

APPLICATION NO.	P16/S3607/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	4.11.2016
PARISH	CHOLSEY
WARD MEMBER(S)	Jane Murphy Pat Dawe
APPLICANT	Bellway Homes (Thames Valley)
SITE	East End Farm South east of Wallingford Road Cholsey
PROPOSAL	Erection of 68 residential dwellings (67 net) including affordable housing provision, access, parking, open space and landscaping following demolition of existing buildings at the site including one dwelling (As amended by drawings and supporting information accompanying letter from agent dated 1 February 2017 amending the layout of the development and amplified by additional information relating to heritage, landscape, ecology and arboriculture, highways and drainage and amended by drawing accompanying letter from agent dated 1 March 2017 altering heights of Plots 60-63 and relocation of electrical substation and corrected by drawings accompanied by email from agent received 16 February 2017)
AMENDMENTS	Yes
GRID REFERENCE	459197/186755
OFFICER	Paul Bowers

1.0 INTRODUCTION

- 1.1 The application is referred to planning committee for a decision as the views of the Cholsey Parish Council differ from the recommendation being made by officers.
- 1.2 The application site consists of an area of land formerly used as an equestrian school measuring 2.65 hectares stretching beyond the frontage of the Wallingford Road. It is served by an existing access from Wallingford to the north east of the access serving Goldfinch Lane on the opposite side of the road which links Cholsey with Wallingford. The site consists of a group of agricultural buildings on the area of land nearest the road frontage, an equestrian ménage with open grazing and agricultural land beyond.
- 1.3 The site is identified on the Ordnance Survey Extract attached at **Appendix 1**.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission to erect 68 dwellings on the site, a net gain of 67 dwellings due to the demolition of the existing dwelling on the site along with associated parking, amenity and public open space. Access to the site is via the Wallingford Road in the approximate position of the existing access.
- 2.2 There have been three sets of amended plans submitted during the course of the application. Set out below highlights each amendment and the main changes to the scheme;

Amendment Number 1

- Changes to the layout with the relocation of a unit to the south east adjacent to the open space.
- Pushing back of plots 60-63 to the rear of the listed building at Duxford.
- Increase of natural surveillance of communal car parking.
- Reorganisation of the central area of the development reducing the amount of built form adjacent to Rothwells Close.
- Providing 2 units at plots 44 and 47 to allow for 6 bed spaces.
- Retention of part of the outbuilding adjacent to the rear of 40a Wallingford Road.

Corrected Plans

- Changes to technical drawings to ensure they were consistent with the layout drawing.

Amendment Number 2

- Relocation of proposed substation previously shown adjacent to the rear boundary of 37 Rothwells Close.
- Reduction in heights of plots 60-63 to the rear of the listed building at Duxford.

2.3 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Cholsey Parish Council** – Recommend the application is refused for the following reasons;

- Highway safety – Position of the access to the bend.
- Surface water drainage – Concern about water run off in to the brook and drains.
- Would like assurances that the existing sewage system is brought up to specification by Thames Water.
- Entrance to the site urbanises the Wallingford Road.
- Unneighbourly due to proximity to dwellings on Rothwells Close.
- Parking problems.
- Impact on the listed building.
- Not sufficient engagement with the Neighbourhood Plan

Neighbour representations –

As originally submitted – 79 letters of objection. 2 letters of support. All of the objections are available to view on the council's website. Below is a headline summary of the main areas of objection;

- Development is coming forward before the neighbourhood plan.
- The development is unneighbourly to properties on Rothwells Close and Wallingford Road.
- Concern about surface water drainage and existing flooding problems in the area.
- The development is too dense.
- Local infrastructure such as the school and medical centre does not have capacity.
- Highway safety concerns about the access and the speed of vehicles travelling along the Wallingford Road in both directions.
- Loss of wildlife habitats.
- Extensions to nearby residential properties are not shown on the plans.
- Impact to the listed building.

Amendment Number 1 – 27 letters of objection. 1 x letter of support. The main additional objections which arose from this amendment were;

- Security concerns from the new car parking area adjacent to the rear gardens of properties on Rothwells Close.
- Light pollution from vehicles using the car park at night time.
- Concern about the position of the electrical substation to residential property.

Amendment Number 2 – 20 x letters of objection. The main areas of objection covered the following concerns;

- The development prejudices the neighbourhood plan.
- The development is unneighbourly.
- Concern about the listed building.

Cholsey Neighbourhood Plan Group – Object for the following reasons;

- At the time of submitting the comments in December 2016 the neighbourhood plan is to be submitted in June 2017.
- The site is not located in the current development plan.
- The development will pre-empt and prejudice the neighbourhood plan.

Oxfordshire County Council

The principle of development of this scale in this location is considered generally acceptable by Oxfordshire County Council. There is some element of concern regarding the quantum of growth in the area, but this development alone does not present sufficient impact to give this Authority cause for concern. The following is a breakdown of the key issues;

Highways – No objection to the access on to Wallingford Road. The internal layout is acceptable as is the provision of parking. Conditions are proposed in relation to the access, surface water flooding, parking and construction traffic.

Education – The proposed development will increase the demands placed on local infrastructure and services. There is insufficient capacity for early year's education and in primary and secondary schools in the area at this time to meet the demands arising from the development. To mitigate the impact of these demands, the funds below will be required from the CIL charging authority

Archeology – No objection subject to investigation and monitoring conditions.

Thames Water –

Waste comments - Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water comments - The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a condition be imposed for an impact study to be undertaken.

Waste water – No concerns about the proposed foul water discharge rate from the development site.

Surface water – No objection.

Environment Agency – No comments. The EA do not make comment on surface water flooding.

Conservation Officer – The development amounts to less than substantial harm to the setting of the listed building at Duxford.

Countryside Officer- No objection subject to a condition requiring a method statement be submitted concerning the mitigation and translocation of reptile species on the site.

Urban Design Officer – Acknowledge some matters have been addressed from original concerns but would encourage the development to gface outwards in to the countryside.

Housing Development - No objection subject to securing the affordable housing through a section 106 agreement.

Drainage Engineer – No objection subject to a condition that requires sustainable drainage details to be submitted for approval.

Waste Management Officer - No objection.

Environmental Health - Contaminated Land – No objection subject to conditions requiring investigation and remediation.

Environmental Health – Environmental Protection – No objection subject to conditions relating to noise and dust.

4.0 **RELEVANT PLANNING HISTORY**

4.1 None relevant to this development.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework**

National Planning Policy Framework Planning Practice Guidance

South Oxfordshire Core Strategy 2027 policies

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSC1 - Delivery and contingency

CSEM1 - Supporting a successful economy

CSEN3 - Historic environment

CSG1 - Green infrastructure

CSH1 - Amount and distribution of housing

CSH2 - Housing density

CSH3 - Affordable housing

CSH4 - Meeting housing needs

CSI1 - Infrastructure provision

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 policies;

C4 - Landscape setting of settlements

C6 - Maintain & enhance biodiversity

C8 - Adverse affect on protected species

C9 - Loss of landscape features

CON11 - Protection of archaeological remains

CON13 - Archaeological investigation recording & publication

CON5 - Setting of listed building

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

EP1 - Adverse affect on people and environment

EP4 - Impact on water resources

- EP6 - Sustainable drainage
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- G4 - Protection of Countryside
- H10 - Affordable housing within or adjoining villages
- R1 - Outdoor sport or play areas
- R7 - Facilities to support informal recreation
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2016

Emerging South Oxfordshire Local Plan 2032

The council carried out a consultation on the Preferred Options of the Local Plan 2032 in the summer of 2016. This proposes to allocate housing in rural communities through the neighbourhood plan process.

Emerging Cholsey Neighbourhood Plan.

Cholsey are working towards the adoption of a neighbourhood plan but the plan carries very limited weight at this stage

South Oxfordshire Section 106 Supplementary Planning Document 2016

Environmental Impact.

The proposal constitutes Schedule 2 (category 10(b) urban development projects). However the site is not within a sensitive area. Having regard to the characteristics of the development, it is not considered that there is potential for significant environmental effects.

Other Relevant Legislation

- Environmental Impact Regulations, as amended 2015
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Human Rights Act 1998
- Equality Act 2010 section 149
- CIL Regulations 2010 (as amended)

6.0 PLANNING CONSIDERATIONS

6.1 The main issues to consider in relation to this development are as follows;

- **Background.**
- **The principle of development, including;**
 - The development plan
 - The neighbourhood plan
 - Housing supply
 - Sustainability
- **Loss of agricultural land**
- **Layout and design**
- **Highway safety**
- **Impact on the setting of designated heritage assets**
- **Impact on landscape**
- **Impact on biodiversity**

- **Impact on nearby properties**
- **Flooding and surface water drainage**
- **Archaeology**
- **Air quality**
- **Affordable Housing**
- **Housing mix**
- **Section 106 contributions**
- **Community Infrastructure Levy (CIL)**

6.2 **Background.**

It is recognised in the Housing Section of the South Oxfordshire Core Strategy (SOCS) that rural housing is necessary in order to contribute the present and future sustainability of villages.

Cholsey is defined in Appendix 4 of SOCS as a Larger Village within the district. Policy CSR1 of SOCS allows for new housing within villages through specific allocations, infill development, and rural exception sites or without allocation where sites are not coming forward in a timely manner through the local plan or neighbour plan and it anticipated they will come on stream later in the plan process as per Policy CSC1.

Depending on the size of the village new housing is permitted through a combination of all four methods. Larger villages are the only type of settlement where sites are specifically allocated. Cholsey is the fifth largest of the 12 Larger Villages and of the 128 dwellings suggested for Cholsey at the Refined Options stage, 60 are committed to date.

The application site was one of 3 shortlisted sites for Cholsey within the Council's Refined Options Consultation in 2015. In that consultation the site was referred to as CHOL1.

Following on from this the council undertook consultation on Preferred Options to consider accommodating required levels of development until 2032. However no sites were proposed to be allocated in the larger villages as the preferred route for allocation is through the neighbourhood plan process.

6.3 **The principle of development.**

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

Paragraph 215 of the National Planning Policy Framework (NPPF) provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Other material planning considerations include national planning guidance within the NPPF and National Planning Policy Guidance (NPPG).

The Development Plan -

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Core Strategy 2027 (SOCS) which was adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP).

As a larger village Cholsey is identified as a sustainable location for housing within the core strategy Policy CSS1. The policy sets out an overall strategy for the District, which seeks, among other things, to support and enhance the larger villages as local service centres, while focusing 'major new development' at Didcot and supporting the roles of Henley, Thame and Wallingford.

Policy CSH1 identified the distribution of housing within South Oxfordshire including housing in the 12 larger villages. Policy CSR1 indicates that housing provision in the villages will be achieved through allocations, infill development and rural exception sites for affordable housing and that there would be no limit on infill development in these settlements.

Infill development is defined as the filling of an existing gap on an otherwise built up frontage or on other sites within the settlements where the site is closely surrounded by buildings.

Only a portion of the site comprises an existing gap on an otherwise built up frontage or closely surrounded by buildings. The larger extent of the development extends the settlement in to undeveloped land bordering open countryside. In my view the development would be contrary to Policy CSR1.

- 6.4 Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

The emerging Local Plan for South Oxfordshire Local Plan 2032 is at an early stage and cannot be given any material weight.

- 6.5 The Neighbourhood Plan –

The Cholsey Neighbourhood Plan Area was designated in June 2016. The Neighbourhood Plan is currently at the draft stage of development. At this stage no weight can be afforded to it in the determination of this planning application.

- 6.6 Housing Supply –

To significantly boost the supply of housing, the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. This supply should include an additional buffer of 5% to ensure choice and competition in the market for land. Alternatively, where there has been persistent under delivery of housing, the buffer should increase to 20% to provide a realistic prospect of achieving the planned supply.

- 6.7 The most recent evidence base that informs the council's housing requirements is the 2014 Strategic Housing Market Assessment (SHMA). To meet the identified housing need for the district, the SHMA committed economic growth housing forecast is 750 homes per annum. This is a sizable uplift from the requirement for 547 homes per annum set out in the SOCS.

- 6.8 Based on the evidence in the SHMA and past delivery, the council has a housing

land supply of 3.8 years (including the 20% buffer for under delivery). Therefore the council cannot currently demonstrate a 5 year housing land supply.

In these circumstances, Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing land and the 'presumption in favour of sustainable development' should be applied. Policy CSR1 clearly relates to housing supply and is not therefore up to date.

6.9 Sustainability –

Paragraph 14 of the NPPF advises that there is a presumption in favour of sustainable development.

For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: –

- any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

6.10 At paragraph 7, the NPPF identifies three dimensions to sustainable development which include **economic, social and environmental** considerations. It states that these roles should not be undertaken in isolation as they are mutually dependent.

6.11 *Economic Dimension* –

The proposal will provide additional housing where there is an identified requirement to increase housing targets and boost housing supply. The Government has made clear its view that house building plays an important role in promoting economic growth. The associated construction jobs and local investment during its build out as well as longer term expenditure in the local economy will be of economic benefit to the local area.

The proposal will also help meet the requirements under Policy CSS1 for larger villages by facilitating growth which supports the provision and retention of local services. The proposal therefore has economic benefits and no significant and demonstrable adverse impacts. I consider that moderate weight should be afforded to this benefit.

6.12 *Social Dimension* –

Cholsey is a sustainable location and clearly suitable to sustain some development. The village includes a train station, church, Tesco Express and several other shops restaurants and public houses. Furthermore, the site is located where there are realistic transport alternatives to the car with unimpeded pedestrian links from the site to bus services to Wallingford and Oxford and access to the rail network via the Cholsey station.

The development will provide housing and increase housing choice and availability in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply. I consider significant weight should be given to these social benefits.

6.13 *Environmental Dimension* –

The site itself is not subject to any statutory environmental designations, The proposal will result in some environmental benefits, notably as a result of the landscaping, ecological enhancements and open space provision. This issue is dealt with in greater detail later in the report but in terms of biodiversity the impact is not considered to be harmful. I consider limited weight should be given to the environmental benefits.

- 6.14 In your officers view the location of the site, the proximity to existing services within the village and availability and access to public transport to the wider county and region in conjunction with the social, environmental and economic benefits I conclude that this proposal does constitute a sustainable form of development. Therefore unless there are significant and demonstrable adverse impacts from the development that outweigh its benefits the presumption is in favour of granting permission for the development. The principle of housing on this site is acceptable.

The remaining sections of this report consider the proposal in detail in terms of whether there are adverse impacts generated from the development that would outweigh the benefits that it would bring.

6.15 **Loss of agricultural land**

In relation to the potential loss of agricultural land, it should be noted that the lawful use of the East End Farm site is for an equine riding school, as established under planning permission P78/W0042/R and therefore the site has not strictly been in agricultural use for almost 40 years. In respect of this much of the site can also be classified as previously developed land, as defined by the National Planning Policy Framework (NPPF), on which development should be encouraged in favour over greenfield land.

On this basis, the grant of planning permission would not result in the loss of agricultural land. However the applicants have taken specialist advice from Reading Agricultural Consultants, with regards to the site's Agricultural Land Quality. Whilst the ground condition was not formally surveyed, it was considered likely that detailed ground condition testing would confirm the site represents Grade 2 land as identified in other local surveys, which under the definition set out in the NPPF would mean it falls within the definition of 'best and most versatile'.

In this situation, paragraph 112 of the NPPF, states:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'

With regards to the 'other benefits of the best and most versatile land', the National Planning Policy Guidance (NPPG) recognises other benefits can include providing a habitat for biodiversity.

On this basis it is reasonable to conclude that whilst the site could possibly be remediated for the purposes of growing crops, due to its detachment from existing arable land, its size, form and the current poor condition of the holding that the economic benefits of retaining the land for agricultural purposes would be limited.

The economic and other benefits of using the site for agricultural are therefore

considered as suggested by paragraph 112 of the NPPF, against the benefits that would be realised by the proposed development - the significant economic benefits of the proposed development have already been noted and would also include Community Infrastructure Levy (CIL) receipts and increased economic stimulus of local shops and services, supporting construction jobs and the wider supply chain.

These economic benefits are considered to far outweigh the limited economic benefits of using the site for agriculture. On this basis, it is considered the economic and other benefits of retaining the site for agricultural use would be limited, and would be outweighed by the significant economic, social and environmental benefits of proposed development when assessed against the provisions of the NPPF.

6.16 Layout and design.

The NPPF states that good design is a key aspect of sustainable development and is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (paras 56 and 57).

In order for the development to be acceptable in design terms, proposals must comply with advice in the NPPF and NPPG, policies CSQ3 and CSQ4 of the South Oxfordshire Core Strategy, saved policies D1-D7 in the South Oxfordshire Local Plan 2011, and the South Oxfordshire Design Guide 2016. These documents require development to create successful places that are safe, distinctive, well connected, accessible, legible and sustainable.

Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in saved Policy D3 of the Local Plan. A minimum of 100 square metres for three and four (or above) bed dwellings is required, 50 square metres for 2 bedrooms properties and 35 for 1 bedroom units.

Policy CSH2 requires that a minimum density of 25 dwellings per hectare is achieved unless this would have an adverse impact on the character of the area.

- 6.17 The development provides for approximately 25 dwellings per hectare in line with Policy CSH2. When considered in the context of the wider area, particularly properties on Rothwells Close which are higher density, the proposed density does not appear at great odds with the surrounding character of the area. The units provide for adequate levels of amenity space and public open space.
- 6.18 The overall layout is acceptable in design terms. The one area where there is concern is the outward facing nature of the development along the northern boundary. The Urban Design Officer has suggested the road within the site is realigned so as to allow the properties to the north to look out on to open countryside. However the northern boundary is not a solid line of rear fencing in fact some of the properties to the east face outward and some areas of public open space form the northern boundary. The site's linear shape and layout means the form of the proposed development would be similar to the previous extension to the village at Rothwells Close. In my opinion the issue by the Urban Design Officer does not amount to substantial harm.
- 6.19 In terms of the external impact of the site the proposal creates three new dwellings on the road frontage with Wallingford Road. The existing site has an open area with the vehicular access which will be lost as a consequence of this development. However development to the north toward Wallingford and extending in to the village

is on both sides of the road. The open space is appropriate at present because it serves the farm beyond Wallingford Road.

The absence of development with a street frontage would appear odd in my opinion and result in the development not linking well with the existing village where it physically joins it. It is my view and that of the Council's Urban Design Officer that having housing on the frontage continuing the line of development is entirely appropriate and the dwellings on the frontage themselves are acceptable in scale and design when considered in the wider context of the housing along Wallingford Road.

6.20 Highway safety.

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

6.21 Overall the Highway Authority conclude that the principle of development of this scale in this location is considered generally acceptable. There is some element of concern regarding the quantum of growth in the area, but the Highway Authority's view is clear that this proposal does not cause for concern and they do not object to the development.

6.22 In terms of the access onto Wallingford Road the site is currently occupied by East End Farm, comprising of a farm house and outbuildings, which are served by an informal vehicular access onto Wallingford Road. As part of this full detailed submission, the existing access is to be stopped-up/alterd, replaced with an acceptable formal 5.5m wide access with associated 1.8m wide footways linking into the existing frontage footway along Wallingford Road, together with suitably positioned pedestrian tactile crossing points.

It is acknowledged that in the vicinity of the proposed site access, Wallingford Road has a speeding issue. To assist in achieving a reduced 85th% speed, the Applicant has offered as part of the mitigation package, a contribution towards a scheme of traffic calming which could include speed cushions along Wallingford Road, heading north east out of Cholsey. Submitted indicative traffic calming proposals indicate an acceptable scheme in principle. This will be subject to a formal public consultation, of which there will be a £750 fee payable to the County Council.

6.23 In respect of the internal layout amendments to the scheme have been made that address previous concerns about footpaths in the site and turning heads. Overall there is no objection to the layout or the parking provision within the site ensuring that there is no increased pressure to park on the road within the site or on the existing public highway network.

6.24 Conditions have been proposed by the Highway Authority that require details to be submitted in terms the new access, that parking is as shown on approved plans, that the garages cannot be subsequently converted without needing planning permission and that a construction traffic management plan be submitted for approval. The development in conjunction with the conditions set out in paragraph 8.2 does not

amount to severe harm in terms of highway safety and is acceptable.

6.25 Impact on the setting of designated heritage assets.

Paragraph 129 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The designated heritage assets in this case are the nearby listed buildings located at 42 Wallingford Road (The Willows) and Duxford. Also of note is 40 Wallingford Road which is a non-designated heritage asset.

- 6.26 All these properties have principal elevations facing the application site and would be more immediately affected by the proposal. Duxford Cottage has a smarter Georgian frontage on its south-eastern elevation and this until the mid C19 formed the principle elevation of the listed building. The boundary here features some vegetation but views out of the building from outside the site are available and the building was designed to face the historic road shown on the Enclosure Map and rural fields extending beyond. The relationship between the designed frontage of the listed building and the application site forms part of the historic narrative and significance of the listed building.
- 6.27 The revised heritage report provides a much improved analysis of the significance of the heritage assets affected by this proposal. The amended scheme altered the siting and orientation of the properties to the rear of Duxford. Plots 60-63 are now orientated to face Duxford and have a greater separation distance from its boundary, allowing for the incorporation of a landscape buffer to soften the edge of the development. The access driveway to the front of plots 60-63 also helps to re-instate the former historic route highlighted by the Council's Conservation Officer.
- 6.28 The previous arrangement showing tall hedging within short back gardens which no doubt would have been removed as soon as the buildings came to be occupied and would not have represented a positive or sustainable form of mitigation.
- 6.29 The NPPF states that when the LPA are considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.30 The balancing act to consider here is the harm to the setting of the listed building at Duxford and the wider public benefits of the proposal as already noted, including but not limited to providing a meaningful contribution to the local housing supply. In addition the presumption in favour of permitting sustainable development also weighs heavy in the balance.
- 6.31 The most recent revision, in the view of the Conservation Officer poses 'less than substantial harm' to the significance of listed buildings by means of development within their setting. The cumulative changes to the scheme by moving the units directly behind Duxford further away and marginally reducing their height mitigate these impacts by providing a landscape buffer and by reinstating the line of a former

route. This has lessened the harm to a minor extent and the residual harm remains less than substantial.

6.32 Impact on landscape.

As part of the evidence base for the South Oxfordshire Local Plan 2032 the Council produced a Landscape Capacity Assessment for Sites on the Edge of Larger Villages. At that time the allocation of housing sites was going to be undertaken through the local plan process. As mentioned in section 6.2 this site was one of three shortlisted sites for development and known as CHOL1.

6.33 The assessment refers to the site as a mainly green field site with a well-used farmstead adjacent to Wallingford Road, together comprising 3.2 ha. Most of the site is under pasture with an area of agricultural buildings currently in use as a riding school adjacent to Wallingford Road. The north-west boundary is a short stretch of Wallingford Road defined by fencing and a hedge. The north-east boundary is bounded by trees, shrubs and hedgerows beyond which lie the houses on Wallingford Road and allotments.

6.34 The assessment makes it clear that the development of this site for housing would have a localised visual impact on the key visual characteristics as there are no significant views from either of the two the Area of Outstanding Natural Beauty.

6.35 The assessment, when looking at the potential capacity of the site, it suggested that mitigation of what impact there is from the development could be created by additional planting along the north eastern boundary to Ilges Lane to retain and enhance the semi-rural character of the edge of the village.

6.36 Planting is proposed along the north eastern end of the site where 5 dwellings front out on the open countryside and public open space assist in giving that section of the development a softer edge. As the development extends back to the north west toward Wallingford Road the boundary edge becomes more developed but this is close to the existing built form of the village.

6.37 The proposal involves planting within the site in areas of hardstanding and therefore to ensure that the trees have adequate area for soil and growth tree pit details are necessary. In addition there are trees outside of the site which are shown to be the subject of tree protection during construction works. A condition is therefore proposed that seeks to ensure the protection is undertaken as has been shown.

6.38 Overall the site is not widely seen from public vantage points to the north and is not located in a sensitive landscape area. The impact of developing this site has previously considered in terms of the landscape which led to its shortlisting as possible site for housing development. In my view what limited harm that may be caused is outweighed by the benefit of permitting housing in this sustainable location.

6.39 Impact on biodiversity.

Policy CSB1 seeks to ensure that there is a no net loss for biodiversity as a result of new developments and seeks to achieve a net gain. The NPPF supports this stance and at Paragraph 109 calls for developments to minimise the impacts on biodiversity and provide net gains where possible contributing to the Government's commitment to halt the overall decline of biodiversity.

6.40 The main habitats on the site are of low ecological value and are widely distributed (improved grassland, built areas and hedgerows). One of the existing buildings contained a low status roost for common pipistrelle bats. The habitats within the farmyard area and on the periphery of the site provide habitats for a good population of slow-worm, grass snake and common lizard.

6.41 The proposals will involve the loss of the majority of the existing habitats on the site including habitats used by reptiles and the low status bat roost. The proposals incorporate an area of ecological compensation which is to be developed as a receptor site for reptiles. A mitigation and translocation strategy will need to be developed to ensure that the reptile population is properly protected both during and after construction. The mitigation for the minor bat roost will have to be conducted under a European Protected Species licence. There are a number of potential mitigation options available within the development which would ensure that the local bat population is protected.

6.42 The proposals have been checked by the Council's Ecologist for compliance with policy CSB1 by using a biodiversity impact calculator. Provided the proposals are able to deliver a number of biodiversity enhancements within the ecological mitigation areas and other parts of the site the scheme would just about avoid a no net loss for biodiversity.

6.43 The amendments which have been submitted have reduced the area of land available for ecological mitigation at the south east end of the site by approximately 437 square meters. This further reduces the area of potential usable public open space as a proportionately larger area will be required for providing the receptor site for reptiles. The amount of open space is compliant with policy. However on balance the Ecologist has concluded that in conjunction with conditions that require a method statement for reptile mitigation and translocation and a condition that requires a bio diversity enhancement strategy the development as shown on the plans complies with Policy CSB1.

6.44 **Impact on nearby properties.**

Impact on residential amenity is normally considered in terms of whether a development results in material harm by way of overlooking, loss of sunlight or being so large and close that it is considered oppressive and overbearing.

In addition noise and disturbance can be a factor. The Council's Environmental Health Officer has considered the impact of the development from the construction period. He has not objected to the development on this basis but has suggested conditions which form part of this recommendation which seek to control the hours of construction to 08:00-18:00 Monday to Friday and 08:00-13:00 on a Saturday. No work on a Sunday or bank holidays. In addition a scheme is required to be submitted for approval which shows how the dwellings will be protected from the external noise environment.

There are a number of properties surrounding the site that will be impacted by the development to varying degrees. I have set out overleaf the impacts and assessment of different groupings and individual properties;

6.45 *Rothwell Close properties –*

The proposed development will have a degree of impact on almost all of the dwellings on the northern side of Rothwell Close. These properties have since they were built benefitted from the outlook across the existing open farm land. Many only have post and rail or low fencing along the rear boundary to retain the views of the land beyond. The rear gardens of these properties are particularly shallow and many have been extended at the rear and some almost up to the rear boundary.

Of particular concern to the occupants of these properties is a perception that the plans do now show each and every extension that has been built on the backs of the dwellings. Residents are concerned that the plans give the impression of far greater distances between the buildings and the rear of the properties than is actually the case. However the layout plans do show thick black lines indicating the position of the extensions.

Numbers 11 and 13, 21 and 23, 37 and 41 to 51 have new properties sharing their existing rear boundaries. It is important to recognise that the site is located to the north of these properties. Consequently there will be no loss of direct sunlight or overshadowing from the development.

In the case of numbers 11 and 13 they are presented with a side wall of a dwelling house. This unit which is shown as Plot 63 has been lowered in height and is now, at its highest point, 8 metres high. The side wall is 17 metres from the rear wall of the original house of number 11 and 19 metres from number 13. The South Oxfordshire Design Guide advises in instances like this where you have the backs of properties facing the side walls of another that the minimum distance should be no less than 12 metres. The proposed distance exceeds this. In addition there are no first floor side windows and any that are added in the future would have to be obscured glazed and fixed shut above 1.7 metres from floor level unless they have specific planning permission from the council. In my view the level of harm to these properties is not significant.

Numbers 21 and 23 would have a similar situation with the side wall of a new two storey property being located adjacent to their rear boundary. The impact here is greater however as the building is closer but the proposed dwelling has a hipped roof reducing the mass of the building away from the boundary and the back to side distance is 12 metres. This is within standard and to the north of the dwelling. In my view there will be an impact but the distance between them and the roof profile mitigates that impact to an acceptable degree.

Numbers 41 to 51 will have back to back relationships with new two storey properties. The council's standard for back to back relationships is 25 metres between first floor windows. In each case the distances involved meet or slightly exceed 25 metres. Number 49 however extends all the way to their rear boundary at ground floor level with a conservatory. Whilst this is an eventuality that the guidance did not account for it is reasonable to conclude that the boundary between the two properties will have to be delineated and this is likely to be with a fence of average height (this could be undertaken at any point without needing planning permission up to 2 metres high). This would have an impact to number 49 but the actual physical development of the new building behind the fence is of a sufficient distance to not, in my view, be overbearing and oppressive.

These properties, like the other affected properties, will have a different outlook to the one they have enjoyed for many years. However the loss of a view is not material

planning consideration and the distances involved between the new buildings and the original cores of the properties on Rothwell Close do not, in my opinion, amount to significant and demonstrable harm.

6.46 *Duxford, Wallingford Road*

Duxford is a listed building and the impact on its setting is dealt with as a separate matter later in this report. As a consequence of the issue of setting however the properties to the east have been pulled further away. The distances between first floor windows is in the region of 40 metres well above the minimum of 25 metres with planting in between.

In terms of overlooking and overall oppressiveness and loss of direct sunlight in the morning I conclude that the new dwellings to the east are not unneighbourly.

To the north three properties are proposed which will have their rear elevations facing the northern side boundary of the property and to the north west a dwelling fronting on to Wallingford Road will be side on to the northern boundary. In terms of the three facing toward Duxford they far exceed the minimum distance of side to rear of 12 metres. The proposed distance in conjunction with planting and position to the north do not create a harmful impact in my opinion.

The 'side on' property to the north west is of a far greater distance from the house at Duxford and view will be oblique across the public facing garden.

6.47 *40a Wallingford Road*

This is a relatively new dwelling, built within the last 4 years. A detached dwelling will be sited alongside 40a fronting on to Wallingford Road at the entrance to the development. This is a typical side by side relationship in a street scene and although the south will not impact the main outlook from 40a which is to the east and to the west. There are no first floor side windows on the north of the building that would look toward 40a and again permission would be required if clear glazed windows were to be added in the future. Extending to the south east from 40a is a further detached dwelling. Views from its first floor windows will be oblique across the rear garden of 40a and arguably would be less harmful than the relationship 40a has with number 40 Wallingford Road in that respect. The new dwelling will potentially have some impact in terms of loss of direct sunlight in the morning but the distance involved and the juxtaposition of the properties minimises this effect.

6.48 *40 Wallingford Road*

This property will have three detached dwellings along its southern boundary and a two storey block comprising four flats to the east. The distances from all new properties in terms of windows exceed the council's standards and although this property is not at present overlooked, the level of new overlooking is not in my opinion significantly harmful. The orientation of the block of flats means that the full extent and bulk of the building does not sit on the boundary with number 40. Its orientation helps break up the impact of the mass to the extent that I conclude it is not oppressive or overbearing when considered in conjunction with the distance between the buildings.

6.49 *42 Wallingford Road*

This property is less directly affected in my opinion. The impact of the development will come from the four flat block to the south east. The distances are far greater than those between the block and number 40 to the extent that this development would not cause it any material harm.

- 6.50 I accept that there will be an impact on those properties that share a boundary with the site. Particularly those which have become accustomed to the outlook over open countryside beyond their boundaries. The harm that the development would cause in this respect weighs against the presumption favour of sustainable development but not to a degree where that harm is significant and demonstrable and that it would outweigh the benefit that would be created by the provision of housing.

6.51 **Flooding and Surface water drainage.**

The application site is within Flood Zone 1 (least probability of flooding) and as such, there are no objections to the development in relation to flood risk. The wider area outside of the site is known to suffer from surface water flooding and this is a key theme coming out of the comments made by local objectors.

- 6.52 Both drainage experts at Oxfordshire County Council and the Council's own consultant have considered the impact of the development. A detailed scheme for the site would need to incorporate a Sustainable Urban Drainage (SUDS) compliant strategy to ensure that all surface water run-off is accommodated within the confines of the site and discharged in a controlled manner.

The two drainage experts have requested a scheme be produced and submitted to the council that seeks to ensure the development will deal with surface water within the site in a sustainable way and not make the existing situation outside of the site boundaries materially worse.

6.53 **Air Quality.**

The Council's Environmental Health Officer has reviewed the application from an air quality viewpoint. He has commented that in order to limit the potential cumulative adverse impacts of the development on local air quality and on the nearby Wallingford Air Quality Management Area the developer should be required to assess the local air quality impacts of the development and provide appropriate mitigation measures. A condition to that effect is included as part of the conditions set out in Section 8.2 of this report.

6.54 **Archaeology.**

The site indicated on your plan is located in an area of archaeological interest 380m east of the line of the Roman Road between Dorchester and Silchester. A Roman Villa has been recorded recently 660m south of the site along with associated Roman remains.

A geophysical survey 200m south of your proposed site has recorded further archaeological features including a trackway and a series of enclosures which are likely to be of a later prehistoric or Roman date. Three Bronze Age barrows have been recorded from aerial photographs 500m east of the proposal area and medieval remains have been found to the south of the area.

An archaeological evaluation has been undertaken on the site which recorded a number of Bronze Age settlement features. A programme of archaeological

investigation will need to be undertaken on the site ahead of any development. Conditions to that effect are included in section 8.2 of this report.

6.55 **Affordable Housing.**

There is a net gain of 67 dwellings on the site. Policy CSH3 of the Core Strategy seeks to achieve 40% of affordable housing on sites where there is a net gain of 3 houses. 40% of the total of 67 dwellings (which is the net gain number of dwellings) equates to 26.8 units. The applicant has offered 27 units for the affordable element which meets the requirement and will be secured through a new S106 agreement. The affordable units will be provided in clusters, pepper potted throughout the development which meets the Council’s standards and is acceptable.

6.56 **Housing Mix.**

Policy CSH4 of the SOCS seeks an appropriate mix of dwelling types and sizes. This is to ensure that there is a satisfactory provision of smaller units across the district. The mix of units proposed is illustrated below.

Unit size	Qty	%
1 bedroom units	4	6
2 bedroom units	18	26
3 bedroom units	21	31
4 bedroom units	25	37
Total	68	100

Since 2012 and the adoption of the South Oxfordshire Core Strategy the SHMA (Strategic Housing Market Assessment) has been produced. The suggested mix of dwelling types as set out in the SHMA is as follows;

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Oxford wide Mix from SHMA	15%	30%	40%	15%

There is a clear deviation between the proposed mix and that set out in the SHMA particularly around 1 bed units and four bed units.

However it is noted in the SHMA that *‘we do not strongly believe that such prescriptive figures should be included in the plan making process and that the*

'market' is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time'

The applicants have drawn my attention to the appeal decision for 85 new homes on land to the west of Reading Road, Wallingford where the Inspector concluded *'Clearly the market, in this case the developer, has an important role to play in determining what type of property is likely to sell, and what the overall scheme can support.'* He went on to say that *'The actual provision on any site must also pay heed to the context in which the development is proposed'*

In this case the immediate context is the properties in Rothwells Close and on Wallingford Road. The latter being larger properties than the 2-3 bedroom properties on Rothwell Close. In my view there as there has been a clear deviation in the SHMA mix in appeal decisions and the SHMA refers to the market having an important role to play in determining the most appropriate profile of housing. Taking into account that the need for smaller units is still addressed with 1 and 3 bed units comprising 32% of the proposed development I conclude that the development overall accords with the objectives of Policy CSH4.

6.57 Section 106 contributions.

On-site infrastructure is to be secured under a legal agreement.

In accordance with the Council's S106 Planning Obligations Supplementary Planning Document, the following additional financial contributions is required towards on-site infrastructure:

- Affordable housing
- Street naming and numbering
- Provision of recycle bins
- Management of public open space
- Monitoring fee
- The s106 agreement makes provision for the public open space to be offered to the Parish Council, along with a commuted sum towards its management.

6.58 As advised by the County highways officer, the following site specific highways contributions would also need to be secured under a S106:

- Contribution of £1,000 per dwelling (indicatively £68,000) towards improvements to/continued provision of the Benson-Wallingford-Cholsey bus service.
- Contribution of £17,725 inclusive of commuted sum towards improved bus stop infrastructure on Wallingford Road adjacent to the development site.
- Travel Plan monitoring fees of £1240 and the implementation of a residential travel information pack.
- Provision to secure all vehicular access works serving the development.
- Provision to secure traffic calming features on Wallingford Road, including public consultation and all associated fees.

6.59 I consider that these contributions / obligations would accord with policy CS11 of the SOCS, which requires new development to be supported by appropriate on and off-site infrastructure and services. They would also accord with the relevant tests in the NPPF as they are necessary to make the development acceptable in planning terms, are directly related to the development and are fair and reasonably related in scale and kind to the development. In the absence of a completed S106 legal agreement,

an additional reason for refusal would need to be attached to be added to the decision notice as the necessary contributions / obligations have not been secured.

6.60 **Community Infrastructure Levy (CIL).**

The council adopted a Community Infrastructure Levy (CIL) on 1 April 2016. With the exception of the affordable housing, any additional floor space is usually CIL liable at a rate of £156 per sq.m. The money collected can be pooled with contributions from other development sites to fund a wide range of off-site infrastructure to support growth, including schools, transport, community, and leisure and health facilities.

Under the CIL regulations, the Parish Council would receive a proportion of CIL money. This could be spent on infrastructure projects that are priorities for the community. If the Neighbourhood Plan is made prior to the commencement of development, it would receive 25 percent of the CIL money collected from the development (as opposed to 15 percent without a Neighbourhood Plan) to spend it on local projects or contribute towards strategic infrastructure. In their comment the Education Authority identifies

Age group	Pupils generated			
	1 bed	2 bed	3 bed	4+ bed
0 to 4 year olds (EY&C)	0.03	0.15	0.26	0.42
Primary	0.00	0.20	0.39	0.51
Secondary	0.00	0.11	0.24	0.39
Sixth Form	0.00	0.01	0.03	0.07
SEN – Across Oxfordshire 1.11% of pupils are taught in special schools				

On the basis of the unit mix stated above, it is estimated that the development will generate the demand for:

- 5.26 places for children with early education entitlement
- 24.54 primary school places (age 4-10)
- 16.77 secondary school places (age 11-15)
- 2.56 sixth form places (age 16-19) and
- 0.46 SEN pupil places.

The proposed development will increase the demands placed on local infrastructure and services. There is insufficient capacity for early year's education and in primary and secondary schools in the area at this time to meet the demands arising from the development. To mitigate the impact of these demands, the funds will be required from the CIL charging authority amounting to £752,485.

Cholsey Primary School has already expanded to 1.5fe, and planning is now underway to further expand it to 2 form entry to meet the pupil generation expected from new housing planned/proposed in the village. As part of this expansion, additional early year's accommodation will be provided to allow the existing provision to expand. For this reason, early education provision has been calculated using the same cost per child as primary school provision. The school is expected to increase its admission number to 60 from 2017 onwards. The County Council would expect that this expansion of school capacity would be financially supported through CIL.

6.61 **The planning balance**

In accordance with the presumption in favour of sustainable development, the proposal has demonstrated economic, social and environmental benefits. Whilst there will be some harm to residential amenity and to the setting of designated heritage assets but this amounts to less than substantial harm. In my view weighing this in the balance, I conclude that there are no significant and demonstrable adverse impacts which outweigh the benefits of a development of 67 new dwellings in this sustainable location and therefore planning permission should be granted.

7.0 CONCLUSION

7.1 Your officers recommend that planning permission is granted because the proposal needs to be assessed against the presumption in favour of sustainable development at paragraph 14 of the NPPF. This is because the Core Strategy Policy CSR1 has been found to be silent on housing in larger villages by the High Court and the district also does not currently have a five year housing land supply. The report describes the proposals in full and assesses the proposal against the relevant material planning considerations. The three strands of sustainable development are set out at paragraph 7 of the NPPF as economic, social and environmental. These have been considered and the conclusions against each of the strands is summarised below.

Economic role

The Government has made clear its view that house building plays an important role in promoting economic growth. In economic terms, the scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy supporting the ongoing vibrancy of the village. I consider that moderate weight should be afforded to this benefit.

Social role

The proposal helps to support strong, vibrant and healthy communities, by providing a net gain of 67 dwellings towards those required to meet the needs of present and future generations on a site previously considered suitable by the Council at the Refined Options stage. It also does this by creating an acceptable built environment, in a sustainable location with accessible local services close by for new residents to use. I consider moderate weight should be given to these social benefits.

Environmental role

In environmental terms, there are no landscape objections to the scheme. In addition, given the very substantial area of the district that is covered by protected landscapes or Green Belt, the opportunity to provide new dwellings on a suitable site that is not within these designations weighs significantly in favour of the proposal.

Although some local residents have identified concerns in terms of highway safety, impact on residential amenity, setting of the listed building, surface water flooding and capacity of facilities there is no evidence of harm that cannot be mitigated. There are no objections from Oxfordshire County Council subject to the delivery of the mitigation measures for highways and CIL contributions for education and no other infrastructure providers have raised objections. The Local Plan and the Cholsey NDP plan are at an early stage of preparation and can be given very limited weight in accordance with paragraph 216 of the NPPF.

Taking into account the benefits of the development and weighing these against the limited harm, I consider that the proposal represents a sustainable development consistent with Para.14 of the NPPF and Policy CS1 of the South Oxfordshire Core Strategy and the emerging BNP. The proposal would contribute towards the objective to boost the supply of housing, consistent with Para.47 of the NPPF. Therefore, placing all of the relevant material considerations in the balance I conclude that the limited

adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal and recommend the application for approval, subject to the prior completion or variation of the relevant S106 Planning Obligation.

8.0 RECOMMENDATION

8.1 That the decision to grant planning permission is delegated to the Head of Planning following the completion of the Section 106 Agreement to secure affordable housing and the contributions set out in the report and subject to the following conditions;

- 8.2**
- 1. Commencement 3 years - Full Planning Permission**
 - 2. Development to be carried out in accordance with the approved plans**
 - 3. Schedule of Materials**
 - 4. Contamination**
 - 5. Contaminated Land - Remediation Strategy**
 - 6. Noise protection - roads and railway**
 - 7. Control of construction noise**
 - 8. Restricted Working Hours**
 - 9. Control of Dust**
 - 10. Wildlife Protection (mitigation as approved)**
 - 11. No development until a bat licence has been issued**
 - 12. Biodiversity enhancement strategy to be submitted**
 - 13. Surface water drainage works (details required)**
 - 14. Details of new access**
 - 15. Vision splay protection**
 - 16. New estate roads**
 - 17. Parking & Manoeuvring Areas Retained**
 - 18. Construction Traffic Management**
 - 19. No Garage conversion into accommodation**
 - 20. Construction method statement**
 - 21. Travel Information Packs**
 - 22. Foul Drainage**
 - 23. Archaeological Watching Brief**
 - 24. Implementation of Programme or Archaeological Work**
 - 25. Landscaping (include access road and hard standings)**
 - 26. Water supply impact study to be submitted**
 - 27. Air Quality assessment and mitigation**
 - 28. Tree protection.**
 - 29. Tree pit details**

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