

APPLICATION NO.	P21/V2682/O
SITE	Land north of Hobbyhorse Lane Sutton Courtenay, OX14 4BB
PARISH	SUTTON COURTENAY
PROPOSAL	Residential development up to 175 dwellings (Outline Planning Application with all matters reserved except means of access to the site from Frilsham Street) and associated works (as per amended plans and documents received in June 2022).
WARD MEMBER(S)	Richard Webber
APPLICANT	Roebuck Land & Planning Ltd
OFFICER	Hanna Zembrzycka-Kisiel

RECOMMENDATION

It is recommended that authority to grant outline planning permission is delegated to the head of planning subject to:

1. A S106 legal agreement being entered into with the district council and Oxfordshire County Council to secure contributions towards local infrastructure and services provision including improved linking of traffic lights on the Culham Crossing, a restriction to 43 dwelling occupations before the new Thames crossing is in use, provision and maintenance of public open space, provision of affordable housing and maintenance of the gas vent trench.

2. Conditions:

Standard

1. **Outline –time limit**
2. **Submission of Reserved Matters**
3. **Approved Plans**

Pre-commencement

4. **Construction Environmental Management Plan (CEMP)**
5. **Biodiversity Enhancement Plan (BEP)**
6. **Engineering details of the access roads and foot/cycleways**
7. **Surface Water Drainage scheme**
8. **Foul Water Drainage Scheme**
9. **Detailed design of CS3 gas protection measures for properties**
10. **Vent trench specification & construction**
11. **Construction Traffic Management Plan (CTMP) (including wheel washing facilities)**
12. **Finished ground and floor levels to be agreed**

13. **Tree Protection Plan**
14. **Market housing mix to be agreed**
15. **Space standards - Policy DP2 compliant**
16. **Written scheme of investigation for archaeology**
17. **Staged implementation of archaeological investigation**

Compliance/Implementation

18. **Access and visibility splays**
19. **PD removal (ground floor extensions and outbuildings)**
20. **No more than 175 dwellings permitted**

Pre-occupation or Other Stage Conditions

21. **Frilsham Street/High Street junction details to be agreed**
22. **Validation Report confirming installation of the gas protection measures to an acceptable standard**
23. **Unsuspected contaminated land**
24. **Travel Plans**
25. **SUDS Compliance Report**
26. **Water network phasing plan to be agreed**
27. **Electric vehicle charging points for all dwellings with on plot parking**

Informatives

28. **Road Agreements Team (S278)**
29. **Public Rights of Way: Temporary obstructions**
30. **Public Rights of Way: Route alterations**
31. **Public Rights of Way: Gates / right of way**
32. **Public Rights of Way: Vehicle access (Occupation)**
33. **Public Rights of Way: Vehicle access (Construction)**
34. **Water mains crossing or close to the development**
35. **Planning Obligations**
36. **Superfast Broadband**

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application comes to Committee due to an objection from Sutton Courtenay Parish Council. The application has also been called in by Councillor Richard Webber.
- 1.2 The application seeks outline planning permission for the construction of up to 175 dwellings. The site is allocated for residential development in the Vale of White Horse Local Plan 2031 Part 1 for around 220 dwellings (subject to master planning).
- 1.3 Only the means of access is to be considered as part of this application with all other matters (appearance, landscaping, layout, and scale) being reserved for future consideration should outline permission be granted.
- 1.4 The site is located to the east of Sutton Courtenay, east of High Street, northeast of Frilsham Street and north of Hobbyhorse Lane. The development site area is approximately 7.32 hectares. The application site consists of one

field that is currently used for agricultural purposes, with access off Hobbyhorse Lane or via public footpaths. The site location and access plans are **attached** at Appendix 1.

- 1.5 A previous planning application (ref. P17/V1963/O) for up to 200 dwellings on the site was refused by the council in August 2019 for the reasons summarised below:

Highways

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

Drainage

Based on the drainage documents submitted with the application the proposal failed to demonstrate that it would be flood resilient and resistant whereby residual flood risk could be safely managed, including by emergency planning, and that flood risk would not be increased elsewhere.

Trees

The proposal would have a harmful impact upon the existing, mature trees located to the north of the application site which are key features that contribute positively to the character and appearance of the site and the surrounding area.

Legal Obligations

In the absence of a completed S106 legal agreement, the proposal failed to secure the affordable housing to meet the needs of the District and infrastructure necessary to mitigate the impacts of the development.

- 1.6 This application seeks to address these matters and this report assesses the application against the current development plan, national and local planning policy framework where relevant, and other material planning considerations.
- 1.7 Since the initial submission of the application, a set of amended plans and documents has been submitted to address technical issues raised by the Highway Authority, Landscape Architect, Drainage Engineer, Environmental Protection Officers, and the Forestry Officer.
- 1.8 As a result of these amendments, the concerns and technical objections raised by these officers have been satisfactorily addressed.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 A summary of the most recent responses received is below. All comments can be viewed in full online at www.whitehorsedc.gov.uk.

Consultee	Comments
<p>Sutton Courtenay Parish Council</p>	<p><u>Comments received June and 7 September 2022</u> (The full comments are attached as Appendix 2)</p> <p>Objection “The Parish Council repeats its strong objection to this planning application in its letter of 12 November 2021. It also reiterates its contention over the last 7 years as this is a risky site, in view of its proximity to the uncapped and unlined landfill cells leaking methane gas into the adjacent ditch, its high groundwater levels and the unacceptable odours emanating from the composting site.”</p> <p><u>Summary:</u></p> <p>Access</p> <ul style="list-style-type: none"> • The Parish Council has provided new and substantiated evidence that will show that many of the measures now submitted, are unworkable • The developer has produced inaccurate layout drawings which do not depict the true situation on the ground • The proposed gradients of the footways, and lack of continuity of the widened footpath are unacceptable and not in line with the Building Regulations, Disability Discrimination Act (DDA) and the Manual for Streets Guidance <p>Widening the footway and carriageway</p> <ul style="list-style-type: none"> • The footway is a stop/start facility stopping at driveways to each dwelling and with numerous trip hazards either side of driveways. To make the footway continuous would make it contrary to the DDA with 1:35 slopes. • 1.2m wide footways would not according with the 1.5m width recommended in Manual for Streets. This will not encourage walking or cycling. • The proposed carriageway widening at 5m wide is substandard and not in line with the recommended width of the carriageway in the Manual for Streets Guidance. Also question if it can be delivered. • Additional traffic generated by 175 dwellings will be a compromise to the safety of cyclists • The layout fails to show the watercourse that runs directly adjacent to the proposed widening of the carriageway • There are obvious conflicts with the design standards set out in Manual for Streets.

	<p>Traffic</p> <ul style="list-style-type: none">• The addition of the extra traffic (300 vehicles) will unacceptably exacerbate the current congestion in the village• The data in the developer's traffic impact assessment is flawed as the data underpinning the HIF scheme, on which the developer's new figures are based, have already been challenged (by Prof Phil Goodwin) <p>Pre-application</p> <ul style="list-style-type: none">• The developer has submitted an outline planning application with all matters reserved except access, despite the advice given in the pre-application letter, which advised that a full application should be submitted <p><u>Initial consultation October 2021</u></p> <p>Objection</p> <p><u>Summary:</u></p> <p>Access</p> <ul style="list-style-type: none">• Land forming part of the village hall site could well have been incorporated into the highway proposals• The proposed accessway plans currently use the existing BOAT as the sole access point for the development• Frilsham Street is not particularly wide, with often many cars parked on the side of the road. An increase in cars from the proposed development would lead to congestion as well as raising safety issues <p>Transport/Traffic</p> <ul style="list-style-type: none">• The existing transport links cannot cope with the extra traffic increase from the development• The submitted Transport Assessment relies on traffic modelling data from 2017• The planning application is based on highway infrastructure work (HIF1) which has not been approved. <p>Drainage</p> <ul style="list-style-type: none">• The water management of the site is still not satisfactory• The reports show no evidence of the high level of flooding experienced on site this year but does state that several of the boreholes could not be accessed this year due to flooding or inaccessibility <p>Cumulative Impact</p> <ul style="list-style-type: none">• The developments at Milton Road and Appleford Road alone have increased the village by over 300 houses
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	<ul style="list-style-type: none"> The effect of the cumulative impact that all of the completed or approved developments have already had on the infrastructure of the village would be exacerbated by the additional houses <p>Odours</p> <ul style="list-style-type: none"> The site is adjacent to a landfill site Regular complaints are made to the Environment Agency by residents in relation to odours and in the 2017 application, Oxfordshire County Council are noted as stating that this was an issue A site in such close proximity to a site regularly producing methane should be considered a risk to the health of the residents of the village
<p>Appleford-on-Thames Parish Council</p>	<p><u>Comments received June 2022</u></p> <p>Objection</p> <ul style="list-style-type: none"> The site is adjacent to Hobby Horse Lane which has high levels of ground water and often floods (impassable on foot) The FRA acknowledges the risk of flooding and the development will alter drainage capacity in the surrounding area. The recent objection by the Environment Agency to the HIF1 scheme is consistent with this concern (ref. Moor Ditch) The development will damage wildlife habitats. The site is close to landfill and unsuitable due to attendant risks associated with unlined & uncapped cells, methane leakage, and noxious odours and the landfill recently experienced a major fire. The development (175 houses) will exacerbate traffic with potentially 300+ vehicles adding 600+ daily car journeys to local traffic (let alone construction traffic impact potentially on top of HIF1 construction traffic and disruption if planning is granted). No amount of mitigation can adequately reduce the negative impacts from this development which extends into amenity and open space used by residents of Sutton Courtenay and Appleford.
<p>Residents</p>	<p><u>Re-consultation June 2022</u></p> <ul style="list-style-type: none"> 58 letters of objection and one letter of support have been received which are summarised below. <p>Support:</p> <ul style="list-style-type: none"> Having reviewed the revised elements of the application, I note the applicant has presented responses to issues that were raised. After considering these, I am still minded that the

original comments I made are relevant and refer the officer to these.

Objection:

General issues

- Why hasn't this site been deallocated?
- The application lacks clarity on the actual proposal
- Proposal is still unsafe and will become a nightmare in an already overloaded village
- Several proposals have been refused by the Council before, so this attempt should also be rejected
- There is no mention in the application of what new street lighting the development will inevitably incorporate, and how the subsequent light pollution will impact the existing environment
- Sutton Courtenay is already suffering proportionately more expansion than almost anywhere else in Vale
- The village is already used as a rat run to Milton trading estate, cannot cope with more cars
- The development is going to make noise pollution even worse
- The proposal will change whole landscape even further

Flood risk and Drainage

- The flooding issue has again not been addressed, as no confidence can be drawn from the flawed and inadequate FRA and the submitted drainage documentation
- It should be a full planning application not outline, with all details included at this stage
- The proposed solution to drainage matters still needs further clarification and assessment
- The proposed attenuation ponds will not work due to the high ground water levels – this has not been addressed

Landfill/ Contamination

- The Air Quality report lends an over-reliance on the efficacy of the regulatory body i.e. the Environment Agency (EA) both from a means to calculate the local impact of smells (via complaints to the EA) to concluding that the odour impact may be mitigated by the EA regulatory regime
- The maintenance of the Gas Vent Trench is questionable
- The proposal does not include any details as to how the control of odours and waste management will be suitable for the FCC
- The need for an extensive venting trench and

	<p>protective membranes under each house shows how unacceptable the proposal is to build residential dwellings adjacent to the uncapped and unlined landfill cells which continue to leak methane gas</p> <ul style="list-style-type: none">• The cost of siting houses here and the mitigation measures required will mean that the applicant/developer will plead costs are too high and reduce the number of affordable houses well below the expected quotient• Applicants fail again to deal with many objections based on proposal to build adjacent to uncapped and unlined landfill cells emitting methane <p>Traffic/Transport</p> <ul style="list-style-type: none">• The traffic mitigation measures around Culham Bridge mentioned in the application are not going ahead (and would anyway be affected by the new 3500 houses nearby)• There is also wide agreement that the HIF Didcot Infrastructure proposal will not in fact alleviate the traffic in the area• The application uses traffic data from 2017 which underestimate the growing problem of traffic through the village• The number of cyclists has increased since covid• The proposal does not consider the new developments of 3500 house in Culham and the 6000 potential cars this development would add• Oxfordshire County Council (OCC) objected to the proposal before, and the OCC objection still stands to further development in Sutton Courtenay until the HIF infrastructure improvements and the Thames bridge are completed and remains in place• The OCC has been unable to prove that traffic through the village will reduce when the infrastructure is in place, so the traffic objection should only be removed when traffic is decreasing• It is far from certain that the new Thames bridge will come to fruition, it is also doubtful whether or not if built that it would alleviate the volume of traffic in Sutton Courtenay <p>Access</p> <ul style="list-style-type: none">• The amended access plan for the new site is still not satisfactory as it remains too narrow - this part of the road will also be dangerous, especially for cyclists• It is still likely that unsafe parking on Frilsham Street will occur and will prevent access for
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	<p>existing residents and/or for emergency vehicles</p> <ul style="list-style-type: none">• There is still no room for a cycle lane/footpath• This amended access road will still be unsafe for children to use <p>Wildlife</p> <ul style="list-style-type: none">• Such developments will have significant negative impact on wildlife and ecology• How will impact be addressed? Has a study and a mediation plan been put in place? <p><u>Initial consultation October 2021</u></p> <p>128 letters of objection and one letter of support received which are summarised below</p> <p>Support:</p> <ul style="list-style-type: none">• Unlike speculative housing developments that have been permitted in Sutton Courtenay in recent years, this site is included in the Vale local plan• Previously, approval has been given for developments in Sutton Courtenay, even though they conflicted with Vale planning policies, on the grounds of housing need. Need is still there, and this proposed development does not conflict with Vale planning policies• There is a considerable demand generally for homes• Young people from Sutton Courtenay would prefer to stay in their village• Although traffic through the village has increased over the years, funding has been made available for significant improvements to the road system in the area, particularly the Thames Crossing and the Science Bridge, which together should divert traffic from areas such as Didcot and Milton Park and alleviate rush hour traffic queues, particularly on the Sutton-Culham bridges• Drainage has repeatedly been cited as an objection to planning approvals in Sutton Courtenay over the years, however suitable mitigation schemes have been found for those developments• There are methods for dealing with methane in the context of housing development and this matter, which has not changed since the previous application, was not cited as a reason for refusal• This is an outline application, so the layout of houses presented is indicative.• There are certainly smells a few times a year from the composting site adjacent to the landfill. Although unpleasant, there is no evidence of
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	<p>adverse health effects.</p> <ul style="list-style-type: none">• What is disappointing is that a number of people objecting themselves live in recently developed areas of the village <p>Objection: General issues</p> <ul style="list-style-type: none">• Ridiculous site to include in the Local Plan• The site should be removed from the Local Plan 2031• The new development will result in a loss of privacy• There are misrepresentations on the submitted documents• The master plan is deliberately misleading.• A full application should be submitted, not an outline• Developer is trying to manipulate the planning process• This has already been turned down multiple times and for good solid reasons• Conflict with policy NE10 and the Didcot Garden Town Plan• No details of the proposed street lighting has been prepared; increased light pollution will impact on the area including the existing wildlife and residents• The Vale already has a five-year housing supply; the proposal should be refused• The new development will place an acceptable strain of the local schools and on primary care services which are already under considerable pressure• Sutton Courtenay already suffering proportionately more expansion than almost anywhere else in Vale of White Horse• Development would almost close gap between the village and Didcot – urban expansion will destroy this village and its character• Ongoing sound and air pollution caused by construction traffic would reduce the quality of life for residents• The proposal would destroy one of the few remaining green spaces for residents to enjoy in the village• This application seems another opportunity for profiteering by large scale building contractors and does not address the genuine need for realistically priced housing on safe sites• New houses are too expensive for local residents,
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	<p>especially for the young people- is there any social housing proposed?</p> <ul style="list-style-type: none">• Existing amenities in the village: doctor, health, shops, Public Transport, leisure, schools etc. are insufficient to meet the demands of such a large development• This open land is valuable part of recreational facilities for the village: views and footpaths <p>Landfill/ Contamination</p> <ul style="list-style-type: none">• Clearly unfit for development: adjacent to historic uncontrolled unmonitored landfill site and licensed site with composting.• Applicants fail to deal with many objections based on proposal to build adjacent to uncapped and unlined landfill cells emitting methane• The landfill site is unsafe• Proposed vent trench to remove methane risk is not viable• Building next to such sources of contamination is an unacceptable health risk• Close proximity to FCC composting facilities, which generate noxious odours already affect current residents• The Vale of the White Horse District Council should be aware of the high court ruling with respect to Matthew Richard's respiratory health problems that were made worse from fumes emitted from the Walleys Quarry landfill site• There is a severe health risk to all who reside on the proposed site, especially children, adding to the cost of the NHS• The case of Zane Gbangbola is an example of harm being caused by the methane leaking from the landfill site• Methane continuously bubbles in ditch on site boundary and through areas across the landfill site <p>Flood risk and drainage</p> <ul style="list-style-type: none">• The site floods regularly• The Flood Risk Assessment (FRA) is flawed as it underestimates the risk of flooding• The proposed North-East part of the POS will be affected by surface water runoff• The proposed raising of the ground levels would require considerable levelling of the site with unknown results on the drainage capacity of the area• The village already suffers from low water pressure and Thames Water has identified an
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	<p>inability of the existing water network infrastructure to accommodate the needs of this development proposal</p> <ul style="list-style-type: none">• The existing infrastructure needs upgrading• Existing water and sewer networks are inadequate• Climate change is not taken into account; instances of localised flooding will only increase in years to come• Building more houses will only increase flood risk for existing properties <p>Traffic/Transport</p> <ul style="list-style-type: none">• There is yet no agreement that the new bridge (whenever it comes) will diminish the traffic in the village• The surrounding roads are not being developed sufficiently to alleviate the traffic• The village suffers greatly from the existing traffic, this development will only add to it• Oxfordshire County Council objected to the proposal before, so this proposal should also be refused• Sustainable transport options not practicable, roads and bridges already over capacity,• Sutton Courtenay will be used as a rat run, for residents from other large-scale developments (Didcot, Culham and Great Western Park)• Public transport inadequate, not a realistic alternative to travelling by car• Congestion in rush hours raises risk to life as no space for emergency vehicles to access <p>Access</p> <ul style="list-style-type: none">• Totally unsuitable access – Frilsham Street and Hobbyhorse Lane are too narrow, not clear how it could be widened• The proposal does not meet the requirements of speedy emergency vehicle access at parts which will still only allow one-way traffic for larger vehicles• Thames Valley Police also objects to the proposal• Not enough road space for more traffic to coexist safely with pedestrians and cyclists• Even if access is widened, the problem of access for emergency vehicles remains• 175 homes would generate possibly 300+ cars which will inevitably cause congestion and potentially accidents• Fails to comply with Manual for Streets and with OCC policies for carriageway and footway widths• Less than 3% of the access to the proposed
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	<p>development) will meet the requirements in Manual for Streets Guidance</p> <ul style="list-style-type: none"> • Poor on street parking provision, non-compliant driveway gradients, affecting the safety of the council’s own refuse collection operators and reducing the quality of the route for local residents and visitors • The EPR Permit and easement for a Designated Installation held by NDA/Magnox prohibits development of any kind in these areas; the easement can only be extinguished once the various regulatory permits and controls have been surrendered • No room for cycle lane/footpath • It will adversely affect the Public Rights of Way surrounding the site, and add unacceptably to the level of traffic in the immediate vicinity and around the village <p>Wildlife</p> <ul style="list-style-type: none"> • There is complex and diverse balance of plant and animal life in this area and this has not been seriously addressed • What will happen to the trees dividing the allotments boundary from the development - and to the trees and flora in general - what will be stripped? <p>FCC Environment (UK) Limited</p> <p>Comments have also been submitted from the representative of the FCC Environment (UK) Limited, who own land north of Didcot situated between Appleford to the east and Sutton Courtenay to the west (including land which adjoins the east boundary of the above planning application).</p> <ul style="list-style-type: none"> • Request consideration of provision of a future vehicular and pedestrian connection to the east boundary of the planning application site area. • Request a planning condition or planning obligation under any grant of planning permission to ensure delivery of a road, comprising carriageway and footways, designed to adoptable standards to the east boundary of this planning application site area and for the details of this to first be submitted to and approved by the District Council.
<p>Oxfordshire County Council – Highways</p>	<p><u>Re-consultation June 2022</u> (The full response is attached as Appendix 3a):</p> <p>No objection, subject to conditions and S106 agreement</p>

	<p>securing financial contributions towards improvement of the local services and strategic highway infrastructure.</p> <p>Further to previous comments, the Applicant has submitted a Technical Note (TN), doc. No. 332210172-550-TN01, dated June '22, which sets out the how the points/issues previously raised by OCC can be overcome.</p> <ul style="list-style-type: none">• Within the submitted TN the base year now reflects the anticipated opening of the River Thames crossing to be 2026 and amended TEMPro growth factors applied. As such, the updated junction capacity assessments of the High Street/Frilsham Street, together with High Street/Milton Road/Harwell road and High Street/ Brook Street junctions all function all within capacity and therefore acceptable.• The 2031 base year, which coincides with the Vale of White Horse Local Plan horizon year, continues to be acceptable.• It can be confirmed that the trip distribution and generation, based upon previously accepted data for P17/V/1963/O also continues to be acceptable.• With reference to the submitted amended site access plan, Dwg. No. 50010-5501-002 REV A, it can be confirmed that as requested, localised widening of the existing footway on the northern side of Frilsham Street, has enabled a width of 2m to be maintained throughout.• With reference to the submitted amended site access plan, Dwg. No. 50010-5501-002 REV A, as requested, localised widening of the southern channel of Frilsham Street, in the vicinity of the development site access, has enabled a carriageway width of 5.0m to be maintained throughout.• With reference to the submitted amended site access plan, Dwg. No. 50010-5501-002 REV A, as requested, where Hobbyhorse Lane and the Byway Open to All Traffic (BOAT) meet, this has been amended satisfactorily to become the priority route and the site is accessed from a priority T-junction. As part of any future detailed design, it will be required that a suitable anti-vehicle barrier system be put in place to restrict vehicular access, but still allow any maintenance vehicles to gain entry. Furthermore, the RCV tracking plan, Dwg. No. 50010-5501-003, indicates that an indicative 11.75m RCV can adequately enter and leave the site via the proposed development access, which is therefore acceptable.• With reference to the submitted Frilsham Street vehicular crossover cross sections, Dwg. No. 50010-2001-002, it can be confirmed that approach & departure angles, together with the gradients, despite
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	<p>the localised footway widening, are as per existing and are therefore acceptable.</p> <ul style="list-style-type: none">• With reference to the submitted Frilsham Street long section, Dwg. No. 50010-2001-001, it can be confirmed that the longitudinal gradient is less than 1:20 and therefore DDA compliant; it is therefore acceptable.• A Stage 1 Road Safety Audit and associated Designer’s response has been submitted as requested. The following problems were identified:<ul style="list-style-type: none">○ The development access at the point where it meets Frilsham Street to be no steeper gradient than 2%. (ACCEPTED)○ At the point where Frilsham Street meets Hobbyhorse Lane, the existing poor surface is to be re-surfaced. (ACCEPTED)○ Footway on northern side of Frilsham Street where it meets Hobbyhorse Lane, the restricting hedgerow to be cut back to achieve a 1.5m minimum width. (ACCEPTED)○ Existing footway crossovers along Frilsham Street, to have suitable dropped crossings constructed. (ACCEPTED)○ Footway on northern side of Frilsham Street, (eastern end) has crossfalls greater than 8%. In association with the existing vehicular crossover gradients, these are subject to a redesign to avoid vehicle grounding. (ACCEPTED)• In the previous set of consultee comments, a number of issues were raised with regard to the previously submitted Travel Plan. The subsequent revised Travel Plan, REV B, dated June 2022, addresses the issues raised and is therefore acceptable.• The previously requested 3m wide shared use path to the south side of Frilsham Street is now considered not to be required due to the development access now giving priority to Hobbyhorse Lane/the BOAT. <p>Mindful of the above, the County Council consider this application to be acceptable and offer no recommendation for refusal.</p> <p>Conditions</p> <ul style="list-style-type: none">• Access Roads and foot/cycleways• Wheel washing facilities• Travel Plans• Construction Traffic Management Plan (CTMP)• Public Rights of Way Conditions:<ul style="list-style-type: none">• Route alterations• Temporary obstructions
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- Vehicle access (Construction)
- Vehicle access (Occupation)
- Gates / right of way
- Improvements to routes

Initial consultation February 2022

(The full response is **attached** as appendix 3b)

Objection, “*however, if the Applicant addresses the issues raised within these consultee comments, the Local Highway Authority will be able to make further review*”:

- The proposed development site was previously considered under planning application P15/V2353/O for 200 dwellings. However, this particular planning application was withdrawn, but resubmitted under P17/V1963/O, for the same quantum. The Highway Authority (HA) continued to have concerns that in lieu of the implementation of the HIF1 scheme, which includes the delivery of a new Thames crossing east of Sutton Courtenay, there would continue to be severe on-going capacity issues in and around Culham Crossing. Subsequently, the HA recommended refusal on the grounds of: The proposed development would generate new vehicular trips through a sensitive part of the highway network, over Culham Bridges and adjacent Abingdon Road, Tollgate Road and Appleford Road.
- Subsequent to P17/V1963/O being refused by the Local Planning Authority, a similar proposed development site in the locality for 93 dwellings east of the Abingdon Road/Appleford Road junction in Sutton Courtenay, P15/V2933/O, went to appeal after being refused permission under appeal ref. APP/V3120/W/20/3247391. Whilst the appeal was not successful, the Inspector agreed with the transport details proposed and the way forward with regard to delivery.
- Utilising the Culham Bridges LinSig model commissioned by OCC, it was identified by the Appellant that it was possible to reduce the likelihood of traffic blocking back associated with the Culham Bridges by the improved linking of the existing signals. Within the associated Statement of Common Ground between the respective parties, it was identified that up to 43 dwellings could occur in advance of the delivery of the new Thames crossing. This aligns with the ‘Releasing Development Strategy’ in areas in the vicinity of HIF1 schemes, which was adopted by Cabinet on 21st June 2021. This allows some development to come forward prior to the new

	<p>HIF1 funded infrastructure being delivered and open for public use based on the following requirements:</p> <ul style="list-style-type: none">- Development site housing build programmes/trajectories/occupations being aligned with (or after) the delivery of HIF 1 which will require occupation thresholds/controls on development sites. • Development sites to provide agreed sustainable/active travel infrastructure at the beginning (early occupations) of development sites to reduce traffic impact on the highway network prior to HIF1 delivery.- New services or enhancements to existing bus service arrangements being implemented at the beginning (early occupations) of development sites.- Local off-site and on-site highway works to be delivered at the early stages of development to lessen the direct impact of a development site on the highway network.- Travel Plans prepared and approved by the council's Travel Plan team with deliverable and monitored targets.- Strategic transport/highway contributions will be sought in accordance with Regulation 122 and the three Section 106 tests. <ul style="list-style-type: none">• Further to the above, a four-tiered approach has been introduced, which takes into account the quantum and type of development proposed, with this proposed development falling under tier 3, which is:<ul style="list-style-type: none">- Development sites of 10+ houses that will generate new vehicular movements in the morning and evening commuter peak periods are no longer to be objected to by TDC officers on traffic impact (HIF1) grounds. This is on the basis HIF1 funding has been secured and OCC is confident in delivering HIF1. Tier 3 development proposals will be assessed on their merits and strategic highway and public transport contributions will be sought. Off-site and on-site highway infrastructure will be expected to be delivered early on for these development sites to encourage sustainable and active travel patterns. Occupation controls will be applied to development sites to lessen the cumulative impact on the highway network.• Whilst in principle the restricted development approach is acceptable, OCC have recently revised the delivery programme and put back the proposed delivery of all the proposed HIF1 infrastructure from 2024 to 2026. Subsequently, whilst this will have an
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	<p>affect on the numbers of dwellings initially being occupied, subject to any planning permission, it will also require the need to revisit the modelling, as it was assumed by the Applicant that the horizon year, with HIF1 in place, was 2024 and not the revised 2026.</p> <p><i>Trip Distribution & Generation</i></p> <ul style="list-style-type: none"> • It is noted, and accepted as being robust, in section 5 of the submitted TA that the assessment considers a development quantum of 220 dwellings, the full allocation, as opposed to actual expected number of dwellings of 175, due to drainage site constraints. • The trip generation rates and distribution have been based up figures previously accepted for P17/V1963/O and therefore viewed as continuing to be acceptable. With this in mind, table 5.8 (below) of the TA details the distribution and assignment of the proposed development traffic and is considered to be acceptable. <p>The response added comments on modelling, request for strategic contributions, access and layout, travel plans, passenger transport and rights of way. The full response is <u>attached</u> at appendix 2.</p>
<p>Oxfordshire County Council - Archaeology</p>	<p><u><i>Re-consultation June 2022</i></u> No objection, subject to conditions</p> <ul style="list-style-type: none"> • Written Scheme of Investigation • Staged programme of archaeological evaluation and mitigation <p><u><i>Initial consultation October 2021</i></u> No objection, subject to conditions</p> <ul style="list-style-type: none"> • Written Scheme of Investigation • Staged programme of archaeological evaluation and mitigation
<p>Oxfordshire County Council - Education</p>	<p><u><i>Re-consultation June 2022</i></u> No objection, subject to S106 financial contributions towards secondary education and Special Education Needs</p> <p><u><i>Initial consultation October 2021</i></u> No objection, subject to S106 financial contributions towards primary, secondary and SEN education</p>
<p>Oxfordshire County Council - Minerals and Waste</p>	<p><u><i>Re-consultation June 2022</i></u> No objection, subject to S106 financial contributions towards expansion and efficiency of Household Waste Recycling Centres (HWRC)</p>

	<p><u>Initial consultation October 2021</u> No objection, subject to S106 financial contributions towards expansion and efficiency of Household Waste Recycling Centres (HWRC)</p>
<p>Oxfordshire County Council - Lead Local Flood Authority</p>	<p><u>Re-consultation June 2022</u> No objection, subject to a condition</p> <ul style="list-style-type: none"> • Submission of a detailed surface water drainage scheme <p><u>Initial consultation October 2021</u> No objection, subject to condition</p> <ul style="list-style-type: none"> • Submission of surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development
<p>Drainage Engineer</p>	<p><u>Re-consultation June 2022</u> No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Submission of a detailed sustainable drainage scheme • Submission of a SUDS Compliance/Verification Report • Submission of a detailed foul drainage scheme <p><u>Initial consultation October 2021</u> Holding Objection, further/amended information required:</p> <p><u>Flood Risk</u></p> <ul style="list-style-type: none"> • Parts of the site are at high risk of surface water and groundwater flood risk • A plan showing comprehensive peak groundwater level should be prepared and submitted for assessment • Details on the plan should include peak monitored ground water levels, existing ground levels, proposed development platform levels, surface water modelled flood risk extents and critical sections showing how the development platform can be accommodated without reducing flood storage within the surface water risk area modelled • The plan should incorporate appropriate freeboard to infiltration basins and confirm minimum development platform levels to ensure that sufficient protection is provided above peak groundwater level across the development parcel <p><u>Surface Water Drainage</u></p> <ul style="list-style-type: none"> • Whilst the strategy is for infiltration, it is not clear from the details whether a sufficient unsaturated zone can

	<p>be achieved, and more details should be provided on infiltration features and proposed drainage levels to confirm that the proposed strategy is feasible and establish the level of ground raising required to ensure that all areas can drain by gravity</p> <ul style="list-style-type: none"> • If infiltration basins are to be raised above existing ground levels, details should be provided on how the basin embankments will be formed to prevent seepage through the embankment
<p>Landscape Architect</p>	<p><u>Comments received September 2022</u> No objection</p> <ul style="list-style-type: none"> • The amended parameter plans have addressed earlier concerns <p><u>Re-consultation June 2022</u> Holding Objection</p> <ul style="list-style-type: none"> • The parameter plan is not indicating that sufficient space has been provided for the Public Open Space (POS) • The POS being provided is only indicated as the play space on the plan not the expected quantity of POS • Clarification is required as to the area keyed as Strategic Landscaping • The relationship between the built form and the POS is poor • The central section of the development extends to far eastwards and prevents the visual connection and continuity of the open space to the north and south of this area. <p><u>Initial consultation October 2021</u> Holding Objection</p> <ul style="list-style-type: none"> • The application should be accompanied with more information about the expected level changes required to accommodate the development on site. Parameter plans should be provided such as to cover the expected height of built form considering any level changes and land use. Issues with regard to usability of POS will also need to be addressed.
<p>Urban Design Officer</p>	<p><u>Re-consultation June 2022</u> Comments received:</p> <ul style="list-style-type: none"> • A Design and Access Statement (DAS) must explain the design principles and concepts that have been applied to a particular proposal, and translated/ illustrated into plans • It is not entirely clear what has informed the design decisions around the layout as a

	<p>constraints and opportunities plan together with a design concept plan has not been submitted</p> <ul style="list-style-type: none"> • The applicant needs to demonstrate a clear link between their appraisal of the context, any applicable planning designations, the character of their site, • Physical constraints and opportunities and their development proposals • A character study needs to be carried out in order to identify the context within which the application site is set <p><u>Initial consultation October 2021</u> No comments received</p>
Forestry Officer	<p><u>Re-consultation June 2022</u> No objection, subject to condition</p> <ul style="list-style-type: none"> • Detailed Tree Protection <p><u>Initial consultation October 2021</u> Holding Objection, further/amended information required</p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> • There will be a requirement for a greater offset to account for the construction room to complete the works for the gas vent trench • A plan showing where the level changes will take place is required and the Arboricultural Impact Assessment should be amended to assess the impact of the raising of the ground levels • The submitted Land Use Parameter plan to be amended, to demonstrate that the location of the balancing pond would not have an impact upon the existing trees
Countryside Officer	<p><u>Re-consultation June 2022</u> No objection, subject to conditions</p> <ul style="list-style-type: none"> • Submission of the Biodiversity Enhancement Plan (BEP) • Submission of the Construction Environmental Management Plan (CEMP) <p><u>Initial consultation October 2021</u> No objection, subject to conditions</p> <ul style="list-style-type: none"> • Submission of the Biodiversity Enhancement Plan (BEP) • Submission of the Construction Environmental Management Plan (CEMP).

<p>Conservation Officer</p>	<p><u>Re-consultation June 2022</u> No objection</p> <p><u>Initial consultation October 2021</u> No objection</p>
<p>Environmental Health – Air Quality</p>	<p><u>Re-consultation June 2022</u> No objection, subject to conditions</p> <ul style="list-style-type: none"> • Submission of a dust mitigation scheme • Details of the provision of EV charging at each property with off street carparking <p><u>Initial consultation October 2021</u> No objection, subject to conditions</p> <ul style="list-style-type: none"> • Submission of a dust mitigation scheme • Details of the provision of EV charging at each property with off street car parking.
<p>Environmental Health – Contaminated Land</p>	<p><u>Re-consultation June 2022</u> No objection, subject to conditions</p> <ul style="list-style-type: none"> • Agree with JNP in respect of the works detailed in JNP Group Remediation Statement Land north of Hobbyhorse Lane, Sutton Courtenay reference: M43417-JNP-XX-XX-RP-G-0003 P03 dated: 13/06/2022 being adequate to mitigate risk to the development from ground gas contamination. • To ensure the safety of the development and that all gas mitigation measures and adequately incorporated, I would recommend that any planning permission is subject to the following conditions/ restrictions: <ol style="list-style-type: none"> 1) Detailed design of CS3 gas protection measures for properties. 2) Vent trench specification and construction to protect the whole site. 3) Validation Report confirming installation of the gas protection measures to an acceptable. 4) Unsuspected contaminated land if encountered to be mitigated. 5) Maintenance of the venting trench to ensure it continues to operate as designed and installed 6) Removal of permitted development rights <p><u>Initial consultation October 2021</u> Comments:</p> <ul style="list-style-type: none"> • The Phase I Desk Study report (ref. GRM/P6884/DS.1), dated February 2015, and the Phase II Site Investigation Report (ref. GRM/P6884/F.1), dated March 2015, for the above site has been reviewed and the content of both

	<p>reports satisfactorily addresses the requirements for submission of a Phase 1 and Phase 2 risk assessment to the LPA.</p> <ul style="list-style-type: none"> • Review of historical mapping shows that, while the site has always been open/agricultural land, there is a landfill located directly adjacent on the eastern boundary to the site. As such, following completion of the Phase I, including a site walkover, a Phase II site investigation was recommended. • The intrusive site investigation report, states that of the twenty-nine trial pits and nine window samples , only six soil samples were analysed for contaminants of concern; and of these, samples were only taken from 0.1 mbgl, therefore, not addressing the potential contaminative linkage of ingestion of home grown produce in residential gardens. Results taken from these locations currently demonstrate no contamination above guideline values. While ground gas monitoring was only undertaken on one occasion, further monitoring was planned, however, the supplementary report for this additional monitoring has not been submitted to the LPA for approval, and therefore assessment of the risk from ground gas cannot be made. Until further analyses of soil samples are taken, which can be considered appropriate in number to the number of residential dwellings proposed, it remains unknown the level of risk to all receptors, including the underlying secondary aquifer. • Based on the review of both reports, it is obvious that further investigations are required to better characterise the potential level of risk from the neighbouring landfill. Further soil sampling, both at 0.1 mbgl, and at root depth (0.6 mbgl), as well as further gas monitoring, in accordance with best practice, as stipulated in CIRIA C665, are required
<p>Environmental Health – Protection Team</p>	<p><u>Re-consultation June 2022</u> No further comments</p> <p><u>Comments received April 2021</u> Comments received</p> <ul style="list-style-type: none"> • The submitted Air Quality and Odour Assessment report identifies the odour impact from nearby industrial processes as a significant factor, however the sources of such odour are processes which are subject to Pollution Prevention and Control Permits issued by the Environment Agency, as per the Pollution Prevention and Control Act 1999. • These processes are exempt from action for statutory

	<p>nuisance under the Environmental Protection Act 1990 without the specific authorisation of the Secretary of State.</p> <ul style="list-style-type: none"> • It is also identified within the above report that such impacts can be controlled through the above regulatory regime, via existing management processes or the Environment Agency as the regulator. • Therefore, the Environment Agency should be consulted on the regulatory aspects of odour control from these processes and to identify how such impacts can be mitigated as otherwise the proposed development will affect the ability of the processes to continue their existing activities unimpeded. I would therefore also advise that the operators of these processes are consulted.
<p>Environment Agency</p>	<p><u>Re-consultation June 2022</u></p> <ul style="list-style-type: none"> • No further comments received <p><u>Initial consultation October 2021</u></p> <p>Comment</p> <ul style="list-style-type: none"> • “This planning application is for development we do not wish to be consulted on”.
<p>Thames Water</p>	<p><u>Re-consultation June 2022</u></p> <ul style="list-style-type: none"> • No further comments received <p><u>Initial consultation October 2021</u></p> <p>No objection, subject to condition</p> <ul style="list-style-type: none"> - Surface Water: No objection - Foul Water: No objection - Water comments: Grampian condition <p><u>Waste Comments-</u></p> <ul style="list-style-type: none"> • The application indicates that surface waters will not be discharged to the public network and as such Thames Water has no objection <p><u>Foul water network capacity</u></p> <ul style="list-style-type: none"> • Should the planning application be approved any investigations to understand the network performance in more detail and if required associated upgrades, can be delivered in time to serve the development. We will therefore not be seeking a planning condition relating to foul water network matters. <p><u>Water comments</u></p> <ul style="list-style-type: none"> • Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Request a condition requiring no development shall be occupied

	<p>until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or a development and infrastructure phasing plan has been agreed.</p>
<p>Waste Management Team</p>	<p><u>Re-consultation June 2022</u> No objection</p> <ul style="list-style-type: none"> • No further comments <p><u>Initial consultation October 2021</u> No objection</p> <ul style="list-style-type: none"> • Provides advice on access and storage requirements for waste management. • Requests financial contributions under S106
<p>Oxfordshire Clinical Commissioning Group</p>	<p><u>Re-consultation June 2022</u></p> <ul style="list-style-type: none"> • No further comments received <p><u>Initial consultation October 2021</u> Requests financial contributions toward to the Primary Care Network practice expansion plans.</p>
<p>Thames Valley Crime Prevention Design Advisor</p>	<p><u>Re-consultation June 2022</u></p> <ul style="list-style-type: none"> • No further comments but maintains the previous objection. <p><u>Initial consultation October 2021</u> Unable to support the proposal due to concerns that the road network to the planned development site is not at all suitable, being <i>“Highly fraught, unless massive new road infrastructure is provided to connect to the village. I do not believe that the route through the village is currently suitable for the volume of traffic that this development would create, creating a potential risk of highway safety issues and associated community tension. This will create additional demand on local policing.”</i></p> <p>Further in his comments the Crime Prevention Design Advisor provides general design advise on the following topics:</p> <ul style="list-style-type: none"> - Parking - Defensible Space - Surveillance - Communal residences - Merged core within apartment blocks - Bin and cycle stores - Public Open Space

	<ul style="list-style-type: none"> - Lighting - Rear access routes - Excessive permeability - Cycle routes
Housing Development Team	<p><u>Re-consultation June 2022</u> No objection, subject to Affordable Homes provision being secured under S106</p> <p><u>Initial consultation October 2021</u> No objection, subject to Affordable Homes provision being secured under S106.</p>

3.0 RELEVANT PLANNING HISTORY

3.1 [P17/V1963/O](#) - Refused (09/08/2019)

Outline planning application for up to 200 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage, and associated works, as amended per Planning Statement (August 2018), Framework Plan (August 2018), FRA (August 2018) and Drainage Strategy (August 2018). The submitted DAS Addendum (August 2018) is in addition to the original DAS submitted in July 2017. (As per amended Framework Plan and supporting documentation received 31 January 2019).

[P15/V2353/O](#) - Appeal against non-determination - Withdrawn (29/06/2018)

Outline planning application for up to 200 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works. Including additional documentation submitted 31 January 2017 and as amended by location plan and transport assessment addendum submitted on 30 May 2017.

[P15/V0515/PEJ](#) - Advice provided (31/03/2015)

Residential development of approximately 200 dwellings.

3.2 Screening Opinion requests

[P15/V0296/SCR](#) - EIA screening request on behalf of Redrow Homes (for application P15/V2353/O) - EIA not required on (03/03/2015)

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 This proposal is for more than 150 dwellings and the site area exceeds 5ha in size and is therefore, above the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

4.2 Taking account Government guidance in the NPPG on thresholds that may trigger the need for EIA and having considered the potential for significant effects of the proposal in accordance with Schedule 3 of the Regulations (including cumulative impacts with other developments permitted and the strategic housing sites), officers consider the proposal for 175 dwellings is not EIA development.

- 4.3 Furthermore, a previous application (P15/V2353/O) for up to 200 dwellings was screened by the Secretary of State who confirmed under powers conferred on the Secretary of State by Regulation 5(6)(a) of the EIA Regulations, that the development for up to 200 dwellings on this site was not Environmental Impact Assessment (EIA) development (Direction made 10/11/2017).

5.0 **MAIN ISSUES**

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

- Principle of Development
- Traffic Generation, Access, Travel Plan and Public Rights of Way
Flood Risk and Drainage
- Trees
- Other Matters
 - *Landfill gas and contamination*
 - *Air pollution and odour*
 - *Affordable and Market Housing*
 - *Design, Layout and Residential Amenity*
 - *Landscape and Visual Impacts*
 - *Biodiversity*
 - *Historic Environment*
 - *Archaeology*
 - *Community Employment Plan*
 - *Type of Application*
 - *Financial contributions*

Principle of Development

- 5.2 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. The development plan currently comprises the Vale of White Horse Local Plan 2031 Part 1 (the LPP1) and Part 2 (the LPP2).
- 5.3 The application site is identified in the adopted LPP1 as a strategic allocation for around 220 dwellings as set out in Core Policy (CP) 4.
- 5.4 The principle of the proposal therefore complies with the council's spatial strategy for growth and is acceptable.

Traffic Generation, Access, Travel Plan and Public Rights of Way

- 5.5 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.
- 5.6 CP35 of LPP1 promotes public transport, cycling and walking and together with Development Policy (DP) 17 of LPP2 requires proposals for major

developments to be supported by a transport assessment in accordance with OCC guidance.

- 5.7 DP16 of LPP2 requires evidence that adequate provision will be made for loading, unloading, circulation, servicing, and vehicle turning as well as evidence to demonstrate that acceptable off-site improvements to highway infrastructure can be secured where these are not adequate to service the development.
- 5.8 The NPPF (paragraph 110) requires plans and decisions to take account of opportunities for sustainable transport, safe access for all and potential improvements to mitigate development impacts. Paragraph 111 goes on to state: “*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.*”

Traffic Generation

- 5.9 The application is supported with a Transport Assessment (TA) and Travel Plan. These have been assessed by Oxfordshire County Council (OCC) who are the Highway Authority. Notwithstanding, much local concern has been raised on traffic generation and its impact upon the local highway network and residents.
- 5.10 Section 5 of the TA considers a development quantum of 220 dwellings (which represents approximately the number of dwellings that the site is allocated for), as opposed to the 175 dwellings proposed in the current application. OCC confirm the TA is robust. The trip distribution rates have been based on figures previously accepted for application P17/V1963/O and are therefore viewed as continuing to be acceptable.
- 5.11 OCC has recently revised the delivery programme and put back the delivery of all proposed HIF1 road infrastructure from 2024 to 2026. The applicant has updated the baseline year in modelling, as requested by OCC. The amended base year now reflects the anticipated opening of the new Thames crossing by 2026 and amended TEMPro growth factors applied.
- 5.12 Highway and traffic matters have also been carefully considered before in connection with previous applications P15/V2353/O and P17/V1963/O which related to schemes for 200 dwellings on this site, but also in a 2020 appeal public inquiry in connection with application P15/V2933/O relating to 93 dwellings on land north of Appleford Road, Sutton Courtenay (the appeal decision is **attached** as Appendix 4). At the time of the assessment of application P17/V1963/O, OCC continued to have concerns that until the implementation of the road infrastructure (HIF1), which includes the delivery of a new Thames crossing east of Sutton Courtenay, there would continue to be on-going capacity issues in and around the Culham Crossing that caused severe congestion.
- 5.13 However, since the refusal of application P17/V1963/O the ‘Releasing Development Strategy’ in areas in the vicinity of HIF1 was adopted by the OCC Cabinet on 21 June 2021. This Strategy allows some development to come forward prior to the new HIF1 infrastructure being delivered and open for use

based on the following requirements:

- *Development site housing build programmes/trajectories/occupations being aligned with (or after) the delivery of HIF 1 which will require occupation thresholds/controls on development sites.*
- *Development sites to provide agreed sustainable/active travel infrastructure at the beginning (early occupations) of development sites to reduce traffic impact on the highway network prior to HIF1 delivery.*
- *New services or enhancements to existing bus service arrangements being implemented at the beginning (early occupations) of development sites.*
- *Local off-site and on-site highway works to be delivered at the early stages of development to lessen the direct impact of a development site on the highway network.*
- *Travel Plans prepared and approved by the council's Travel Plan team with deliverable and monitored targets.*
- *Strategic transport/highway contributions will be sought in accordance with Regulation 122 and the Section 106.*

5.14 Further to the above, a four-tiered approach has been introduced, which takes into account the quantum and type of development proposed, with the proposed development in this application falling under tier 3, which is:

- *Development sites of 10+ houses that will generate new vehicular movements in the morning and evening commuter peak periods are no longer to be objected to by TDC officers on traffic impact (HIF1) grounds. This is on the basis HIF1 funding has been secured and OCC is confident in delivering HIF1. Tier 3 development proposals will be assessed on their merits and strategic highway and public transport contributions will be sought. Off-site and on-site highway infrastructure will be expected to be delivered early on for these development sites to encourage sustainable and active travel patterns. Occupation controls will be applied to development sites to lessen the cumulative impact on the highway network.*

5.15 The 2020 public inquiry appeal associated with application no. P15/V2933/O is also post the decision to refuse application P19/V1963/O and the appeal case is a material consideration, as it addressed, through cross-examination of witnesses, traffic generation and increased traffic using the Culham Crossing. The Inspector agreed with the appeal transport details proposed and the way forward with regard to delivery. Utilising the Culham Crossing LinSig model commissioned by OCC, it was identified that it was possible to reduce the likelihood of traffic blocking back associated with the Culham Crossing by the improved linking of the existing traffic signals. It was also identified that up to 43 dwellings could be occupied in advance of the delivery of the new HIF1 Thames

crossing which now accords with the 'Releasing Development Strategy' mentioned above. A financial contribution towards improved public transport was also to be secured to encourage more sustainable journeys.

- 5.16 The 2020 appeal was dismissed as the proposal was contrary to the council's housing strategy but the traffic generation case, impacts for the local road network including the Culham Crossing and proposed mitigation were accepted by the Inspector. This is a material consideration for this current planning application, as the same scenario could allow occupation of up to 43 dwellings on this allocated housing site prior to HIF1 road infrastructure being in use. OCC as Highway Authority has now clarified that, on the basis of securing improved linking of the traffic signals at the Culham Crossing, restricting the number of occupations to 43 dwellings before the new Thames crossing is operational and a financial contribution for improving bus services in the locality, it has no objection to the application. These measures can be secured by S106 agreement.
- 5.17 OCC has now confirmed that the updated junction capacity assessments of the High Street / Frilsham Street, together with High Street/ Milton Road/ Harwell Road and High Street / Brook Street junctions all function within capacity with the development proposed. OCC therefore has no objection to the application.

Site Access

- 5.18 Site access and localised widening on Frilsham Street is proposed, with improvements to the junction of High Street and Frilsham Street. These are acceptable and OCC has no objection.
- 5.19 The first 12m of Frilsham Street is proposed to be widened to 12m with the remaining section up to, and including, the access with the development site east of the village hall, increased to 5.5m in width. This has been confirmed by OCC to be acceptable.
- 5.20 The amended access plan shows widening of the existing footway on the northern side of Frilsham Street to 2m as required by OCC. Furthermore, the amendments also widen the southern channel of Frilsham Street, in the vicinity of the development site access to 5m throughout, as requested by OCC.
- 5.21 Concerns have been raised by the Parish Council to the proposed gradients of the footways, and lack of continuity of the widened footpath being "*unacceptable and not in line with the Building Regulations, Disability Discrimination Act and the Manual for Streets Guidance.*"
- 5.22 Details of the vertical alignment to determine appropriate carriageway and footway gradients to ensure suitable access for all as required under the Equality Act 2010 (which replaced the 1995 Disability Discrimination Act (DDA)) have been submitted. The Frilsham Street long section plan demonstrates the longitudinal gradient is less than 1:20 which is acceptable to comply with the Equality Act 2010.

- 5.23 Overall, the proposed access arrangements have been fully assessed , including a review of swept path analysis, crossover gradients and a Stage 1 Road Safety Audit for the access arrangements. The access arrangements are considered appropriate and safe. OCC does not object. The access arrangements are acceptable and accord with policy DP16 of the LPP2.

Travel Plan

- 5.24 A revised travel plan has been submitted following discussions with OCC. The content of the plan is acceptable, but to ensure its implementation a condition is required and a financial contribution will be secured to fund monitoring by OCC.

Public Rights of Way

- 5.25 DP31 of the LPP2 states that development over public rights of way will not be permitted unless alternative provision can be made that is equally or more attractive, safe, and convenient to rights of way users. The application site contains a public right of way running from the east to west, through the centre of the application site with other rights of way at the south and east boundaries of the site.

- 5.26 The submitted illustrative layout plan, shows the proposed development can maintain and incorporate the existing public right of way within the site and provide new footway links, public open space, and landscape features to connect up with the local rights of way network. The proposal is policy DP31 compliant.

Byway Open to All Traffic (BOAT)

- 5.27 The development will increase traffic using a short section of the BOAT west of the site access and there is a risk of additional vehicles from the development affecting the safety of non-motorised users. The 2m wide footway will provide safe access for pedestrians and adequate vision splays ensuring road users such as cyclists can be seen and use the BOAT in reasonable safety. Amendments have been submitted with the site accessed from a priority T-junction with the BOAT remaining as the priority route. OCC has confirmed the arrangement proposed is satisfactory.

Flood Risk and Drainage

- 5.28 CP42 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 to minimise the risk and impact of flooding through:
- *Directing new development to areas with the lowest probability of flooding*
 - *Ensuring new development effectively manages all sources of flood risk*
 - *Ensuring new development does not increase the risk of flooding elsewhere*
 - *Ensuring wider environmental benefits of development in relation to flood risk*
- 5.29 The NPPF at paragraph 166 provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant.

Flood Risk

- 5.30 The application site is in Flood Zone 1 which is least susceptible to fluvial flooding and is preferred in flood risk terms for locating housing development. Parts of the site however are at risk of surface water and groundwater flooding. The proposal therefore involves raising ground levels across the developable area to ensure a minimum 1m unsaturated zone between proposed infiltration features and peak groundwater levels.
- 5.31 The applicant has submitted a site-specific Flood Risk Assessment (FRA) that includes proposed mitigation strategies. The main principles of the proposed scheme strategy are:
- *“The finished floor level of the proposed residential units will be set at a minimum of 150mm above external ground level to mitigate the residual risk of surface water ingress during an extreme rainfall event.*
 - *The proposed development is located within Flood Zone 1 and at least 300 metres away from the fluvial floodplain. In addition, all built development has been located outside of the pluvial flood extents to avoid surface water displacement. The development will therefore not impact on floodplain storage or flood flow routes. Safe, continuous access is also available for the occupants of the proposed residential dwellings via the public footpath running through the centre of the site and Frilsham Street.*
 - *A surface water drainage strategy has been prepared demonstrating that surface water runoff arising from the proposed development can be sufficiently managed in accordance with national and local policy”.*
- 5.32 The FRA was assessed by the council’s drainage engineer who initially raised a holding objection and requested further information and clarification to be provided (including a plan showing comprehensive peak groundwater level information) to allow for assessment against the proposed masterplan and to incorporate appropriate freeboard to infiltration basins and confirm minimum development platform levels to ensure that sufficient protection is provided above peak groundwater level across the development.
- 5.33 Following the assessment of submitted further information, the drainage engineer raises no objection to the proposal, subject to conditions being imposed on any grant of outline planning permission. The proposal is therefore acceptable in respect of flood risk.

Surface Water Drainage Strategy

- 5.34 A proposed surface water drainage strategy has been provided to support the application. The drainage engineer has advised that whilst the proposed strategy is for infiltration, it is not clear from the details submitted, whether a sufficient unsaturated zone can be achieved, and more detail should be provided on infiltration features and proposed drainage levels to confirm that the proposed strategy is feasible, and to establish the level of ground raising required to ensure that all areas can drain by gravity.

- 5.35 The drainage engineer has also advised that if the infiltration basins are to be raised above existing ground levels, detail should be provided to illustrate how the basin embankments will be formed to prevent seepage through the embankment.
- 5.36 Amended plans have been submitted which identify how a scheme could be designed at the detailed stage to ensure sufficient clearance to peak groundwater levels.
- 5.37 The council's drainage engineer and OCC as Lead Local Flood Authority are satisfied with the drainage strategy subject to a *Grampian* (negatively worded) planning condition being imposed that would prevent the commencement of the development, until a detailed surface water drainage scheme for a detailed housing scheme has been submitted to and approved in writing by the Local Planning Authority.
- 5.38 Thames Water indicate that given that the surface water will not be discharged to the public network, there would be no objection to this aspect of the proposal.

Foul drainage

- 5.39 The drainage engineer has raised no objection to the proposed foul drainage strategy, subject to a condition. Thames Water also advise that based on the information provided, they would not have any objection.

Water supply

- 5.40 Thames Water has identified an inability of the existing water supply network infrastructure to accommodate the needs of this proposal. Therefore, to accommodate additional demand anticipated from the new development, a condition is requested, that would prevent any occupations until all relevant water supply network upgrades to serve the development have been completed or until a development and infrastructure phasing plan has been agreed by this authority in consultation with Thames Water.
- 5.41 Overall, the proposal represents an acceptable development in line with the requirements of the NPPF and CP42 of the LPP1 in respect of flood risk and drainage.

Trees

- 5.42 CP44 of the 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.
- 5.43 There are potential impacts arising from this development upon existing trees. The proposed gas vent trench is proposed to run adjacent to the northern boundary, along the eastern boundary and partially along the southern boundary of the site.

- 5.44 The forestry officer recommends that confirmation is obtained at this outline stage to ensure that it is technically possible for the gas vent trench to be designed and constructed without a detrimental impact upon the existing trees. Further to that, a plan showing where the proposed level changes will take place has also been requested.
- 5.45 In response the applicant has submitted amended plans including an updated arboricultural impact assessment, which explains that although at this stage the route of the trench is indicative, it is shown outside the root protection area (RPA) of the trees along the northern boundary, at a distance of approximately 5m offset from the RPA which will account for the construction room to complete these works.
- 5.46 The forestry officer has also queried whether the location of the balancing pond (as shown on the illustrative land use parameter plan) could be amended at this stage, to ensure that existing trees would not be impacted.
- 5.47 The submitted land use parameter plan is for indicative purposes only, and the exact location of the balancing pond and the proposed gas vent trench will be agreed at reserved matters stage. Officers are satisfied that the existing trees can be protected during (and post) construction.
- 5.48 As such, subject to a tree protection condition, there is no objection to the proposal from an arboricultural point of view, and the proposal is considered to comply with the requirements of CP44 of the LPP1.

Other matters

Landfill Gas and Contamination

- 5.49 DP27 of the LPP2 requires developers to address all land contamination risks to the development, environment, controlled waters, and adjacent land associated with the development.
- 5.50 The application site lies immediately adjacent to a historic landfill (Hobbyhorse Lane North), and in proximity (approximately 25m) from a current landfill site (Sutton Courtenay) and a historic landfill (Sutton Courtenay Waste Recycling Centre) which may affect the proposal.
- 5.51 Objections have been raised by residents and the Parish Council on this matter, who state in their comments:
- “The Parish Council object to the application on the possible health issues that a site in such close proximity to a site regularly producing methane should be considered a risk to the health of the residents of the village”.*
- 5.52 The proposal has been carefully assessed by the council’s Environmental Protection Team. The age of the former landfill at Hobbyhorse Lane North means that it is not licensed and therefore information about the material inside it, and the nature of any landfill gas mitigation, is limited. The site was used for domestic refuse including food waste. Degrading food waste will produce gas

over time, particularly methane and carbon dioxide. In sufficient concentrations methane can ignite and is, for this reason, potentially dangerous.

- 5.53 Methane gas is lighter than air so will naturally rise to the surface through dry pathways in the ground (above groundwater level). Escape of the gas into the air does not present a risk as it is too dispersed to be dangerous. The danger from methane gas arises when it collects over time in a confined space (e.g., inside a house), when it can be ignited.
- 5.54 It is known from the available records that the operator of the landfill did install gas mitigation to enable methane to find pathways up to the air from within the landfill. However, the precise detail of the mitigation and how effectively it is working, is unknown.
- 5.55 The geology of the site generally comprises topsoil over a layer of sandy clay over a layer of gravels and then bedrock which lies approximately 7m below ground level.
- 5.56 The Environmental Protection Team recommended that further information should be submitted to the council for assessment. This request included the submission of a sampling strategy, showing a plan of further soil sampling on the site, with a description of how the number and location of samples to be analysed for contaminants of concern will sever the contaminant linkages, identified in the preliminary conceptual site model.
- 5.57 A supplementary phase II report, detailing the findings of both further soil sampling and gas monitoring undertaken on-site (including further information on the land condition) was also requested to be submitted, along with the recommended standard contaminated land conditions.
- 5.58 The Environmental Protection Team also drew the applicant's attention to previous comments provided following review of intrusive site investigations undertaken as part of previous planning applications P15/V2353/O and P17/V1963/O.
- 5.59 In seeking to address concerns raised, the applicant has submitted further information explaining in detail what gas mitigation measures are proposed to be used for this proposal.
- 5.60 The submitted remediation statement (dated 13 June 2022) explains that the previous gas assessments, undertaken under applications P15/V2353/O and P17/V1963/O indicated that the site was assessed with gas protection measures in all houses at a characteristic gas situation (CS) 2 level (low). However, following discussions with the Environmental Protection Team, the assessment criteria was increased to level CS3 (moderate). A CS3 determination/gas characteristic requires 4.5 points of protection. This can be achieved by use of a structural barrier, ventilation measures and a membrane, or a combination of all three.

- 5.61 In addition, the remediation statement for the current proposal recommends the installation of further protection measure in a form of a passive vent trench and venting wells around the perimeter of the site:
- *“Gas protection measures to be installed in all residential dwellings to CS3 requirements.*
 - *A combined perimeter vent trench and vertical passive gas venting wells is to be installed along the whole of the eastern site boundary and part way along the northern and southern perimeters of the site.*
 - *The combined trench and wells will create a preferential pathway for any potential gas migration from an off-site source and allow its dispersion”.*
- 5.62 The gas venting wells are to be installed prior to the excavation of the 3 m deep gas venting trench. The wells are to be 600 mm diameter filled with 40 mm single sized, clean rounded stone aggregate. The columns will penetrate the underlying layer of clay by 300 mm. The spacing of the wells shall be at 9m intervals. The aggregate shall have the same measurements as the trench aggregate.
- 5.63 The perimeter gas vent trench is anticipated to be a minimum of 3 m deep and 600 mm in width. However, the trench is to be deepened wherever required to address lowest monitored groundwater levels. The trench will be lined, lapped and sealed by a separation geotextile and filled with 40 mm single size, clean round stone aggregate fill.
- 5.64 The proposed gas mitigation strategy has been considered by the Environmental Protection Team, who concur that the proposed double layer protection methodology would provide an acceptable level of protection for future residents from the potential for methane gas to enter houses from the ground.
- 5.65 Residents raised objections to the site being allocated for residential development in the LPP1 based on the potential impact of the identified contaminants upon health and safety of the future residents. The LPP1 Inspector heard evidence regarding the potential risks from the landfill site and decided there was nothing to suggest that the application site should not be used for housing. The site was subsequently allocated for housing in the LPP1.
- 5.66 Therefore, the provision of a gas-proof membrane for each house, the full specification of the vent trench, and the removal of permitted development rights for house extensions and outbuildings (to ensure through a planning application that any future structures are adequately protected against potential methane gas intrusion) can be secured by suitably worded conditions. Furthermore, the gas vent trench maintenance regime can be controlled through the S106 agreement.
- 5.67 Consequently, subject to the recommended conditions and long-term maintenance of the vent trench being secured in a S106 agreement, officers

consider the proposed development to comply with the requirements of the allocation site template and DP27 of LPP2.

Air Pollution and Odour

- 5.68 DP23 and DP24 of the LPP2 state that development will not be permitted if it would unacceptably harm the amenities of neighbouring uses and the wider environment in terms of dust or other emissions and pollution. DP23 and DP24 also confirm that development will not be permitted if it is likely to be adversely affected by existing or potential sources of gases or other emissions.
- 5.69 The NPPF and NPPG both assert that planning policies and decisions should take account of Air Quality Management Areas (AQMA) and contribute towards the national objectives for pollutants.
- 5.70 Concerns and objections have been raised by the Parish Council and residents that the application site suffers from unacceptable levels of odour caused by the authorised open-air composting on the existing landfill site to the south-east.
- 5.71 The Parish Council in their comments state that *“The site is adjacent to a landfill site. Regular complaints are made to the Environment Agency by residents in relation to odours and in the 2017 application, Oxfordshire County Council are noted as stating that this was an issue”*.
- 5.72 The applicant has prepared an Air Quality and Odour Assessment Report (dated September 2021) which identifies the odour impact from nearby industrial processes as a significant factor. Further to that, the report also identified that such impacts can be controlled through the regulatory regime, via existing management processes or the Environment Agency as the regulator.
- 5.73 Likewise, the air quality officer advises that *“the sources of such odour are processes which are subject to Pollution Prevention and Control Permits issued by the Environment Agency, as per the Pollution Prevention and Control Act 1999. These processes are exempt from action for statutory nuisance under the Environmental Protection Act 1990 without the specific authorisation of the Secretary of State.”*
- 5.74 The air quality officer advises that the Environment Agency should be consulted on the regulatory aspects of odour control from these processes and to identify how such impacts can be mitigated as otherwise the proposed development will affect the ability of the processes to continue their existing activities unimpeded.
- 5.75 The Environment Agency has been consulted on the proposal with regard to odour but did not respond other than to state *“this planning application is for development we do not wish to be consulted on”*. Officers therefore sought further comment from the Environment Agency, but no comments have been received.
- 5.76 Notwithstanding, odour effects for this site were considered by the Inspector at the examination of the LPP1, and he saw no evidence to convincingly indicate

that, the nearby landfill site made the site either inappropriate for housing or undeliverable (paragraph 131 of the Inspectors November 2016 LPP1 report).

- 5.77 In respect of impact on air quality arising from the development, the site is not located in or near an AQMA. The application is supported by an Air Quality Assessment that demonstrates air quality impacts associated with additional traffic from this development will not be significant. As such the air quality officer raises no objection. A condition requiring electric vehicle charging points could be imposed to encourage electric car ownership and mitigate air quality impacts and in response to the council's aims in reducing carbon emissions following its declaration of a climate change emergency.
- 5.78 The proposal is therefore considered compliant with DP23 and DP24 of the LPP2 in respect of air quality and odour.

Affordable and Market Housing

Affordable Housing

- 5.79 CP24 of the LPP1 requires 35% of the proposed dwellings to be affordable dwellings. For a site of 175 units this would equate to 61.25 affordable homes.
- 5.80 In wake of the Government's First Homes initiative, the First Homes will now form a part of the 35% affordable housing contribution and the following mix would be expected .

Tenure mix	Percentage %
First Homes	25%
Affordable rent	56%
Shared ownership	19%

- 5.81 Based on 175 dwellings the expectation would be for 61 units to be delivered on the site with a commuted sum payable for a 'part' unit. A S106 agreement can secure the affordable housing including First Homes, tenure and size mixes, clustering (no more than 14 affordable dwellings in a cluster), and indistinguishable appearance. The proposal can therefore, be made compliant with CP24 of the LPP1.

Market Housing

- 5.82 CP22 of the LPP1 states: "*A mix of dwelling types and sizes to meet the needs of current and future households will be required on all new residential developments. 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*".
- 5.83 Although the market housing mix will be dealt with by any subsequent reserved matters, a planning condition is proposed to ensure the market housing mix is compliant with CP22 of the LPP1 as follows:

No of beds	1	2	3	4+
SHMA	5.9%	21.7%	42.6%	29.8%

Space standards

- 5.84 DP2 of the LPP2 sets out space standards for new residential development. It states that:

Proposals for major residential development should ensure 15 % of market dwellings and all affordable housing are constructed to the Category 2 standard - Accessible and adaptable dwellings, as set out in the Building Regulations Approved Document M Part 2.

For site of 100 units or more, 5 % of affordable housing should be built to Category 3 standard and an allowance of 2% of market housing will be delivered to Category 3 standards - wheelchair user dwellings if there is demonstrable need.

- 5.85 This is an outline application and therefore, no details of dwelling types are provided. A condition is therefore necessary to secure adopted space standards that meet DP2 requirements.

Design, Layout and Residential Amenity

- 5.86 CP37 of the 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 criteria 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. CP38 of LPP1 sets out more detailed design criteria 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.
- 5.87 Details of the design including internal access arrangements, landscaping layout, appearance, scale and residential amenity will be considered as part of future reserved matters applications. However, an illustrative layout has been prepared to show how the site could be developed and also to assist with the drainage strategy at this initial outline stage. Furthermore, there are design principles for the site set out in the site development template in the LPP1 which are:
- 1. Create a Green Infrastructure link to the recreation ground located to the north of the site*
 - 2. Sensitively design development to minimise any impact on the setting of Sutton Courtenay Conservation Area, which lies in close proximity to the site to the west*
 - 3. An appropriate settlement edge should be incorporated into the design of the eastern boundary*
- 5.88 A Design and Access Statement accompanies the application and has been assessed by the urban design officer, who considered that a further refinement with regards to the character studies, character of the site, the design and architectural details would be required, however this can be addressed at the reserved matters stage.

- 5.89 As this is an outline application the detailed scheme layout is not yet fixed, and elements such as appearance and scale are reserved for future consideration. Therefore, the provision of a satisfactory proposal to address the urban design officer comments and LPP1 site template requirements could be addressed and secured through a reserved matters application.
- 5.90 DP33 of LPP2 requires major development to provide 15% of the site as public open space. The submitted parameter plan indicates the provision of public open space complies with this requirement and this provision can be secured through a legal agreement. The proposal complies with DP33.
- 5.91 The proposal is considered 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 without compromising layout and design quality of dwellings, amenity and parking provision.
- 5.92 The illustrative parameter plans are acceptable to inform delivery of a high quality and integrated sustainable extension to Sutton Courtenay at reserved matters stage to accord with policies CP37 and CP38 of the LPP1.

Landscape and Visual Impacts

- 5.93 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.
- 5.94 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which concludes the loss of this allocated site to housing will have a negligible landscape impact. The site is well contained due to topography, the intervening built form and established vegetative structures around the field boundaries to substantially limit visibility of the site in views from the immediate locality.
- 5.95 The most significant visual change will be in private views from housing adjacent to the site and the immediate local public right of way network, from where the site is seen in the context of the village, and the reclaimed areas of Sutton Courtenay landfill limit views from the east. Overall, there is no harmful landscape or visual impact to justify refusal and it is considered the proposal complies with the requirements of CP44 of the LPP1 and DP33 of the LPP2.

Biodiversity

- 5.96 CP46 of the LPP1 seeks to avoid impacts on sensitive ecological receptors, such as protected species, priority habitats and designated sites, and secure net gains for biodiversity. When adverse impacts are identified, the development must meet the tests under the policy (related to need, benefit, reasonable alternatives and net gain) to be acceptable.

- 5.97 DP30 of the LPP2 seeks to protect watercourses from adverse impacts. Built development should be buffered from watercourses by a minimum of 10 metres. The proposed development will achieve this.
- 5.98 The application is supported by an ecological assessment including the findings of multiple ecological surveys undertaken on site between 2014 and 2020. The main habitat on site is arable field, which is of a lower ecological value.
- 5.99 Although concerns have been raised by residents that the proposal will have a detrimental impact upon existing wildlife and protected species, the countryside officer concludes in his assessment that impacts on protected species are unlikely.
- 5.100 Based on the proposals it has been estimated by the countryside officer that in total the biodiversity net gain delivered by the proposal would be 0.21 units equivalent to 1.3% net gain. However, this could change depending on the detailed scheme that may be forthcoming as part of any reserved matters application. The countryside officer is however satisfied that development can meet the requirements of CP46 and avoid a net loss of biodiversity. Nonetheless, a condition is necessary to ensure any reserved matters application is supported by a Biodiversity Management Plan (BEP) and biodiversity metric calculations to demonstrate that net biodiversity gains can be achieved.
- 5.101 Subject to conditions requesting the submission of Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and a BEP, the proposal can be made compliant with CP46 of the LPP1.

Historic Environment

- 5.102 CP39 of the LPP1 and DP36 of the LPP2 require new development to conserve, and where possible enhance, designated heritage assets and non-designated heritage assets and their setting in accordance with national guidance and legislation.
- 5.103 There are no listed buildings or scheduled monuments on site and the site is not in a conservation area. There are no listed buildings within the immediate surroundings of the application site. A further assessment for impacts on heritage assets including the setting of the conservation area can be made at reserved matters stage but this application for outline permission accords with CP39 of the LPP1 and Policies DP36, DP37 and DP38 of the LPP2.

Archaeology

- 5.104 DP39 of the LPP2 states that development will not be permitted if it would cause damage to the site or setting of nationally important archaeological remains, whether scheduled or not.
- 5.105 The county archaeologist advises that there are no known archaeological sites or features within the application area. A geophysical survey of the application area has revealed evidence of possible medieval and post medieval ploughing. The application is however within an area of considerable archaeological

potential with some possible barrows and Saxon burials to the north and an undated enclosure to the east.

- 5.106 The county archaeologist does request the implementation of a staged programme of archaeological investigation in advance of development taking place. This can be secured by condition.

Type of Planning Application

- 5.107 The Parish Council and residents raise concern that an outline application has been made with all matters reserved except access, despite planning officer advice given at pre-application stage, which advised that a full application should be submitted.
- 5.108 Whilst officers can encourage and guide on the type of application submission for a proposal, they cannot force an applicant to make a particular form of application. There is no requirement in law to force a full application to be submitted in this situation and the outline application has to be considered on its own merits against the requirements of the Development Plan.

Financial contributions

- 5.109 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
 - III. Fairly and reasonably related in scale and kind to the development
- 5.110 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.

Community Infrastructure Levy (CIL)

- 5.111 The site is liable for CIL which is based on floor space created and will be calculated at reserved matters stage.

S106 Legal Agreement

- 5.112 A S106 is required to secure affordable housing, provision of public open space and a locally equipped area of play (managed and maintained by a management company), public art, street naming and bin provision for the dwellings, public transport service improvements, traffic signal works, strategic highway infrastructure, a restriction in occupations to 43 dwellings until the new Thames crossing is in use and secondary and special education needs (SEN) schools.

Health

- 5.113 The NHS Integrated Care Board requests improvements to primary healthcare. In this case and in accordance with the council's adopted Developer Contributions SPD, CIL contributions could be used towards healthcare provision.

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Public Art

- 5.114 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. Financial contributions of £306 per dwelling can be secured in a S106 agreement to accord with DP20.
- 5.115 The following developer contributions are considered fair and proportionate and should be secured through a section 106 agreement:

District Council	Amount (£)
Bin provision	£186 per dwelling
Public art on site or in Sutton Courtenay	£306 per dwelling <i>Where the ownership of on-site art features is to pass to anyone other than the site owner/developer we will require a commuted sum. This will represent 7% of the value of the works to cover the costs associated with monitoring, repairs and maintenance over a 15-year period.</i>
Street naming of this development	£229 per ten dwellings
Affordable Housing (commuted sum)	£TBC The amount will depend on how many dwellings are ultimately approved. Therefore, the s.106 should contain a formula for calculating the amount
S106 monitoring fee	£3,381
Payment of VWH legal fees	TBC

Oxfordshire County Council	Amount (£)
Strategic highway contribution towards HIF1	£566,650
Public transport services to enhance local bus services	£146,300
Public transport infrastructure to provide or improve local bus stops	£13,792
Travel plan monitoring	£1,454
Public rights of way improvements	£55,000
20mph TRO contribution	£4,000
Secondary education	£1,395,954
Special Needs Education	£114,733
Household Waste Recycling	£16,443
S106 monitoring	£10,761

Payment of OCC legal fees	TBC
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6.0 **CONCLUSION**

- 6.1 This application has been determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 This is an allocated strategic housing site and this proposal for housing in principle accords with the District Council's strategy for growth set out in the Development Plan.
- 6.3 The traffic generation impacts of this proposal can be controlled by limiting occupations until strategic highway infrastructure is in place and mitigated through traffic signals amendments and improved public transport services. This mitigation has been examined at appeal associated with another housing site at the edge of Sutton Courtenay and considered appropriate. Access to the site is acceptable.
- 6.4 An appropriate drainage strategy has been identified and full details to be based on a detailed development scheme for the site can be secured by conditions. Conditions can secure acceptable mitigation to acceptably reduce risks from contamination including methane gas.
- 6.5 In all other respects the impacts of the proposals are acceptable. The proposal is compliant with Development Plan policies and can be made Development Plan policy compliant through securing a S106 agreement and by imposing planning conditions. In accordance with paragraph 11c of the NPPF this proposal should be approved.

POLICY & GUIDANCE

Vale of White Horse Local Plan 2031 Part 1

- Core Policy 1 Presumption in favour of sustainable development
- Core Policy 2 Co-operation on unmet housing need for Oxfordshire
- Core Policy 3 Settlement hierarchy
- Core Policy 4 Meeting our housing needs
- Core Policy 5 Housing supply ring-fence
- Core Policy 7 Providing supporting infrastructure and services
- Core Policy 15 Spatial Strategy for South-East Vale sub-area
- Core Policy 17 Delivery of Strategic Highway Improvements within the South-East Vale Sub-Area
- Core Policy 22 Housing mix
- Core Policy 23 Housing density
- Core Policy 24 Affordable housing
- Core Policy 33 Promoting sustainable transport and accessibility
- Core Policy 35 Promoting public transport, cycling and walking
- Core Policy 36 Electronic communications
- Core Policy 37 Design and local distinctiveness
- Core Policy 38 Design strategies for strategic and major development sites
- Core Policy 39 The historic environment
- Core Policy 42 Flood risk
- Core Policy 43 Natural resources

Core Policy 44 Landscape
Core Policy 45 Green infrastructure
Core Policy 46 Conservation and improvement of biodiversity

Vale of White Horse Local Plan 2031 Part 2

Core Policy 4a Meeting Our Housing Needs
Core Policy 18a Safeguarding of land for Strategic Highway Improvements within the South East Vale Sub-Area
Development Policy 21 External Lighting
Development Policy 23 Impact of Development on Amenity
Development Policy 24 Effect of Neighbouring or Previous Uses on New Developments
Development Policy 25 Noise Pollution
Development Policy 26 Air Quality
Development Policy 27 Land Affected by Contamination
Development Policy 28 Waste Collection and Recycling
Development Policy 30 Watercourses
Development Policy 31 Protection of Public Rights of Way, National Trails and Open Access Areas
Development Policy 33 Open Space
Development Policy 36 Heritage Assets
Development Policy 37 Conservation Areas
Development Policy 38 Listed Buildings
Development Policy 39 Archaeology and Scheduled Monuments

Supplementary Planning Guidance

- Joint Design Guide – July 2022
- Developer Contributions – Delivering Infrastructure to Support Development – November 2021

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Neighbourhood Plan

A draft Sutton Courtenay Neighbourhood Plan has been subject to statutory pre-submission consultation. As the Plan remains in draft form and it is not an adopted document no weight can be given to it at this time.

Other Relevant Legislation

Human Rights Act 1998

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

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.

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