

<b>APPLICATION NO.</b>	<a href="#">P18/S0827/O</a>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	19.3.2018
<b>PARISH</b>	CROWMARSH GIFFORD
<b>WARD MEMBER(S)</b>	Felix Bloomfield Sue Cooper
<b>APPLICANT</b>	Bloor Homes and Hallam Land Management
<b>SITE</b>	Land to the east of Benson Lane Crowmarsh Gifford
<b>PROPOSAL</b>	Outline planning application for up to 150 dwellings together with associated access, public open space, landscaping and amenity areas.
<b>OFFICER</b>	Cathie Scotting

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**1.0 INTRODUCTION**

1.1 The application is referred to Planning Committee as the recommendation varies from the view of the Crowmarsh Gifford Parish Council. This application is a duplicate of the scheme submitted under reference P16/S3608/O. This 2016 planning application was allowed on appeal 29 May 2018. The current application was submitted 19 March 2018, shortly before the public inquiry was commenced on 27 March 2018. Although the application is a duplicate, the applicant has advised that they wish the current application to be determined.

**2.0 PROPOSAL**

2.1 A location plan is **attached** (Appendix A). The site is greenfield agricultural land within the setting of the Chilterns AONB although it is not within the designated AONB area. Permission is sought for up to 150 homes including 40% affordable housing on existing agricultural land. The application is in outline with all matters reserved except access. Vehicular access would be taken from Benson Lane to the west of the site. The development extends east to the public footpath running north – south in the field. The A4130 lies beyond further east. Marsh Lane forms the northern boundary, along which lie a belt of trees protected by Tree Preservation Order. To the south is another public footpath adjacent to which are the rear gardens of residential properties in The Street.

2.2 The Parameters Plan (Appendix B) Illustrative Masterplan (Appendix C), and the Access Plan (Appendix D) are all attached.

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **All representations can be viewed on the Council's website:**

<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P18/S0827/O>

3.2 **Residents (60) Objections comprise:**

- Scale is inappropriate for village
- Greenfield site outside village, brownfield sites should be developed
- Numbers exceed target in plans
- Crowmarsh already has further development permitted / planned
- Contrary to Crowmarsh Gifford Village Plan and emerging Neighbourhood Plan
- Layout / design out of character with area
- Traffic increase, poor access, congestion over Wallingford Bridge
- Proximity to AQMA, detrimental impact on air quality

- Schools and health facilities are at capacity
  - Lack of infrastructure, drainage, water, sewage
  - Lack of local employment, retail and other facilities
  - Noise from construction and RAF Benson
  - Light pollution
  - Loss of agricultural land
  - Impact on wildlife and protected species
  - Existing council office site should be used for housing
  - Only small scale housing appropriate
- **CRAG – Crowmarsh Residents Action Group** – requests that all representations from P16/S3608/O are considered.

3.3 **Crowmarsh Gifford Parish Council** – Object

- The proposed amount of dwellings is more than three times that allocated to the larger village of Crowmarsh Gifford in the SHMA
- The proposed traffic will drastically increase the traffic
- The NPPF says preference should be given to the brownfield sites, the site is greenfield
- A large amount of development is likely to make the village unsustainable, putting pressure on services and facilities
- The proposed site is on the edge of the village. The Local Plan does not allow development beyond the built up area
- The proposed site has the presence of legally protected adders and barn owls

**Benson Parish Council** – Object on the grounds of cumulative impact to the Benson/Crowmarsh Gifford infrastructure and services such as roads, medical services and schools.

3.4 Responses from technical consultees:

**Oxfordshire County Council** – In respect of transport, education and archaeology the County Council has no technical objections. No objection subject to a legal agreement and conditions.

**Environment Agency** – This application is of a category where the Environment Agency do not comment.

**CPRE South Oxon.** – Object as the site is not allocated in the development plan, the cumulative effects of development around Crowmarsh and the harm to the setting of the AONB

**CPRE (Rights of Way)** – The development affects footpaths FP2 and 3 and RB4. Object as development would obscure views and adversely affect rural ambience

**Oxfordshire Clinical Commissioning Group** – Object as this would place a huge burden on already stretched GP services in the area and would like to discuss a contribution to the local health economy.

**The Chilterns Conservation Board** – sets out previous representation on P16/S3608/O and, amongst other matters, refers to 'The land to the east of footpath 181/3 secured as undeveloped land in perpetuity. This could be continued agricultural use, or planted as new woodland, or put as informal (unequipped) open space, or green infrastructure'. If a section 106 Agreement is being pursued ahead of the

determination of this re-submission, CCB recommends that this matter is the subject of detailed controls as would be included within such an Agreement.

**Conservation Officer** – No objection to development here when considered against the tests of Section 12 of the NPPF and Local Plan Policy CON5. I do not consider that there would be harm to any neighbouring designated assets that would diminish their significance. I do not consider that the proposed access would harm the setting of neighbouring designated assets.

**Forestry Officer** - No objection subject to mitigation for removal of trees, a landscape strategy and a detailed landscape and tree planting scheme to allow highway planting including large trees and a arboricultural method statement for protection of trees.

**Environmental Protection Team** – No objection subject to conditions on noise protection for new dwellings, a construction management plan and construction hours.

**Air Quality** - in view of the the size of the development and the proximity to the Wallingford AQMA, I would expect mitigation measures to be included in accordance with Band 1 of the councils developer guidance on air quality. A dust management scheme should be part of a Construction Site Management Plan. Any permission is to be conditional upon suitable conditions.

**Contaminated Land** - Based on the information supplied in the application there does not appear to be any reason to suspect potential land contamination could impact the development site. No comments

**SGN Plant Protection Team** – A gas pipeline runs underground through the site. Information provided for the developer in respect of construction requirements.

**ESP Utilities Group Plant** – Information in respect of gas infrastructure

#### 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P16/S3608/O](#) - Refused (04/04/2017) - Appeal allowed (29/05/2018)  
Outline planning application for up to 150 dwellings together with associated access, public open space, landscaping and amenity areas.

The reasons for the decision are discussed below under the Planning Considerations section of this report.

**P16/S3883/SCR** – EIA not required (16/12/2016 valid until 16/12/2018)  
Outline planning application for up to 150 dwellings together with associated access, public open space, landscaping and amenity areas, Crowmarsh Gifford.

The proposal constitutes Schedule 2 (category 10(b) urban development projects) and is above the indicative threshold of 5 ha (7.35 ha) and is visible from the Chilterns Area of Outstanding Natural Beauty, a sensitive area. Having regard to the characteristics of the development and other development currently proposed in the vicinity it is not considered that there is potential for significant environmental effects. All issues are considered to be of local significance only and can be examined through the normal planning process.

[P15/S2756/PEJ](#) – Pre application advice 24/09/2015  
Principle of developing the site for housing up to 150 dwellings.

[P09/W0201/O](#) - Refused (24/06/2009) - Appeal dismissed (02/12/2009)

Outline application for the erection of 210 dwellings (including affordable housing provision), associated landscaping and arboricultural works, parking, public open space provision, together with a vehicular and pedestrian access from Benson Lane and Lane End. As amplified by - i) Technical Note 1: Groundwater matters received 27 May 2009 (further information submitted under regulation 19 of the EIA Regulations 1999); ii) Technical Note - Air Quality dated 5 January 2009. As amended by email from Woolf Bond dated 9 June 2009 amending Parameters Plan: i) height of two storey development to a maximum of 8.2m; ii) height of Benson Lane frontage development from 2.5 storey to maximum 2 storey height.

[P08/W1028/O](#) - Refused (19/12/2008) - Appeal dismissed (13/07/2009)

Outline application for the erection of 420 dwellings (including affordable housing provision), associated landscaping and arboricultural works, parking, public open space provision and sports pavilion, together with a new vehicular and pedestrian access from Benson Lane and link road to the A4074.

[P08/W1029/O](#) – Appeal withdrawn (09/12/2008)

Outline application for the erection of 200 dwellings including affordable housing) associated landscaping and arboricultural works, parking and public open space provision together with a new vehicular and pedestrian access from Benson Lane and link road to the A4074.

## 5.0 **POLICY & GUIDANCE**

### 5.1 South Oxfordshire Core Strategy (SOCS) Policies

CSS1 - The Overall Strategy  
CSR1 - Larger Villages  
CSH1 - Amount and distribution of housing  
CSH2 - Housing density  
CSH3 - Affordable housing  
CSH4 - Meeting housing needs  
CSEN1 - Landscape protection  
CSEN3 - Historic environment  
CSG1 - Green infrastructure  
CSI1 - Infrastructure provision  
CSM1 - Transport  
CSM2 - Transport Assessments and Travel Plans  
CSQ3 - Design

### 5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) Policies:

C4 - Landscape setting of settlements  
C6 - Maintain & enhance biodiversity  
C8 - Adverse effect on protected species  
C9 - Loss of landscape features  
CON11 - Protection of archaeological remains  
CON12 - Archaeological field evaluation  
CON13 - Archaeological investigation recording & publication  
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  
D6 – Community Safety  
D7 – Access for all  
D10 - Waste Management

D12 - Public Art  
EP 1 - Adverse effect on people and environment  
EP4 - Impact on water resources  
EP6 - Sustainable drainage  
EP7 - Impact on ground water resources  
G2 - Protect district from adverse development  
G4 - Protection of Countryside  
H4 - Housing sites in towns and larger villages outside Green Belt  
R6 - Public open space in new residential development  
T1 - Safe, convenient and adequate highway network for all users  
T2 - Unloading, turning and parking for all highway users

5.3 Emerging South Oxfordshire Local Plan 2033:

The Council is preparing a new Local Plan, which will set out how development will be planned and delivered across South Oxfordshire to 2033. The overall strategy in draft policy STRAT1 is to focus major new development in the Science Vale, including Didcot Garden Town and Culham; provide for major development at Chalgrove and Berinsfield; support and enhance the economic and social dependencies between towns and villages; support the roles of Henley-on Thames, Thame and Wallingford; support and enhance the roles of the larger villages (including Cholsey); allow limited housing and employment development at smaller and other villages; protect and enhance the countryside by ensuring that any change relates to very specific needs; and support and enhance the historic environment.

Policy H4 refers to Housing in the Larger Villages and indicates that a target for 110 homes will be delivered in Crowmarsh Gifford through a Neighbourhood Plan or through Local Plan site allocations.

The Council is currently considering whether to pursue the allocation of Chalgrove Airfield, together with the possibility of alternative or reserve sites.

5.4 Neighbourhood Plan:

Crowmarsh Neighbourhood Area was formally designated on 1 June 2017. The Parish Council has started the process of gathering evidence and engaging with the local community. This is to give the plan a direction and draft policies that will inform the neighbourhood plan.

5.5 Supplementary Planning Guidance/Documents:  
South Oxfordshire Design Guide 2016 (SODG 2016)

5.6 National Planning Policy Framework (NPPF)  
National Planning Policy Framework Planning Practice Guidance (NPPG)

5.7 EIA Regulations

Within the context of the EIA Regulations the LPA has determined that this proposal is not likely to give rise to significant environmental impacts and is therefore not EIA development and a full EIA statement is not required. The EIA guidance states that local planning authorities (LPA) should always have regard to the possible cumulative effects arising from any existing or approved development. The LPA considered these proposals in the EIA screening report (P16/S3883/SCR) and concluded there would not be significant cumulative environmental effects in the context of the EIA regulations and guidance.

5.8 CIL Regulations 2010 (as amended)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning considerations are relevant:

- Principle of development
- Landscape impact
- Agricultural Land
- Transport and highways
- Air Quality
- Drainage
- Layout and design
- Residential Amenity
- Mix and Affordable Housing
- Infrastructure
- CIL

6.2 The NPPF advises that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. This scheme has undergone scrutiny at a recent appeal and environmental, social and economic considerations have recently been considered at the public inquiry which sat between 27 -29 March 2018 in relation to the duplicate application P16/S3608/O. The Inspector's decision can be read on the Council's website:

<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P16/S3608/O>

The Inspector's considerations concentrated on:

- whether the Council can demonstrate a 5 year supply of housing land sufficient to meet the objectively assessed need (OAN) for housing and the consequences for national and local plan policy;
- the effect of the development on the landscape character, visual amenity and local distinctiveness of the area;
- the impact of the proposal on the local highway network and highway safety;
- the likely impacts of the development on air quality;
- the likely impact of the proposal on local education infrastructure;
- the effect of the development on Best and Most Versatile (BMV) agricultural land

6.3 In relation to policy the Inspector judged the following:

- i) the most relevant development plan policies are those contained in the South Oxfordshire Core Strategy 2012 (CS) and the saved policies of the South Oxfordshire Local Plan 2006 (SOLP) (para 14)
- ii) The neighbourhood plan for Crowmarsh is at an early stage and limited weight should be attributed to it (para 21)
- iii) the emerging Local Plan should have very limited weight attributed to it (para 20)
- iv) In relation to Policy CSR1 Crowmarsh is a larger village and the methodology by which this was tested is robust (para 15)
- v) Policy CSR1 is 'silent' in relation to housing in larger villages due to the lack of a Site Allocations DPD (para 19)
- vi) Policy CSH1 sets out the housing requirements of the district for the period 2006-2026. This policy is derived from the now revoked South East Plan.... therefore

Policy CSH1, which is not based on the Frameworks (NPPF) approach to housing need, is now out of date (para 16)

vii) If the evidence in relation to housing land supply is accepted, this would be the case here and the ‘tilted’ balance would not be engaged (para 25)

viii) However I have found the relevant development plan policies are silent and out of date. Therefore, irrespective of the position on housing land supply the ‘tilted balance’ would apply in any event. Therefore in the circumstances of this appeal, it is not necessary for me to determine the actual supply figure or whether the Council can demonstrate a 5 year supply of housing land. It is not determinative to my approach and subsequent reasoning (para 26)

- 6.4 The findings of the Inspector on the policy position are considered further in the following paragraphs. Appeal decisions are a judgement on the policy position. Since the Crowmarsh appeal, the council are in receipt of two further appeal decisions<sup>1</sup>, which can also be added into the evaluation.

#### **Principle of development**

- 6.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The most relevant development plan policies for this application are those contained in the South Oxfordshire Core Strategy (SOCS) and the saved policies of the South Oxfordshire Local Plan 2006 (SOLP).
- 6.4 Policy CSS1 focusses major new development to the Growth Point of Didcot followed by the market towns of Henley, Thame and Wallingford and then 12 larger villages in the District. Crowmarsh Gifford is defined as a larger village.
- 6.5 Policy CSH1 sets out the housing requirements of the district for the period 2006-2026. This policy is derived from the now revoked South East Plan, rather than based on objectively assessed need set out in the 2014 Strategic Housing Market Assessment (SHMA). As Policy CSH1 is based on the South East Plan target rather than the more up-to-date SHMA, this policy could be viewed as out of date in so far as it relates to housing figures. However, the Council can currently demonstrate a five year housing land supply against the mid-point target set out in the SHMA. Therefore whilst weight cannot be given to the figures in Policy CSH1, significant weight is given to the Council’s five year housing land supply position.
- 6.6 Policy CSR1 identifies an appropriate level of growth for the villages to support and enhance sustainable communities. This is to be achieved through allocations, allowing infill sites and rural exceptions where a need has been shown. Policy CSR1 allows for unlimited infill as well as allocations. Paragraph 13.10 defined infill as *“the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.”* The site is not an infill site, under the terms of Policy CSR1.
- 6.7 Paragraph 14 of the NPPF states that where the development plan is absent, silent or out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies indicate development should be restricted.
- 6.8 In relation to Policy CSR1, the high court decision in respect of Chinnor found that the Core Strategy is silent on allocations in the larger villages, until such time as a

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<sup>1</sup> Appeal Ref: APP/Q3115/W/17/3188474, Land east of Park Road, Didcot OX11 8JT, 27 June 2018  
Appeal Ref: APP/Q3115/W/3182192 Land south of the High Street, Tetsworth, 4 June 2018

neighbourhood plan is made or a local plan or site allocations DPD is adopted. The process for preparing the Crowmarsh Gifford Local Plan is underway and the site area has been designated. Work has commenced on the evidence base and consultation has taken place on potential site allocations and draft policies. However the document is still at an early stage and limited weight should be attached to it.

- 6.9 Within the context of Crowmarsh and the relevance of Policy CSR1, allocations have not been made either through a DPD or Neighbourhood Plan. As such Policy CSR1 is out of date in relation to Crowmarsh and the presumption in favour of sustainable development applies, as cited in paragraph 14 of the NPPF. For decision making this means development should be permitted without delay unless i) 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 ii) specific policies in this Framework indicate development should be restricted. As the relevant housing policy is out of date the housing numbers identified in Policy CSR1 are also out of date. The Inspector did not find the target number for the village in the emerging Local Plan relevant (para 66). Sustainable development has an economic, social and environmental role and policy considerations in respect of sustainable development are considered below.

#### **Landscape**

- 6.10 The protected areas in paragraph 14 include designated Areas of Outstanding Natural Beauty (AONB). The application site is not subject to any landscape designations but lies outside but close to two Areas of Outstanding Natural Beauty (AONB), the Chilterns AONB to the east and the North Wessex Downs to the north west. The inspector concluded that whilst the site is an area of attractive countryside, it does not form a valued landscape in terms of paragraph 109 of the Framework (para 35). With regard to landscape impact, there would be localised impacts but the development would not have a material effect on the wider landscape (para 36) and there would be no harm to the setting of the AONB (para 38). Taking into account the visual impact, the proposal would not cause any material adverse harm to the landscape character or visual amenity of the area (para 42). Accordingly the proposal complies with Policy CSEN1 of the CS and saved policies G2, G4, D1 and C4 of the SOLP and the relevant paragraphs in the Framework.

#### **Agricultural Land**

- 6.11 The site comprises 7.3 hectares of predominantly Grade 2 agricultural land. Land of such quality is classed as best and most versatile (BMV) and the proposed development would inevitably result in its loss. The Inspector considered para 112 of the Framework where authorities should seek to use areas of poorer quality land in preference to the higher quality, where there is *significant* (my emphasis) development of agricultural land. The site is less than the 20 hectare threshold for consultation with Natural England and the Inspector considered the size of the site is not 'significant' (para 60). The Inspector noted that there is a high proportion of BMV agricultural land around Didcot and Wallingford and that in order to meet the need for development land around Didcot and Wallingford, BMV land would be required (para 61). In economic terms there would not be a significant impact on the viability of the farm enterprise (para 62) and there is limited harm (para 63).

**Biodiversity**

- 6.12 The loss of biodiversity and impact on protected species has been raised by the parish council and local residents. There is no objection from the Council's countryside officer subject to conditions. The inspector concurred with this view and found the scheme acceptable in terms of biodiversity (para 74).

**Transport and highways**

- 6.13 Subject to conditions and the agreement to obligations to provide mitigation secured through a S106 agreement, there is no objection from the highway authority. The Inspector concluded that subject to mitigation measures the proposed development would not result in any significant adverse impacts on the wider highway network (para 48). The application scheme therefore complies with paragraph 32 of the Framework which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts would be severe.

**Air Quality**

- 6.14 The Air Quality Officer advises that mitigation measures are necessary. The Inspector was satisfied that with proposed mitigation measures the proposed development would not result in unacceptable impacts on air quality (para 52). Conditions in respect of gas fired boilers and charging points for electric vehicles are necessary.

**Drainage**

- 6.15 In respect of surface water a Flood Risk Assessment accompanies the application. The site is located within Flood Zone 1, an area with the lowest probability of fluvial flooding. It is proposed that surface water drainage be dealt with through a sustainable urban drainage scheme (SuDS) including attenuation ponds and swales which would ensure that surface water run-off from the site is at the same rate as current greenfield run off. The scheme has been designed to accommodate a 1 in 100 year storm event with a 35% allowance for climate change. In respect of foul drainage a strategy is being prepared with Thames Water. The inspector confirmed (paras 69 and 71) there were no objections to the proposals in respect of drainage. Subject to conditions there are no technical objections.

**Layout and Design**

- 6.16 The parameters plan shows the respective areas of land use on the site and the accompanying masterplan is illustrative. In general terms the areas of open space and landscaping and SUDs are on the periphery of the site surrounding the residential development. The public rights of way remain and are set within a landscaped green corridor. The open space represents about 39% of the site. Significant trees including large species will be required within the development to assimilate the development into the landscape. This can be secured by condition and dealt with at reserved matters. Comments have also been made upon the suitability of 2.5 storey dwellings which are located in the centre of the built development. Provided there is tree planting with higher species within the development a proportion of higher storey will be acceptable and can assist with character in the development. This was not a matter raised at the appeal inquiry.

**Residential amenity**

- 6.17 The Inspector found that it was necessary to protect the living conditions of future occupiers ensuring there is a scheme to protect from noise. In respect of existing residents the layout has been designed to design guidelines on privacy and security.

**Housing**

- 6.18 The applicant has confirmed that the housing mix for market housing and the tenure and mix for affordable remains as agreed on P16/S3608/O and reflected in the S106 agreement. The market mix follows closely the SHMA recommended mix and the affordable is adapted to take account of welfare reform and local needs. The Inspector found that significant weight should be attached to the proposed housing and made reference to the shortfall in affordable housing in the District, again attaching significant weight and supporting the obligations in the S106 agreement (paras 76 and 85). The proposed mix is:

Table 1: Affordable Housing mix

	1 bed flats 46sqm	2 bed flats 57sqm	2 bed 4 person House 75sqm	3 bed 5 person House 90sqm	4 bed 6 person house 105sqm	Total
Rented	6	6	17	13	3	45
S/O	0	0	10	5	0	15
Total	6	6	27	18	3	60

Table 2: Market mix

	1 bed	2 bed	3 bed	4 bed
SHMA guidance	6%	27%	43%	24%
Proposed %	6.6%	24.4%	44.4%	24.4%
Proposed number	6	22	40	22

- 6.19 In respect of providing adaptable housing, the Inspector said the following: “I have omitted the suggested condition requiring 10% of market dwellings to be built to lifetime homes standard or equivalent. It is unnecessary because those matters should be adequately covered in the Building Regulations, given the Government advice on housing standards in its Written Ministerial Statement of 25 March 2015” (para 97).
- 6.20 The specific standards for adaptable and accessible housing are found in Part M (4) category 2: of the Building Regulations. However they are optional and not building regulation requirements. To meet the housing needs of this district, required by Policy CSH4, evidenced further in the SHMA and explained in the emerging Local Plan, more of this type of housing is necessary. On the previous appeal application the applicant’s agreed with this condition and it is therefore recommended that a condition is attached to meet these needs.

**Infrastructure**

- 6.21 The appeal application was subject to legal agreements prepared under S106 of the Town and Country Planning and Compensation Act 1991 (as amended). These agreements will not apply to this new current application therefore a new S106 agreement will be necessary to secure infrastructure that is being provided on site and highway works. The Community Infrastructure Levy (CIL) will be used to support off site infrastructure.
- 6.22 The Inspector considered the likely impact of the proposal on local education infrastructure and referred to the lack of objection from the Local Education Authority, (which remains the current position) and was satisfied that the local education infrastructure has adequate capacity to accommodate additional pupils from the proposed development (para 57). In respect of transport contributions and highway

works required by Oxfordshire County Council, these were supported by the Inspector (para 81).

- 6.23 Other infrastructure was also considered by the Inspector. She found no substantive evidence that adequate provision could not be made for health (para 68) and accommodation for the local scout group advising that potential solutions have yet to be fully explored with all stakeholders (para 73). In relation to this current application the Clinical Commissioning Group has objected to the application. The District Council no longer collect monies for health under S106, as set out in the Council's Regulation 123 list. In respect of both these infrastructure types the Council's / CIL Regulation 123 list advises that CIL can be used to fund such off site infrastructure. Parish councils are to receive a proportion of CIL funds which can be used to fund community and other types of infrastructure. The district council is in the process of preparing a spending strategy and health will be an infrastructure type that can be considered for spending District CIL monies.
- 6.24 The NPPF does require high quality public space and a strong sense of place and public art is considered essential for achieving this. Policy D12 of SOLP sets out the requirement for public art and is NPPF compliant. The Inspector considered that whilst public art can contribute to place making and high quality design, in this case it would not be necessary to mitigate the effects of the development (para 79). The Inspector did support the needs for S106 contributions for recycling, street naming and numbering and open space maintenance.
- 6.25 The application does provide for public open space and two play areas on the site, which are necessary to meet the policy requirements of SOLP policies R2 and R6 and CSR1. Other off site community infrastructure could be funded through CIL.

#### **Community Infrastructure Levy**

- 6.26 Under the Council's adopted Community Infrastructure Levy (April 2016) development on this site will be liable for CIL. This is an outline application and the amount of receipt will not be known until a detailed stage incorporating the amount of floorspace for calculation. However it is estimated that CIL could be in the region of £1.35 million.

#### **7.0 CONCLUSION**

- 7.1 The proposed development is a duplicate of a scheme recently considered and allowed on appeal. Relevant environmental, social and economic considerations have undergone scrutiny and subject to mitigation, both in the form of planning obligations to be secured under S106 agreement, and conditions requiring further details to be submitted and agreed, the proposed development is acceptable. The development complies with the relevant policies in the Development Plan and will provide housing in the form of sustainable development, compatible with the NPPF.

#### **8.0 RECOMMENDATION**

- 8.1 **To authorise the head of planning to grant planning permission subject to:**

##### **A. The completion of a S106 agreement securing:**

- 1. 40% of total housing to be affordable housing (75% of which to be affordable rented) and minimum size dwellings (as identified in S106 agreement 18S13 pertaining to P16/S3608/O).**
- 2. Transport contributions for an improved bus service and bus stop serving the site (identified in Oxfordshire County Council response dated 9 May 2018).**

3. Off-site highway works (S278 agreement) (identified in Oxfordshire County Council response dated 9 May 2018).
4. On site public open space and play and provisions for maintenance.
5. Contributions for on-site recycling/waste bins and street naming and S106 monitoring (fees applicable at time of implementation).

8.2 B. Conditions to cover the following matters:

1. Reserved matters - appearance, landscaping, layout, and scale.
2. Submission of reserved matters - one year from date of permission.
3. Permission to commence within one year from approval of last reserved matters.
4. Development to accord with approved plans.
5. Development is to be no more 150 dwellings.
6. Housing mix.
7. Details to be submitted with reserved matters to include:
  - i. Details of internal estate roads, access and footpaths.
  - ii. Samples of all materials to be used in the external construction and finishes of the development.
  - iii. Details of vehicle and cycle parking facilities for all dwellings.
  - iv. Details of all street lighting and street furniture.
  - v. Details of recycling / waste storage facilities.
  - vi. Location of fire hydrants.
8. Details of design access from Benson Lane.
9. No surface water to be discharged to the adjoining carriageway surface.
10. No dwelling to be occupied until pedestrian, cycle and highway access to dwelling.
11. Residential travel plan prior to occupation.
12. Detailed scheme for protection from noise for new dwellings.
13. Any gas fired boilers to meet a minimum standard of <40mgNOx/kWh.
14. Landscape management and maintenance plan.
15. Biodiversity enhancement strategy and management plan.
16. Details of trees to be retained and protected.
17. Sustainable drainage details, based on the Brookbanks flood risk assessment Rev 3 of 24 Oct 2016.
18. Times of construction: 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No works on Sundays or Public Holidays.
19. Construction method statement.
20. Archaeological written scheme of investigation.
21. All dwellings to have charging points for electric vehicles.
22. Details of the utilities to be provided on the site to facilitate superfast broadband connectivity.
23. All ground floor affordable homes and 10% of market dwellings to meet standards for adaptable and accessible housing set out in Part M (4) Category 2 of the building regulations.

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