advises that planning obligations should only be sought where they meet all 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

5.76 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.

5.77 *Community Infrastructure Levy*

The Community Infrastructure Levy (CIL) was adopted in September 2017 and implemented in November 2017 and updated in November 2021. 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 at £200.00 per sqm (zone 3).

5.78 The expansion of health provision could be funded by CIL. Similarly, funding requests from the parish council and the council's leisure team towards off-site facilities would be funded this way.

5.79 *S106 Legal Agreement*

In accordance with the Developers Contributions SPD 2021 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 14 per cluster), provision to offer self and custom build plots, on site play and youth provision and financial contributions towards traffic mitigation, public transport, travel plan monitoring, public art, street naming, waste and recycling centre improvements, waste bin provision, education and the management of public open spaces and play areas.

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

District Council	Amount (£)	Trigger	Towards (details)	CIL tests compliance
Public art	£306 per dwelling	1 st Occupation	On site	Yes

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Public art maintenance	7% of total contribution	1 st Occupation	On site	Yes
Waste bins	£186 per dwelling	Commencement	On site wheelie bin provision	Yes
Street naming	£268 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	4.9% per annum / 25yr	Transfer	Payable if going to parish council	Yes
Youth provision	£TBC	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
Affordable housing	35%	TBC	25% first 56% rented 19% shared ownership	Yes
Self & custom build plots	TBC	TBC	Compliance with policy DP1	Yes
County Council	Amount (£)	Trigger	Towards (details)	CIL tests compliance
Transport				
Highway works	TBC	TBC	Strategic infrastructure improvement scheme(s) in the locality of the proposed development site - TBC	TBC
Public transport services	£288,000	TBC	Towards bus services in the vicinity of the site.	Yes
Public transport infrastructure (<i>if not dealt with under S278/S38 agreement</i>)	£37,150	TBC	Towards enhanced bus stop infrastructure.	Yes

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Travel Plan Monitoring	£1,454	TBC	Monitoring of Travel Plans for a period of 5 years	Yes
Public rights of way	£55,000	TBC	Improvements to PROW in vicinity of development	Yes
30mph TRO contribution	£4,000	TBC	Consultation and implementation of 30mph zone	Yes
20mph TRO contribution	£4,000	TBC	Consultation and implementation of 20 mph zone	Yes
Education				
Primary and nursery education	£2,076,614	TBC	Expansion of primary school capacity serving the development	Yes
Secondary education	£1,845,440	TBC	Expansion of secondary school capacity serving the development	Yes
Secondary education land	£706,662	TBC	Expansion of secondary school capacity serving the development	Yes
Special education	£161,534	TBC	Oxfordshire's strategic expansion of special school capacity.	Yes
Waste Management				
Recycle centres	£28,188	TBC	Expansion and efficiency of household waste recycling centres	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

- 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 council has a five-year land supply and the housing policies in the Development Plan can be given full weight. This proposal conflicts with the Development Plan. The ‘tilted’ balance does not apply. There are no material considerations that indicate a decision contrary to the Development Plan should be made. The NPPF is clear that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. This is the case here. The principle of development is not acceptable, and permission should be refused.
- 6.3 Whilst officers are not convinced the ‘tilted’ balance applies in this case, if it were to apply the benefits of the proposal include providing employment opportunities during the construction period, investment in the local and wider economy through the construction works and new residents and their spending. The provision of housing and affordable housing has social benefits as do improvements to the public transport services and local facilities which could result should the development be permitted. New planting, biodiversity enhancement and public open spaces have an environmental benefit. The site is within cycling distance of amenities which may reduce dependency on private vehicles for journeys. The benefits above attract weight in favour of the proposal.
- 6.4 Weighing against the development is the landscape and visual harm, the site not being within target walking distance of most facilities, which is likely to encourage car use and the loss of very good and good to moderate agricultural land. Regarding the latter, there are swathes of very good and good to moderate agricultural land around Grove and across the district which would remain. The benefits of a housing development would outweigh the conflict with CP43 (vii) of the LPP1 and is insufficient to justify refusing the application on the grounds of loss of agricultural land.
- 6.5 The primacy of the development plan is established in Section 38(6) of the Planning and Compulsory Act 2004. Furthermore, paragraph 15 of the NPPF confirms planning should be genuinely plan led. The housing strategy policies are not set aside even should the ‘tilted’ balance be applied which is not the case here. In your officers’ opinion the benefits of the proposal if applied would still not outweigh the clear conflict with the housing strategy set by the Development Plan and to which full weight applies, and with the NPPF expectation that planning should be genuinely plan led, planning permission should therefore be refused.

The following planning policies have been taken into account:

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

CP1 - Presumption in Favour of Sustainable Development

- CP2 - Cooperation on Unmet Housing Need for Oxfordshire
- CP3 - Settlement Hierarchy
- CP4 - Meeting Our Housing Needs
- CP5 - Science Vale Housing Supply ring fence
- CP7 - Providing Supporting Infrastructure and Services
- CP15 - Spatial Strategy for the South-East Vale Sub-Area
- CP18 - Safeguarding of land for transport schemes within the South-East Vale Sub Area
- CP19 - Re-opening of Grove Railway Station
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- 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:

- CP4a - Meeting our Housing Needs
- CP15a - Housing Supply for the South-East Vale Sub-Area
- CP15c - Grove comprehensive development framework
- CP18a - Safeguarding of land for Strategic Highway Improvements within the South-East Vale Sub-Area
- CP47a - Delivery and Contingency
- DP1 - Self and Custom Build
- DP2 - Space Standards
- DP11 - Community Employment Plans
- 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
- DP29 - Settlement Character and Gaps
- DP30 - Watercourses
- 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 no neighbourhood plan for Grove.

Supplementary Planning Guidance/Documents

Vale of White Horse Design Guide SPD

Vale of White Horse Developer Contributions SPD

National Planning Policy Framework and Planning Practice Guidance

Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken in account in the processing of the application and the preparation of this report.

Equality Act 2010

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

Planning (Listed Buildings and Conservation Areas Act) 1990

Section 17 of the Crime and Disorder Act 1998

Section 85 of the Countryside and Rights of Way Act 2000

Natural Environment and Rural Communities (NERC) Act 2006

The Conservation of Habitats and Species Regulations 2010

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