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| APPLICATION NO. | P16/S1139/O |
| APPLICATION TYPE | OUTLINE |
| REGISTERED | 22.4.2016 |
| PARISH | BENSON |
| WARD MEMBER(S) | Richard Pullen Felix Bloomfield |
| APPLICANT | R J & S Styles |
| SITE | Land north of Littleworth Road Benson |
| PROPOSAL | Outline planning application (with all matters reserved except access) for the erection of 241 dwellings (40% of which will be affordable) with associated access; public open space, landscaping, sports provision, nature park and woodland; Up to 230 sqm retail; Provision of community facilities including relocated school playing fields, youth hut, skate park and play space. |
| AMENDMENTS | Minor amendments to illustrative layout received 25 May 2016 |
| OFFICER | Carolyn Organ |

1.0 **INTRODUCTION**

1.1 This application was deferred from the Planning Committee meeting on 8th June 2016 in order to allow Members to visit the site. The site comprises agricultural land that forms a gently undulating plain over the most part, with a gentle fall to the south and west. The sites is just under 17 hectares in size. The site is bounded by another agricultural field that has planning permission for housing as part of P14/S0673/FUL and P15/S3293/FUL. The northern boundary of Benson Conservation Area forms the southern edge of Littleworth Road to the south of the site. The built up area of Benson lies beyond the adjacent site to the east and southern boundaries. To the north and west is open countryside, with the McDonald's Services Station to the west beyond the B4009 which links to the A4074. A location plan is **attached** as Appendix 1.

2.0 **PROPOSAL**

- 2.1 This is an application seeking outline planning permission for the erection of 241 dwellings with the associated provision of access; public open space, landscaping, sports provision, nature park and woodland; up to 230 sqm retail; provision of community facilities including relocated school playing fields, youth hut, skate park and play space. The detailed matter to be considered at this stage is access. All other detailed matters are reserved. These include landscaping, appearance, layout, scale and on-site parking. These reserved matters will be subject of a further detailed application should outline permission be granted.
- 2.2 The primary access to the site, which will serve the majority of housing, will be through the adjacent permitted scheme, known as phase 1, from Littleworth Road to the south.
- 2.3 The proposed development, although made in outline, seeks to set parameters for development to ensure that the layout mass and heights of building are appropriate for its location and will not adversely affect adjacent buildings.

- 2.4 The Land Use and Framework plans show the general extent of the built footprint, the disposition of land uses across the whole site, the points of access and the areas of open space. It governs the future uses approved for different zones and the broad location of the land uses for the development.
- 2.5 The Storey Heights plan identifies the logical graduation and distribution of building heights across the development and the maximum upper limit of height within each development zone. The heights of the residential properties range from a minimum of 2 to 2.5 storeys.
- 2.6 It is proposed that all subsequent reserved matters applications will be in accordance with the principles of these parameter plans. However, the exact extent, orientation and location of land uses and facilities will be refined through the reserved matters applications.
- 2.7 The Density plan identifies the graduation and distribution of densities across the development. The density ranges from areas of 21-30dph, 31-40dph and 31-50dph across the site. Overall the proposal achieves an average density of 14.1 dwellings per hectare. The low density reflects the large amount of green space that is included in the development including a nature park. If this large area of green is removed from the calculations the density is 28 dwellings per hectare.
- 2.8 More than 10% of the site area will be used as public open space. The green infrastructure plan that accompanies the application shows different types of open space including a large nature park to the west of the site. The application also proposes to locate a children's equipped play area, Skatepark/Multi Use Games Area and an equipped fitness trail within this phase 2 development.
- 2.9 A full suite of surveys and assessments have been undertaken to support the application, including the submission of an illustrative layout plan. Extracts from the parameter plan drawings are **attached** at Appendix 2.
- 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**
- 3.1 The publicity for this re-submitted application closes on 8 June. Any responses that are received and identify new points between the writing of this report and Planning Committee meeting will be updated verbally at the meeting and minuted.
- 3.2 This is a re-submission of application P15/S3916/O. Comments made on the original application, in addition to those made this time, have been included in the summary below to ensure that all comments made in relation to the site have been addressed.
- 3.3 **Benson Parish Council** – Objection. Benson Parish Council unanimously resolved to object to the application on the grounds of:
- The development is not required to meet the housing quota for Benson identified in the SHMA. The figure for Benson has already been achieved taking into account the Phase 1 application and other developments in the village.
 - The application does not fully comply with the SODC Core Strategy policies CSR1, CSS1, CSQ3 and CSQ4.
 - Substantial transport and traffic issues will be caused by the currently designed road layout and access points.
 - This number of houses on a single site will have a detrimental impact upon the infrastructure services in the village.
 - The number of houses combined with the proposed road changes to Littleworth

Road will substantially increase the risk of flooding in an area which has recent history of flooding.

3.4 **Natural England** - No objection. Originally objected based on initial information received as part of the application. Natural England then reviewed the further information submitted, namely the most recent set of viewpoint photos. This resulted in revised advice. Natural England consider that this proposal will not have as great an impact on the North Wessex Downs AONB as we previously advised. Therefore subject to mitigation in the form of a suitable planting scheme being secured have no objection to this application.

3.5 **Oxfordshire County Council Highways** – No objection. This is subject delivery of the proposed off site highway works, appropriate contributions and conditions. Contributions identified for public transport and providing bus stop infrastructure on A4074. Conditions to cover access, drainage, travel plan and construction method statement. Remaining details relating to internal layout and parking will be picked up at reserved matters stage.

3.6 **Oxfordshire County Council Education** – No objection subject to condition and legal agreement to secure education expansion to mitigate impact of development.

3.7 **Oxfordshire County Council Archaeologist** – No objection subject to condition that will require further investigation in advance of the development.

3.8 **Thames Water Development Control** – No objection subject to Grampian condition covering sewer infrastructure works for foul drainage to be agreed prior to works commencing on site and implemented prior to first occupation.

3.9 **Environment Agency** – No objection subject to appropriate conditions ensuring that no development takes place in flood zone 2 and 3 in accordance with the framework plans and Flood Risk Assessment that accompanies the application. Also request a biodiversity details condition relating to Lady Brook.

3.10 **Oxfordshire Clinical Commissioning Group** – No objection. This application will result in approximately 554 new patients all who would look to the Mill Stream Surgery for their primary care. Whilst this is a relatively small number of patients, it is in fact an 11% increase in the list size of this practice (currently 4728) and we would ask for a contribution towards infrastructure changes to the practice premise so that they could have another consulting room.

3.11 **Crime Prevention Design Adviser** – No objection. Some areas highlighted to be reviewed ahead of reserved matters including active frontages on open space, design of footpaths, parking and lighting within the development.

3.12 **Police Funding** - No objection. Highlights some off site infrastructure contributions for the police. Given the council has adopted CIL this will need to be considered as part of a wider spending strategy.

3.13 **Landscape Architect** – No objection. Identifies less than significant harm to AONB following receipt of more detailed information and photos. Some impacts on public footpath identified during construction phase. Less than significant harm of extending built up limits of Benson on landscape setting given it is not a designated landscape.

Housing Development - No objection. Provides advice about the mix of the proposed 40% affordable housing, which should be 75% affordable rent and 25% shared

3.14 ownership. Also highlights that a commuted sum will be needed for the remaining 0.4 part unit in line with the published calculations in the council's affordable housing viability study.

Urban Design Officer – No objection. Layout is only illustrative but main outstanding concern based on the current plans related to the connections of internal roads on the eastern edge. This should be resolved ahead of reserved matters.

Monson Drainage Engineer – No objection subject to conditions requiring details of surface and foul water drainage to be agreed prior to work commencing on site.

Environmental Protection Team – No objections subject to condition requiring scheme for mitigation of noise and dust to be agreed and implemented during construction and completion of an acoustic report before commencement and implementation of any agreed mitigation before occupation.

Environmental Health - Air quality – No objection subject to condition for more detailed modelling to be undertaken and any mitigation needed to be agreed prior to commencement.

Contaminated Land – No objection subject to condition requiring more intrusive investigation prior to commencement.

Forestry Officer – No objection to access or number of homes on site. More detailed comments will be given at reserved matters stage.

Countryside Officer – No objection subject to conditions relating to details of nature park and badger mitigation strategy.

Leisure & Economic Development - No objection. Site originally proposed on site sports provision although not necessary to make the scheme acceptable. Leisure comments advised that the sites originally proposed for that were not all large enough for that use. Provides advice on maintenance of the play and open space should it not be handed to a management company. School playing field needs to meet Local Education Authority standards.

Waste Management Officer (District Council) - No objection. Refers applicant to council guidance for waste to be considered as part of reserved matters application.

Equalities Officer - No objection. Requests condition for properties to be designed to meet M4 (2) category 2: Accessible and adaptable dwellings in line with CSH3 in the absence of Lifetime Homes. Also provides some more detailed accessibility advice for reserved matters application.

Local residents - as part of P15/S3916/O 179 neighbour responses were received to the original consultation of which 177 objected. A subsequent amendment consultation was then held and 33 neighbour responses were received all of which were objections. So far on this re-submitted application 30 responses have been received from residents. 29 of these are objections and one accepts the principle but has concerns. A summary of points raised by residents in both applications is summarised below.

Transport

- Traffic assessment underestimates traffic levels and takes no account of cycle, pedestrian or HGV traffic
- Road infrastructure inadequate
- No provision to ease the traffic flow in the village
- Insufficient parking on site and no alternative
- No attempt to provide cycle paths and good pedestrian routes to the centre and to Wallingford
- Proposals for Littlewood Road are dangerous with inadequate mitigation and will not be safe for children to cross
- Resident's on street parking will be lost from Littleworth Road
- Proposed pavement too narrow
- Parking already difficult in village centre
- Chapel Road will become main access route to village shops from the development and this is inappropriate
- Phase 2 needs a bypass for Benson.
- Village used increasingly for access to M40 including heavy lorries
- Reduction in bus services will result in additional traffic
- Public transport/crossing point for A4074 – needs comprehensive proposals
- No assessment of impact of Phase 2 on Warborough or Shillingford
- Opposition to conversion of existing alley ways into tarmacked pathways

Housing need, impact on character and resident amenity

- No need for any further housing – Phase 1 has completed the SHMA requirement until 2027 – other villages should have share.
- Benson should remain a village – this will make Benson a town with dangerous roads and no infrastructure
- Loss of character especially Littleworth Road
- Proposal out of proportion for the village
- Density too high
- Scale and bulk of development will result in loss of daylight in properties on Sunnyside
- Housing design too modern, out of keeping and will for some properties result in loss of privacy
- Any additional housing should use smaller sites around the village
- Most residents would support new build but not at this site
- 30% overall increase in size of village population
- New housing will not be integrated into the village

Infrastructure

- Medical and dental services will be overloaded
- Proposals for the Primary School expand involve land held by Trust
- Proposed playing field site would not be viable: no resources for cost of maintenance, facilities, supervisory staff
- Further retail unit in Phase 2 unnecessary – there are already empty shops in the village
- Location of playing field poor, too far from school, crossing 2 busy roads
- Skate park proposal unnecessary and inappropriate

Flooding, drainage, landscape and other environmental issues

- Proposal requires in depth environmental, geological and highways

- consultation to county level
- Site is low lying and in the flood plain
- Drainage systems already overloaded, considerable investment needed and possible treatment works
- Site currently open ground, developing it will affect water table and cause downstream flooding
- Should take impact of proposed Oxford Relief Channel into account in assessing this proposal
- Loss of good quality agricultural land
- Impact on AONB
- Loss of long distance views to the north and west
- Loss of wildlife habitats not replaced by creation of nature/wildlife area
- Loss of wide range of local wildlife: including Red Kite, wagtail, sky larks, also frogs, toads, grass snakes, should retain this area for wildlife
- Landscaping will be very important, particularly trees along eastern boundary: improve visual impact, prevent further encroachment and help with flood defences
- Impact on Littleworth Conservation Area
- Light pollution from development

Planning policy

- Proposals do not conform with Core Strategy policies CSR1 CSS1 CSQ3, CSQ4
- Unnecessary loss of green countryside, not infill as required by Core Strategy
- Any possible benefits to village outweighed by the damage caused by the proposals

4.0 RELEVANT PLANNING HISTORY

- 4.1 P15/S3923/FUL – Resolution to approve subject to conditions and completion of S106 Variation of conditions 2 & 13 of planning permission P14/S0673/FUL
- 4.2 P15/S3578/SCR – Environmental Impact Assessment is not required
This development proposes a residential scheme of up to 241 dwellings (40% of which would be affordable) with associated access, public open space, landscaping, sports provision, nature park and woodland; up to 230 sq.m retail space; Provision of community facilities including school playing fields and play space. Access off Littleworth Road leading from the B4009 to the south west corner of the site, with a secondary access in the south eastern corner (access to Phase 2 is proposed through Phase 1).
- 4.3 P14/S0673/FUL – Approved at Appeal – (02/06/2015)
(1) the erection of 107 dwellings with associated access, open space and landscaping;
(2) 41 retirement flats and 11 retirement bungalows with associated parking.
Evidence was provided that the appellant consulted on this amendment to the same extent as the Council’s previous consultation on the original application.
- 4.4 P86/W0673/OH - Approved (10/09/1984)
Overhead electricity line in order to provide a new supply.
- 4.5 P73/M1127 - Refused (28/06/1974) - Refused on appeal (16/08/1976)
Erection of dwelling houses and accesses.

- 4.6 P73/M1116 - Refused (28/06/1974)
Erection of houses with main estate distributor road. Access
- 4.7 P71/M0548 - Refused (19/10/1971)
Phased residential development starting with possible 10 acres. (9 or 10 units per acre)
estate roads.
- 5.0 **POLICY & GUIDANCE**
- 5.1 South Oxfordshire Core Strategy policies
CS1 - Presumption in favour of sustainable development
CSS1 - The Overall Strategy
CSR1 - Housing in villages
CSM1 - Transport
CSQ3 - Design
CSEN1 - Landscape protection
CSEN3 - Historic environment
CSB1 - Conservation and improvement of biodiversity
CSG1 - Green infrastructure
CSI1 - Infrastructure provision
- 5.2 South Oxfordshire Local Plan 2011 policies

G2 - Protect district from adverse development
G4 - Protection of Countryside
T1 - Safe, convenient and adequate highway network for all users
C4 - Landscape setting of settlements
C9 - Loss of landscape features
CON7 - Proposals in a conservation area
R2 - Provision of play areas on new housing development
R6 - Public open space in new residential development
- 5.3 Oxfordshire Minerals and Waste Local Plan Policy SD10
- 5.4 Emerging Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, and
Policy M8
- 5.5 Emerging South Oxfordshire Local Plan 2032
- 5.6 Emerging Benson Neighbourhood Development Plan
- 5.7 South Oxfordshire Design Guide 2008
- 5.8 South Oxfordshire Section 106 Supplementary Planning Document 2016
- 5.9 National Planning Policy Framework
- 5.10 National Planning Policy Framework Planning Practice Guidance
- 5.11 Environmental Impact Regulations, as amended 2015
- 5.12 Human Rights Act 1998
- 5.13 Equality Act 2010 section 149

5.14 Natural Environment and Rural Communities Act

6.0 **PLANNING CONSIDERATIONS**

6.1 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. In the case of South Oxfordshire, the most relevant parts of the Development Plan are the Core Strategy which was adopted in December 2012, the saved policies of the South Oxfordshire Local Plan 2011 and any relevant neighbourhood plans. Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

6.2 Benson is designated as a 'larger village' in the Core Strategy. Policy CSS1 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.

6.3 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. In Chapter 18 of the Core Strategy identifies the delivery mechanisms for allocating sites. These included further development plan documents produced by the district together with neighbourhood development plans.

6.4 The application site falls beyond the built up limits of the village. It is not closely surrounded by buildings or a small gap in an otherwise built-up frontage. It does not represent an infill development. It is also not a site allocated for housing in an adopted / made plan. The development therefore conflicts with the development plan, insofar as it does not meet with the policy CSR1 criteria against which proposals for development beyond the built-up limits of larger villages are assessed.

6.5 At present, none of the sites around Benson have been allocated for housing. We are proposing to allocate sites through the new Local Plan 2032. The refined options (July 2015) consultation for the Local Plan 2032 shortlisted a number of sites for growth in Benson. The application site is one of the shortlisted sites under reference BEN1.

6.6 A Neighbourhood Development Plan (NDP) is being prepared in Benson. The area has been designated and some early consultations including a local resident survey have been undertaken. No sites have currently been proposed. The NPPF at paragraph 216 outlines the weight that can be given to emerging policies. I consider the Benson NDP and Emerging Local Plan 2032 to be at an early stage of plan making and accord them limited weight in decision taking at the present time.

6.7 The council has recently received three planning appeal decisions on major housing proposals; land at Winterbrook, Wallingford (P15/S0191/FUL), land north of Lower Icknield Way, Chinnor (P15/S0154/O) and Land to the east of Newington Road, Stadhampton (P14/S4105/O). These appeals were allowed and planning permission granted for the proposed housing development.

6.8 All three Inspectors assessing these appeals concluded that we should be applying a higher housing target as set out in the Strategic Housing Market Assessment (SHMA),

which means delivering more housing than is currently planned for in our adopted Core Strategy. This led them to the conclusion that the district can no longer demonstrate a 5 year housing land supply, which means the presumption in favour of sustainable development in paragraph 14 of the NPPF is engaged.

- 6.9 Para.49 of the NPPF specifies 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 sites. Para.14 adds that where relevant policies are 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 policies in the NPPF taken as a whole; or*
 - *specific policies in the NPPF indicate that development should be restricted.*
- 6.10 The NPPF does not suggest that populations of settlements should be limited in some way or not be expanded by any particular figure. It expects housing to be boosted significantly. Additional housing can help support and secure local services and it may be possible to address infrastructure deficiencies through planning conditions or through a legal agreement. Cumulative impacts are considered further where relevant in the topics below.
- 6.11 The outcome of these appeal decisions means that the Core Strategy housing supply policies are given less weight in our decision making.
- 6.12 The council's high court challenge of appeal decisions in Chinnor concluded that the council is silent on CSR1 in relation housing in larger villages due to the lack of the Site Allocations DPD. Therefore, paragraphs 49 and 14 of the NPPF are also applied to CSR1 regardless of the current five year land supply position.
- 6.13 Sustainable development should now be permitted unless there is planning harm that outweighs the benefit of providing new housing. Applications for housing should now be considered in the context of the presumption in favour of sustainable development and should be permitted unless there is planning harm that outweighs the benefit of providing new housing. It is in this context that the application will be assessed. The impacts of the development are considered below and the planning balance weighed up in the conclusion of this report.
- 6.14 Sustainability - location
Benson is a larger village, which is identified as a sustainable location for housing within the core strategy policy CSS1.
- 6.15 Taking a midpoint from the northern section of the site it is situated about 0.4 kilometre from the service station area that includes a Marks and Spencer convenience store and McDonalds restaurant. It is also around 0.7km from the primary school at this point and 0.9km from the village centre, which contains a range of facilities including doctor's surgery and shops. Benson is relatively well located for public transport, with the x39/x40 bus service providing direct services to Oxford, Wallingford and Reading, whilst service 139 provides an hourly service to Henley. This development is around 0.5km walking distance from the existing pair of bus stops at Benson Marina to the edge of the development. This distance is not unreasonable for access to a high quality and high frequency bus service. The site is also well connected via public footpaths to the countryside beyond. I consider this site to be in a sustainable location.
- 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). Developments should function well, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, create safe and accessible environments, are visually attractive as a result of good architecture and appropriate landscaping and promote local distinctiveness.

- 6.17 The layout is illustrative at this stage. The parameter plans submitted with the application indicate that taller buildings and higher densities would be within the development rather than on the edges, so as to assimilate with the surrounding countryside more easily. The nature park to the west provides a soft edge to the development and links to Lady Brook with proposed crossing points to join into the existing public footpath. This provides a facility not only for the benefit of the new residents but one that is accessible for the wider community as it adjoins the public footpath and provides an amenity area that can complement the use of the public footpath including play and walking.
- 6.18 The only issue in terms of design in the framework plan was the road network to the east of the site, which was not as well joined up as it could have been. The north-east corner resulted in a series of cul-de-sacs which would have been confusing in legibility terms and is an inefficient use of land. It would have resulted in this edge of the site being defined by side boundaries of dwellings. These disconnected roads on this edge have now been joined up and the street turned into a secondary loop street with dwellings fronting east.
- 6.19 Any reserved matters application would be expected to provide additional details and provide sufficient parking on-street to meet the recommendations of the NPPF and prevailing OCC standards at that time.
- 6.20 Residential amenity
Protecting amenity is a core principle of the NPPF. It is not possible to consider the amenity impact of the proposal in detail at this stage as no firm details on layout or house types accompany this outline application. Should outline permission be granted, it would be more appropriate to assess amenity when considering any reserved matters applications.
- 6.21 As this site sits behind an already permitted development the relationship to this site will be important in terms of residential amenity. Given the distance from existing residents and the information I have at this stage I do not think that there will be a negative significant impact on neighbour amenity. The additional information included as part of the Landscape and Visual Impact Assessment (LVIA) included a cumulative assessment of this proposal alongside the permitted scheme on Littleworth Road. It clarifies that the adverse impact identified on residents of Littleworth Road and Sunnyside will already have been caused by the Phase 1 development permitted on appeal. Therefore, this Phase 2 element will not, on its own, cause adverse impact as Phase 1 can already be implemented. Therefore, the impact on adjacent residents of this proposal in the context is acceptable.
- 6.22 The NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from noise

pollution (paragraph 109).

- 6.23 The site is located in close proximity to the A4074 and road noise from traffic using this road could potentially affect residents of the proposed development. In addition RAF Benson could also be a source of noise pollution. The council undertook the Benson Noise Assessment report in 23 February 2015. This suggests there will be an adverse effect on housing on the proposed development site at night, from both traffic from the A4074 and from flights from RAF Benson. Any future reserved matters application will need to include an acoustic report detailing the predicted noise exposure of the proposed properties. Where the noise levels within the properties (with windows open) and in the external amenity areas are predicted to be unacceptable, taking account of WHO Guidelines for Community Noise, and BS 8233: 2014 'Guidance on sound insulation and noise reduction for buildings', a scheme will be required providing details of mitigation measures which can be undertaken to ensure that levels of noise fall within acceptable limits. I have included this requirement has been included in the proposed conditions. To prevent existing residents experiencing undue disturbance during construction, a condition requiring a Construction Management Plan has been applied.

Highways

- 6.24 Policies D1, D2, T1 and T2 of the SOLP require an appropriate parking layout and that there would be no adverse impact on highway safety. Parking is a reserved matter for this application. With respect to highway safety matters, the advice in the NPPF is that *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*

- 6.25 A large amount of public concern has been around the highway impact of this development. Oxfordshire County Council (OCC) as the highway authority have considered the proposal in detail, including an audit of the transport assessment and the cumulative impact of phase 2 in addition to the already permitted phase 1 proposal.

- 6.26 OCC consider the package of mitigation measures required for Phase 1 under P15/S3293/FUL to be sufficient to also accommodate the proposals under phase 2. To ensure these are delivered they are conditioned as part of this application as well as phase 1 and will be implemented under a Section 278 agreement between OCC and the applicant.

- 6.27 OCC consider the local four-armed (Elm Bridge) roundabout junction of the A4074/ B4009/service station is a high capacity, wide diameter junction. They consider that the increases in movement from the proposed development may lead to more symmetric flows in the AM peak to the 3 major roundabout arms, which generally has a safety benefit.

- 6.28 OCC acknowledge that there will be increases in traffic within Benson from this proposal but do not consider this to result in unacceptable levels and do not object to the application.

- 6.29 There has been discussion locally with the applicant and OCC about whether third access to the whole site (Phase 1 &2) would be required to minimise the impact on Littleworth Road. OCC have confirmed in their consultation response that the case for a third access cannot be justified and therefore cannot be required by the highway authority. There would also be technical difficulties with a third access as it would need to be built across the flood plain. Therefore, without evidence that it is essential to mitigate the development in highways terms it would make it more difficult to justify this as part of a sequential test with the Environment Agency (EA).

Landscape

6.30 Initially concerns were raised about the impact of the development on the views from the Area of Outstanding Natural Beauty, agricultural landscape, public footpath and road users. The landscape capacity work carried out in 2014 for the council advises the containment of the development much in the same place as the Phase 1 element, so Phase 2 goes well beyond this recommendation. The original LVIA did not provide sufficient information and further work was requested as part of the previous application. Prior to the receipt of adequate information there was an objection from Natural England and the council's landscape architect.

6.31 Following receipt of the further information both Natural England and our landscape architect withdrew their objections. The visuals provided demonstrated that the proposed development would not have a significant negative impact on views from the AONB, particularly when considering the woodland planting along the western side of the site, which would help to mitigate any impact further.

6.32 The council's landscape architect considers the change from agricultural landscape to residential development/formalised open space and the further extension of the settlement edge into the countryside to have a negative impact but not significant enough to warrant a reason for refusal given that this is not within a nationally designated landscape.

6.33 The LVIA finds that the construction phase will cause significant adverse impact on footpath and road users. However, the long term impact will not be significant, particularly when balanced against the benefit the nature park will offer, and I consider the impact to be acceptable.

6.34 Overall, I consider the proposal is acceptable in terms of landscape impact. There are some elements that will need to be picked up in a landscape plan as part of reserved matters application. Natural England's response includes some details including the need to avoid solid lines of trees along the western edge of the development as this wouldn't be in keeping with the local character of the area and therefore, would in itself, have an impact on the AONB.

Ecology

6.35 The main habitats on the site are arable fields which have an intrinsically low ecological value to most species with the exception of certain farmland birds.

6.36 The Environment Agency (EA) have highlighted that the Lady Brook is designated as a 'main river'. Rivers and the land alongside them are particularly valuable for wildlife, and provide corridors for their movement. It is essential that this ecological value is protected. The proposed residential development and associated open space and landscaping poses a risk to the ecological value of the Lady Brook corridor through the direct loss of habitat, and increased disturbance to species. Paragraph 109 of the NPPF requires that planning decisions aim to conserve and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible.

6.37 This includes establishing coherent ecological networks, which river corridors provide, that are more resilient to current and future pressures. Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and promote the expansion of biodiversity.

6.38 The proposals avoid the most sensitive parts of the site along the stream on the boundary and provide opportunities to achieve a biodiversity gain in the nature park area and in the habitats alongside the stream. Overall, it is likely that if these areas are properly designed and managed the proposals will meet the tests in Policy CSB1 and NPPF for no net loss and may, with further refinement (achieved through planning condition) achieve a net gain.

6.39 The EA have requested a condition is proposed to ensure that the proposed development does not have an unacceptable impact on biodiversity, including the peripheral woodland management and footpaths that affect the Lady Brook.

6.40 In addition, the council's ecologist has requested a condition specific to the protection of badgers. Surveys conducted by the applicant in 2013 did not record the presence of any protected species on site. The council's ecologist surveyed the site in 2006 and again in 2014 and a badger sett was found in the north western corner of the site. The sett was active in 2006 but had become disused and overgrown by 2014. Badgers setts can readily be re-excavated and brought back into use. As this is an outline application commencement of construction will not be immediate and there is time for updated surveys to be undertaken to ensure that badgers are adequately protected. Overall, subject to the conditions discussed I consider the application to be acceptable in ecological terms.

Green Infrastructure

6.41 Policy CSG1 seeks a net gain in Green Infrastructure (GI) through developer works in accordance with the standards set out within the South Oxfordshire Green Infrastructure Strategy. Benson has an existing shortfall in the provision of GI when assessed against the standards set out in the strategy. The council does not expect developers to provide GI to meet existing shortfalls but it is expected that developers provide GI to meet the increase in deficit that results from new development proposals. The proposals for the site exceeds the requirement and meets the need for GI provision and I consider the application to be acceptable in terms of GI provision.

Leisure and Retail

6.42 The application proposes an equipped children's play area, a skate park/MUGA and an equipped fitness track along the footpaths within the nature park, which forms the GI provision on site. The application also includes a youth hall on site to accompany these facilities. This is above the minimum levels required by policy.

6.43 Policy R2 of the Local Plan endorses the Fields in Trust (formerly the National Playing Fields Association) standard of 0.8ha of children's play space for every 1,000 This is all set out in the council's S106 SPD. As this is an outline application the exact housing mix and people generation will be determined through the reserved matters application. Therefore the estimates here have been based on an average occupancy rate of 2.36 persons per dwelling as referenced in paragraph 5.79 of the local plan. At this occupancy rate the development will generate around 569 people, which equates to around just under 0.5ha of play space.

6.44 I consider that the inclusion of an equipped children's play area is appropriate on this development and in accordance with policy requirements. The adjacent site also proposes a play area but this site should not rely on the delivery of other sites to meet the need. The fitness track/trim trail within the nature park will be a beneficial feature of the green infrastructure and improve its usability due to its size. I consider this to be an appropriate approach to try and incorporate the walking routes into the development, which has place making benefits.

6.45 The skate park and youth hall provision goes beyond what is needed to make this development acceptable in planning terms. It is not inappropriate to locate these facilities on site and they will have a wider community benefit and help overcome current deficiencies as identified in the council's leisure response to the previous application. However, as the council has adopted CIL it would not normally be standard to expect a site of this size to deliver these facilities. Therefore, as they are not essential to make the development acceptable I have treated their inclusion in a neutral manner when weighing up the benefits and harm of this application in the planning balance. The location and relationship to residential dwellings of these facilities, particularly the skate park, needs to be carefully considered in the design process ahead of the reserved matters application.

6.46 All other forms of leisure will be picked up through the Community Infrastructure Levy as detailed in the council's S106 Supplementary Planning Document. The leisure response discusses the deficiency of the location of pitches initially suggested by the applicant to be on site. Pitches are not required on site to mitigate the impact of the development as this is covered by CIL. The county council have advised on the adequacy of the off site primary playing pitch and this is discussed under education below.

6.47 The application proposes up to 230 sqm retail. Concerns have been raised around the impact of this retail on the village centre. This is below the threshold set in the NPPF at paragraph 26 for a retail impact assessment. Given the small scale of the retail proposed it is considered likely to have a relatively small impact on the village centre. I consider that the retail is not needed to make the application acceptable given the close proximity to other services and shops. However, its presence does not make the scheme unacceptable. The location and design of the retail unit in terms of its relationship to proposed dwellings needs to be carefully considered in the design process ahead of the reserved matters application.

Impact on trees

6.48 There are no objections from the council's tree officer in relation to the detailed permission for the proposed access and no concerns have been raised over whether the site can accommodate the number of homes proposed without harming trees. More detailed comments will be provided on exact layout and landscaping at the reserved matters stage. I consider the application acceptable in terms of impact on trees.

Archaeology

6.49 An archaeological evaluation of the site has been undertaken and a report has been submitted. The evaluation has established the presence of several phases of activity across the site during the prehistoric, Roman and medieval periods. Conditions are recommended that will require further investigation in advance of the development. Subject to these conditions, I consider the application acceptable in terms of archaeology.

Minerals

6.50 OCC have identified that the proposed development would sterilise deposits of sand and gravel within the site. However, they do not object to the application.

6.51 The existing housing on Sunnyside and Littleworth Road, to the south east and south, together with the housing development that has been permitted on the area of land immediately to the south east of the application site would be a constraint on mineral working within parts of the application site due to the need there would be for unworked margins (buffer zones) between any mineral extraction and the housing.

6.52 The proposed housing development would effectively sterilise an area of 13.4 hectares of land containing approximately 0.635 million tonnes of sharp sand gravel (excluding land already sterilised by existing or permitted development). It is unlikely that the whole of this area could practically be extracted, in particular the part between the existing housing permission and Lady Brook may not be practically workable, and therefore the quantity of sharp sand gravel that would be prevented from being worked may only be around 0.5 million tonnes or less. There are also constraints within the site that may limit the amount of extractable mineral further. These include archaeological interest within the site and ecological interest along the Lady Brook, which is also the line of a public footpath.

6.53 Due to its limited size, this potentially sterilised area of sand and gravel deposits would be unlikely to come forward as an area for mineral working on its own and therefore it needs to be considered in the context of larger scale potential sand and gravel working within the wider area between Benson and Warborough. The closest site is to the west on the other side of Lady Brook, which also has constraints to overcome including 3 scheduled ancient monuments. To extract the mineral as part of the adjacent site satisfactory access would be required, which may require substantial crossing points of the Lady Brook and public footpath.

6.54 There is considerable uncertainty over the potential working of this mineral resource due to actual and potential constraints on the site and adjacent mineral bearing land. The locations and boundaries of mineral safeguarding areas in Oxfordshire have not yet been defined through the Minerals and Waste Local Plan and therefore there is uncertainty as to whether the application site will be included within a defined mineral safeguarding area.

6.55 I consider that only limited weight can be given to mineral safeguarding as a material consideration in the determination of this application given the uncertainties over whether it could be extracted.

Historic environment

6.56 The primary concern is that the measures, which sought to retain some sense of the rural setting to Littleworth Road and Benson by maintaining vistas through the site at key points along Littleworth Road, are not lost by this proposal. If these are maintained, the impact to the Conservation Area will be no greater than the impact of Phase 1 as approved by the appeal Inspector.

6.57 The Framework plan demonstrates that the vistas could be maintained. I consider it appropriate to include within the conditions a need to ensure that the layout at reserved matters stage continues these vistas to open countryside. Subject to this condition, the application is acceptable in terms of conservation and impact on the historic environment.

Foul drainage, flooding and water supply

6.58 Parts of the western part of the site are located within Flood Zones 2 and 3, according to the Environment Agency Flood Map. However, the submitted Flood Risk Assessment (PBA ref. 35345 Rev B, dated November 2015) reviews in detail the areas at risk of flooding and states that all development will be located within Flood Zone 1. It concludes therefore, that there is no requirement for the Sequential Test to be undertaken or for (fluvial) flood risk mitigation measures to be implemented.

6.59 The Environment Agency have no objections to the application subject to condition to ensure that the findings of the flood risk assessment are carried through to detailed design so that no built development takes place within flood zones 2 and 3. Currently

only the nature park is within these flood zones. The conditions requested by the Environment Agency have been included in the recommendation. I consider the application acceptable in terms of flooding.

6.60 Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. They have requested a 'Grampian Style' condition which would mean that no development could take place until this is resolved.

This condition proposed reads:

6.61 *No development shall take place until a drainage strategy detailing on and or/off site drainage work has been submitted to and approved by, the local planning authority in consultation with the sewage undertaker. No dwelling shall be occupied and no discharge of foul or surface water from the site shall be accepted into the public system until the recommended works of the agreed strategy have been completed.*

6.62 Foul and surface water drainage will be refined at reserved matters and full details will be agreed prior to commencement of development. These matters are conditioned as part of my recommendation and subject to these I consider the application acceptable in relation to drainage.

Contamination

6.63 The Listers Geotechnical Consultants Phase 1 Geoenvironmental Desk Study Report for Land at Littleworth Road dated October 2015 identified potential sources for ground contamination making recommendations for intrusive ground investigations. To ensure that any land contamination is addressed appropriately I have recommended a condition to be included.

Affordable Housing

6.64 Policy CSH3 requires 40% to be delivered as affordable housing which would equate to 96.4 units. The application refers to the on-site delivery of 96 units. In addition, a commuted sum will be payable for the part unit (0.4) in line with the formula set out in the 2011 updated Affordable Housing Viability Study.

6.65 The Planning Statement has set out a housing mix for both affordable and market housing which follows the recommendations set out in the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA), which provides guidance for a district-wide mix of property sizes for both market and affordable housing for South Oxfordshire, however individual developments may need to make some adjustments to take into account local market issues.

The Planning Statement includes a suggested housing mix as below:

| | 1 bed | 2 bed | 3 bed | 4 (+) bed |
|-------------|-------|-------|-------|-----------|
| 6.66 Market | 8 | 39 | 63 | 35 |
| Affordable | 31 | 34 | 28 | 3 |

6.67 Government Welfare reform, introduced since the production of the SHMA, has seen a significant increase in the demand for two bedroom accommodation for rent with a reduction in demand for larger rented family homes due to the changes in eligibility for Housing Benefit.

6.68 The highest demand for shared ownership properties is also for two bedroom houses, therefore the affordable housing mix may be more suitably delivered with a higher proportion of two bedroom properties and a lower number of three bedroom properties than indicated in the SHMA guidance.

6.69 In addition, the SHMA recognises that, whilst the demand for one bedroom accommodation is also high, this size of accommodation provides less flexibility in meeting changing household need and that there is potential for greater turnover as a result of household moves. The requirement for councils to meet the needs of homeless families may also indicate a need for a bias away from one-bedroom to two bedroom provision.

6.70 In general, it is anticipated that the mix of affordable housing should reflect the significant demand for two bedroom units for both rented and shared ownership tenures with a subsequent reduction in the number of one bedroom and three bedroom units.

6.71 Therefore the S106 for this application will secure the mix of affordable housing for both rented and shared ownership tenures shown in the table below. This is based on 96 units delivered as 75% rent and 25% shared ownership. It will also secure the 0.4 part unit as a commuted sum.

| | 1 bed | 2 bed | 3 bed | 4 bed |
|------------------|-------|-------|-------|-------|
| Rented | 16 | 33 | 20 | 3 |
| Shared ownership | 0 | 20 | 4 | 0 |

Education

6.72 There is insufficient capacity at Benson Primary School to accommodate the likely number of children expected from the proposed development and the school would need to expand from its current size, a 1 form entry (FE) school, to a 1.5 FE school in order to meet this demand. The school is unable to expand to a 1.5 FE school without additional land and funding to design & procure the necessary building works.

6.73 The applicant has offered land identified by OCC as needed on the application site to facilitate sports/play provision for the school, thereby enabling the school building to be enlarged on its own site to accommodate more pupils.

- 6.74 This is accepted by OCC as appropriate mitigation subject to the following:
- A site provided which has a minimum of 0.63ha of usable playing field land excluding the toilet/storage block and any trees, or other such obstacles.
 - The site to be of a shape to enable easy, straight forward maintenance (i.e. doesn't extend to small narrow corners)
 - The site to accommodate a sports pitch as per Sport England recommendation for the oldest age group for the school that being a pitch size of 88m x 56m (includes run off and team/office space)
 - The toilet/storage block relocated to an edge of site position (it is suggested that a better location would be to the lower right hand corner but open for discussion and agreement with the school as their preference will likely be linked to ease of access for maintenance and a position which doesn't create issues for teachers monitoring pupils).
 - Formal crossing further along the road from the school so minimises the number of roads that need to be crossed to one.
 - Depending on the area of land offered taking account of the above, OCC to have the option to purchase additional land to support the school expansion to 2FE (total site area of 0.84ha) if required in the future.

Part of the school site is owned by the Benson Church of England Voluntary School Trust (the Trust) and their permission is required before any expansion works can be carried out. OCC is in discussion with the Trust but until such approval is obtained

OCC cannot ensure its delivery and the proposed mitigation would not be able to be implemented.

6.75

The education mitigation will be linked into a ‘Grampian style’ condition so no development can take place until the agreement of the Trust has been obtained and the provision of the school pitches secured through legal agreement.

6.76 I consider the proposal to be acceptable in terms of education provision subject to the proposed condition and delivery of the remote primary playing pitches.

Infrastructure

6.77 The Council has adopted the Community Infrastructure Levy (April 2016). In Benson parish the CIL residential rate is £150 per sq. m. Monies will be levied on gross internal floorspace (in accordance with the CIL Regulations 2010 as amended). The CIL liability will be known at a detailed stage once the amount of floorspace is known. The CIL

6.78 monies will be payable upon commencement. CIL is not levied on affordable housing. Indicatively at this stage it is advised that CIL monies may be in the order of £2.1 million (based on 145 market dwellings x 100 sq. m).

6.79 CIL is intended to contribute towards local and strategic infrastructure as identified in the Regulation 123 list and the adopted SPD Planning Obligations (April 2016). In accordance with the SPD on-site infrastructure can still be sought for site specific infrastructure including highway works required to meet the impacts of the development, public transport, open space and play areas, recycling and street-naming as well as affordable housing. Other infrastructure e.g. air quality and off site infrastructure will need to be met from CIL and other funding. Parishes will receive either 15% or 25% (if they have an adopted Neighbourhood Plan at the relevant stage¹) of the monies for infrastructure and may choose to spend it on local projects or contribute towards strategic infrastructure.

6.80 The off-site highway works to include the works and measures shown on drawings 32385_5501_016/A, 32385_5501_017 and 32385_5501_018 will be secured through a ‘grampian style’ condition. In addition to highway works this includes the developer to fund the consultation and implementation of a Traffic Regulation Order of 20MPH Zone for Littleworth Road and environs at locations demarcated by signs and a HGV Ban Traffic Regulation Orders (TRO) at both ends of Littleworth Road, (3.5t bar access).

The remaining infrastructure will be secured through a Section 106 Legal agreement. The matters the council are seeking through S106 are :

- 6.81
- Street naming
 - Waste bin provision
 - Delivery of a Youth Hall on site
 - On site play areas including LEAP, Skate park/MUGA and equipped fitness track
 - Public open space maintenance (if not management company)
 - Play equipment maintenance (if not management company)
 - Youth Hall maintenance (if not management company)
 - 40% of the new homes to be provided as affordable Housing (with 75% as affordable rent and 25% as shared ownership) and commuted sum for the part unit (0.4) in line with the formula set out in the 2011 updated Affordable Housing Viability Study.

¹ The date at which the last pre commencement condition is discharged.

- Layout changes at Benson marina bus stop
- Improved bus services on Wallingford-Oxford Premium Bus route towards a strategy of service enhancements.
- Provision of remote primary playing fields on site that meets OCC requirements.
- Travel plan monitoring
- S106 monitoring

7.0 CONCLUSION AND PLANNING BALANCE

7.1 As set out under the 'principle of development' section of this report this application 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. All these have been considered throughout the report and my conclusions against each of the strands is summarised below.

7.2 *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

7.3 The proposal helps to support strong, vibrant and healthy communities, by providing the supply of 241 houses towards those required to meet the needs of present and future generations. It also does this by creating a high quality 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.

7.4 *Environmental role*

In environmental terms, the scheme offers opportunities for habitat creation and enhancement, which is a matter to which I afford moderate weight. The development would result in the loss of farmland and extend Benson further into open countryside. However, there are no landscape objections to the scheme and some loss will be inevitable in order to secure the delivery of the levels of housing required in South Oxfordshire over the plan period. 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.

7.5 Although the parish and local residents have identified concerns in terms of highway safety 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 education and no other infrastructure providers have raised objections. There is no demonstrable evidence that there is a cumulative impact of allowing the additional 241 homes in addition to those permitted as part of phase 1. The site is a shortlisted site in the Local Plan Refined Options consultation document but there is a preference locally for housing to be spread around the village on smaller sites through their neighbourhood plan. The Local Plan and the NDP plan are at an early stage of preparation and can be given limited weight in accordance with

paragraph 216 of the NPPF.

- 7.6 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. The proposal would contribute towards the objective to significantly boost the supply of housing, consistent with Para.47 of the NPPF.
- 7.7 To help ensure timely delivery a shortened implementation period has been included in the conditions. This requires the reserved matters application to be submitted to the Local Planning Authority within eighteen months of the date of this permission. Development must be begun within one year from the date of the approval of the Reserved Matters.
- 7.8 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.

8.0 RECOMMENDATION

8.1 To delegate authority to the head of planning to grant planning permission subject to:

A. The completion of a S106 agreement securing the infrastructure and contributions listed in paragraph 6.80 of the report; and

B. The following conditions:

- 1. Reserved matters to be submitted – specific.**
- 2. Reserved matters submission and commencement.**
- 3. Approved plans.**
- 4. Archaeology (submission and implementation of written scheme of investigation).**
- 5. Contaminated land.**
- 6. Air quality.**
- 7. Visibility splays.**
- 8. No drainage to highway.**
- 9. New vehicular access.**
- 10. Travel plan and travel information pack.**
- 11. Safe routes to school.**
- 12. Off site highways works including new vehicular access.**
- 13. Off site footways and cycleway details.**
- 14. Secured by design.**
- 15. Hours of construction.**
- 16. Construction method statement.**
- 17. Appropriate provision for the control of noise and dust.**
- 18. Foul drainage works (details required).**
- 19. Surface water drainage works (details required).**
- 20. Drainage strategy waste water infrastructure.**
- 21. Flooding.**
- 22. Lady Brook buffer zone.**
- 23. Nature park (details).**
- 24. Badger mitigation strategy.**
- 25. Tree protection (detailed).**
- 26. Adaptable and accessible dwellings.**

- 27. Childrens' play space.
- 28. Primary education playing field details.
- 29. Agreement for education expansion.
- 30. Acoustic report.

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