



## Appeal Decision

Inquiry Held on 27 October 2020

Site visit made on 6 November 2020

**by S R G Baird BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> February 2021**

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**Appeal Ref: APP/Q3115/W/20/3255846**

**Land east of Sandringham Road, Didcot.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission with all matters other than access reserved.
  - The appeal is made by A2Dominion Developments Limited against South Oxfordshire District Council.
  - The application Ref P19/S2502/O is dated 1 August 2019.
  - The development proposed is the development of up to 325 dwellings, open space, vehicular and pedestrian accesses, landscaping, drainage measures and all other associated works including the demolition of 11-55 Mansfield Gardens.
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### Preliminary Matters

1. The Planning Officer's report lists 8 putative reasons for refusal (RfR). Following publication of the Examining Inspector's preliminary conclusions<sup>1</sup> on the draft South Oxfordshire Local Plan 2011-2034, the local planning authority (lpa) added a ninth putative RfR (Annex A).
2. RfR 3 refers to adverse impacts on the Culham and Clifton Hampden Bridge river crossings, where improvement schemes funded by Housing Infrastructure Funds (HIF) should be in place by 2024. It is agreed that if a permission was conditioned to limit occupation prior to that date, the impact on the bridges and the wider network would not be severe<sup>2</sup>.
3. The parties agreed that that matters covered in RfRs 5 and 6 relating to access and biodiversity could be addressed by planning conditions and were not pursued.
4. After the inquiry closed, a completed S106 Agreement was submitted and the South Oxfordshire Local Plan 2011-2035<sup>3</sup> (LP) was adopted by the Council. The parties were given an opportunity to comment on the implications of the new LP and their comments have been considered in coming to my decision.

### Decision

5. The appeal is dismissed, and planning permission is refused.

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<sup>1</sup> 28 August 2020.

<sup>2</sup> Paragraph 109 of the National Planning Policy Framework (Framework)

<sup>3</sup> The Plan Period was extended.

## Main Issues

6. These are:

- a. the effect on the character and appearance of the area with particular reference to the effect on the North Wessex Downs Area of Outstanding Natural Beauty (AONB);
- b. the effect on the safety and free flow of traffic on the highway network;
- c. whether the proposal makes the appropriate infrastructure provision to meet the needs of the development;
- d. whether the proposal conflicts with the provisions of the development plan and if so whether there are any material considerations that would outweigh that conflict.

## Reasons

### Character and Appearance

7. Comprising largely flat, arable agricultural land, most of the appeal site lies outside the built-up area of Didcot. It is agreed that, for the application of planning policy, the undeveloped part of the site is open countryside. A 20m wide strip along the eastern boundary of the site lies within the AONB and although the remainder of the site is not subject to any local or national landscape designation, it is agreed that it lies within the setting of the AONB.
8. The Framework seeks to ensure that development contributes to and enhances the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their status and recognising the intrinsic character and beauty of the countryside<sup>4</sup>. AONBs enjoy the highest status of protection and great weight should be given to the duty to conserve and enhance their landscape and scenic beauty<sup>3</sup>. Planning Practice Guidance (PPG) highlights, that this duty is relevant when considering development proposals that are outside an AONB, but which might have an impact on its setting<sup>5</sup>. It is recognised that land within the setting of an AONB can make an important contribution to maintaining its natural beauty, and poorly located or designed development can do significant harm. This is especially the case where the landscape character of land adjoining the designated area is complementary<sup>6</sup>.
9. LP Policy ENV1: Landscape and Countryside says that the highest level of protection will be given to protecting the landscape and scenic beauty of the AONB. Development in or affecting its setting will only be permitted where it conserves and, where possible, enhances the character and beauty of the AONB. This policy goes on to say that the countryside will be protected against harmful development: development only being permitted where it protects and, where possible, enhances the landscape setting of settlements.
10. The AONB Management Plan 2019-2024 highlights the potential for development outside the AONB to visually damage or undermine the scale and critical qualities of its landscape character areas. A 2019 AONB Position

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<sup>4</sup> Framework paragraphs 170 and 172.

<sup>5</sup> Natural Environment: Paragraph: 039 Reference ID: 8-039-20190721.

<sup>6</sup> Natural Environment: Paragraph: 042 Reference ID: 8-042-20190721.

Statement<sup>7</sup> highlights that visually and functionally the surroundings of the AONB and the protected landscape of the AONB add value to each other. As an example of adverse impacts on the setting of the AONB, the Position Statement refers to, “...development which would have a significant visual impact on views in or out of the AONB”.

11. Whilst that part of the site within the AONB, would, by definition, be considered a valued landscape, the lpa submits that the whole site forms part of a valued landscape. Whilst neither the Framework nor PPG defines what is a valued landscape, the Guidelines for Landscape and Visual Impact Assessment – Third Edition (GLIVIA3) and particularly Box 5.1 seek to provide some assistance in assessing value. The Stroud judgement<sup>8</sup> indicates that for a landscape to be valued, it needs to possess some physical attribute that takes it above mere countryside. It is common ground that the site, when assessed in isolation, would not rise to the level of a valued landscape. However, a site’s value cannot be considered in isolation from its context, especially as Box 5.1 has “Representativeness” as one of its key considerations.
12. The North Wessex Downs Integrated Landscape Character Assessment (ICLA) and the South Oxfordshire Landscape Character Assessment 2017 (SOLCA) are the most relevant local studies in determining landscape value. Both studies identify the key characteristics of the relevant areas, which, in my view, is a term interchangeable with the term “attributes” as used in in the Stroud judgement. Within these studies, Landscape Character Areas (LCA) and Landscape Types (LT) generally cover extensive areas and individual sites rarely exhibit all the characteristics identified for the LCAs/LTs. The fact that a site does not exhibit all the characteristics identified for the LCA or LT or exhibits them to a greater or lesser extent does not prevent it forming part of a valued landscape.
13. The ICLA places that part of the site within the AONB and the land to the north, east and south within LT5: Downs Plain and Scarp and more specifically Character Area (CA) 5D: Moreton Plain. The SOLCA places the site within LCA 7 Wessex Downs and Western Vale Fringes with that part of the site within the AONB in LT 7 – Flat Semi-Enclosed Farmland and the remainder in LT 6 Flat Open Farmland. In determining whether the site forms part of a valued landscape, the question I ask myself is to what degree the characteristics of the site (LT 6) reflect the key characteristics of CA 5D and LT 7.
14. The key characteristics identified by the ICLA for CA 5D include, large intensively farmed arable fields with limited hedgerows and tree cover, an open, expansive landscape with pockets of remoteness and the prominence of the built-up area, including the railway line to the north. Here, the prominence of the built-up area is tempered by the dense landscaped edge of the Fleet Meadows estate. Similarly, the relevant key characteristics of LT 7 are, flat low-lying farmland with limited hedgerows and trees, rural and remote character and intrusion of overhead power lines. All these relevant characteristics are present albeit in perhaps a weaker form in LT 6<sup>9</sup>. As part of an extensive, flat arable field, where, despite the influences of the Fleet Meadows estate, the pylons and the railway line, the feeling of remoteness and the continuity of character between LTs 6 and 7 is seen in views from Public

<sup>7</sup> Development Affecting the Setting of the North Wessex Downs AONB.

<sup>8</sup> Stroud DC v Secretary of State and Gladman Developments Limited [2015] EWHC 488 (Admin).

<sup>9</sup> Paragraph 12.7.2 of the South Oxfordshire Landscape Character Assessment.

Footpaths (PF) 189/12/10 particularly further to the south-east, and from PF 54/4/20 where it approaches Fulscot Manor Farm and northwards through the farmstead. In this context, it is prescient to note that the overarching terms for these areas in the ICLA and SOLCA refer to the "Downs Plain" and "Vale Fringes", i.e. key features/characteristics of the AONB

15. Having regard to Box 5.1 and paragraph 5.30 of GLIVA 3, the site has sufficient representative, scenic and perceptual qualities that, in the words of the Stroud judgement, take it above mere countryside. Accordingly, the site is, for the purposes of Framework paragraph 170, a valued landscape, that contributes to the landscape character and scenic beauty of the AONB, the landscape setting of Didcot and the recreational value of public rights of way, particularly PF 189/12/10. As such, the site has a high degree of sensitivity to change. My conclusion that the site forms part of a valued landscape, is consistent with nearby appeal decisions<sup>10</sup>.

#### Landscape and Visual Impact

16. The Landscape and Visual Impact Assessment (LVIA) was accompanied by a series of views to and across the site from various public vantage points in the surrounding area. Although useful aids, they are no substitute for views and impressions obtained whilst walking the network of PFs in the area. Thus, in coming to my conclusions on landscape and visual impact, I have relied more on the impressions I obtained during the site visits, particularly the more extensive post-inquiry visit.
17. The landscape is flat, arable, agricultural land with a line of former hedgerow (oak) trees adjoining the eastern boundary and pockets of mature and semi-mature woodland in the north-western and south-eastern corners of the site. Whilst the woodland and the line of oaks would be retained, the remainder of the site would be built development and associated open space/landscape areas. As such, through a reduction in openness and the loss of a large arable field, there would be a high magnitude of change to the countryside character of the site and the land to the south and south-east. Notwithstanding the proposed management of the existing woodlands, to which there appears to be no threat, and landscaping on the eastern and northern boundaries, given the high degree of sensitivity to change and the nature/scale of this development, I consider the development would have a major adverse effect on landscape character. Similarly, as the development would extend the built-up area almost up to the edge of the AONB (the line of oaks) there would be a major/moderate adverse impact on the countryside character of the AONB.
18. The development would have significant adverse impacts on short to long distance views enjoyed by walkers using PF 189/12/10 in both directions particularly views towards the south and south-east across the site and into the AONB. There would be medium adverse impacts on medium distance views back towards the site from within the AONB from PF 354/4/20 where it loops around Fulscot Manor. In my experience, walkers on public footpaths, particularly those approaching and within an AONB should be treated as high sensitivity receptors with a high susceptibility to change. As such, I consider the LVIA has understated the sensitivity of these receptors, their susceptibility and in turn the degree of visual impact.

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<sup>10</sup> APP/Q3115/W/17/3188474 & APP/Q3115/W/16/3153639.

19. Views obtained from the largely open central part of PF 189/12/10 would be replaced with views towards houses on the northern and eastern edges of the development. Notwithstanding the proposed green corridors along these boundaries and maturing of the proposed planting in these areas, the houses would remain visible and prominent. Existing open and attractive views to the south and south-east across into the AONB would be permanently degraded or lost. In views back towards the site from PFs 189/12/10 and 354/4/20, the development would be prominent albeit in later years the impact would be softened. Overall, the development would significantly extend the built-up area eastwards and views into and out of the AONB would be significantly degraded or lost. In these circumstances, the magnitude of change would be major/moderate resulting in a major/moderate adverse visual impact.
20. Drawing all the above together, the proposal would significantly harm the character and appearance of the area, would not protect a valued landscape, and would harm to the setting of the AONB. As such, the development would be contrary to LP Policy ENV1 and the objectives of Framework paragraph 170. In coming to this conclusion, I note that the AONB Board did not respond when consulted by the lpa. Given the AONB's position statement on development within the setting of the AONB, the lack of a response is deeply troubling. However, in the absence of an explanation as to why the Board did not respond, that absence cannot be taken as there being no objection to or support for the development.

#### Highway Impact

21. Framework paragraph 108 seeks to ensure that, significant impacts on the highway network in terms of capacity and congestion can be cost effectively mitigated to an acceptable degree. Paragraph 109 goes on to say that development should only be refused on highway grounds if, amongst other things, the residual cumulative effects on the road network would be severe.
22. The extent of the disagreement is limited to the effect on the operation of the Jubilee Way/Broadway and Abington Road/Broadway roundabouts and whether there would be a severe residual cumulative impact on the highway network. Based on a reworking of the Transport Assessment, the appellant identified that the impact of traffic generated by a full build-out of the development would require the Jubilee Way/Broadway and Abington Road/Broadway roundabouts to be mitigated. Whilst these roundabouts have been identified by the HA for improvement the detail has yet to be finalised. On this basis, the appellant proposed interim mitigation.
23. The HA's evidence included a Traffic Modelling Assessment Report based on the Didcot Paramics Discovery Model (PM), which estimates the impact of traffic on these roundabouts with and without the unmitigated development in 2026 and 2031. Estimates prior to 2026 were not produced on the basis that it was considered that the model's output was unrealistic. Whilst the appellant does not accept 2026 as the opening year, the conclusion is that based on the outputs of the PM, mitigation at these roundabouts is not justified. That said, the appellant acknowledges that mitigation shows marginal benefits across the network and if considered necessary, the appellant would provide mitigation.
24. I understand the appellant's concerns about the HA's approach to the opening year, the scale of committed development, the impact of natural growth. However, it appears that the validity of the PM is not at issue rather it is the

judgement made on the outputs and whether these would be severe. I consider the outputs of the PM for 2026 to be a worst-case scenario. I agree that whilst the 2031 impact is of interest for future HA transport planning, it is irrelevant in determining whether the development requires mitigation or whether it would have a severe impact on the highway network.

25. With HIF improvements and the Northern Perimeter Road in place, the PM shows that with the development and no mitigation, the maximum queue lengths on the Jubilee Way, Broadway West and Hitchcock Way arms of the Jubilee Way/Broadway roundabout would increase by 5, 3 and 1 vehicles respectively in the 2026 a.m. peak. In the p.m. peak, the maximum queue lengths on the Broadway East, Jubilee Way and Hitchcock Way arms would increase by 5, 1 and 3 vehicles respectively with a decrease of 2 vehicles on the Broadway West arm. For the Abington Road/Broadway roundabout, in the a.m. peak there would be an increase of 1 vehicle on the Broadway arm. For the p.m. peak there would be increases on the Haddon Hill, Broadway and Abington Road arms of 4, 1 and 1 vehicles respectively. Outside of these junctions, the PM shows that traffic would be dispersed across the network such that any impact on queuing would be insignificant.
26. An increase of 5 vehicles in the a.m. peak, which would increase the queue by some 30m, on one arm of a multi-arm roundabout, would not rank as a severe impact for the purposes of Framework paragraph 109 and neither would it justify the introduction of the mitigation. Moreover, the mitigation proposed would be minor, and the benefits are acknowledged as marginal. Accordingly, given the disruption arising from their construction particularly as they would be interim measures pending the HA's planned works, the mitigation proposed would not be cost effective.
27. Whilst the development would have an impact on the Jubilee Way/Broadway and Abington Road/Broadway roundabouts, that impact would not be severe. On this issue, the proposal would not have an unacceptable effect on the safety and free flow of traffic on the highway network.

#### Infrastructure Needs

28. The S106 Agreement provides for affordable housing and financial contributions for: bus infrastructure/service improvements; highways improvements, adult day care; education provision; library provision, street naming, waste and recycling and monitoring/administration. The S106 was accompanied by CIL Compliance Schedules provided by OCC and the Ipa.
29. Given that the Ipa has adopted a CIL Schedule, the appellant disputes a requirement for: an overall education contribution, a contribution for special education needs, a contribution to cover all primary education places and the cost per pupil place calculation. The appellant's position is that the scale of the requested contributions for education do not fairly and reasonably relate in scale and kind to the development and fail the CIL Regulation 122(2)(c) test.
30. Notwithstanding the fundamental nature of the dispute between the parties, the S106 Agreement has been drafted in a way that it would give appropriate effect in each of the 4 disputed areas and is a matter I will, if necessary, return to later in this decision. On this issue, the S106 Agreement would, in principle, make appropriate infrastructure provision to meet the needs of the development consistent with the requirements of LP Policy INF1.



## Development Plan

31. As a recently adopted plan, the LP is up to date, contains policies relevant to the determination of this proposal and the lpa can demonstrate a 3-year supply of land for housing in accordance with the Written Ministerial Statement<sup>11</sup> on Housing Land Supply in Oxfordshire (WMS). The WMS sets out that for the purposes of Framework paragraph 11d, Footnote 7 will apply where the Oxfordshire authorities cannot demonstrate a 3-year supply of deliverable housing land. Accordingly, in this case the “tilted balance” provided for by Framework paragraph 11 is not engaged.
32. Also relevant are, the Oxfordshire Housing and Growth Deal (OHGD) and the Didcot Garden Town Delivery Plan. The OHGD was agreed between the Government and the Oxfordshire local authorities to provide for some 100,000 homes by 2031<sup>12</sup>. To plan for this housing growth, the OHGD intends that the Oxfordshire authorities adopt a Joint Statutory Spatial Plan (JSSP) backed up by the WMS to provide temporary flexibility in relation to the housing land supply. This flexibility remains in force until the adoption of the JSSP. The Didcot Garden Town Delivery Plan seeks to deliver 15,000 new homes.
33. To achieve the OHGD and the Garden Town growth objectives, the strategy of the LP is to focus most of the housing growth at Science Vale, an area that includes Didcot and Didcot Garden Town. These objectives are reflected in LP Policies STRAT1: The Overall Strategy and STRAT3: Didcot Garden Town, which extends over a substantial area and includes the appeal site within the Masterplan Boundary. Although the Garden Town has an ambitious objective of 15,000 new homes and Policy STRAT3 identifies Didcot as a focus for sustainable development, this policy does not allocate sites. The supporting text sets out that the Garden Town initiative will help to shape growth already identified through the LP for amongst other things, housing. Specifically, Policy STRAT3 says that, *“To deliver Didcot Garden Town, housing allocations are made in Policy H2: New Housing in Didcot”*. Drawing this together, the anticipation of the OHGD and the Garden Town is that the housing required will be delivered largely through the development plan process.
34. The LP identifies several sources of housing supply, which include new strategic allocations, legacy allocations from the Core Strategy and the 2011 LP and speculative windfall developments. Given that the appeal site is neither a legacy nor a strategic allocation, it falls to be regarded as a speculative windfall. However, the LP’s intention is that windfall development will be directed to small infill sites within settlements. Here, given the scale of the proposed development and its location in the countryside, it cannot fall to be considered as a component of supply.
35. Parts 4 and 5 of LP STRAT2 say that the housing requirement is to be delivered in accordance with the spatial strategy in Policy STRAT1 and at locations identified in Policy H1. Policy H1 says that that residential development on sites not allocated in the LP (Policy H2 sites) will only be permitted in specific instances. None of those circumstances apply in this case. The development plan is to be read as a whole and in terms of the overarching strategy, the sources of supply policies (H1 & 2) and Policy ENV1 the proposed development

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<sup>11</sup> 12 September 2018

<sup>12</sup> March 2018

would conflict with the strategy and objectives of this recently adopted development plan.

#### Planning Balance and Conclusion

36. Most of the matters listed as benefits are generic and no more than would be expected of or generated by new development or matters specifically required to mitigate the impact of development. That said, I do not discount them and accord them moderate weight. I attach significant weight to the provision of new housing, particularly affordable housing, recognising it as an important driver in economic growth and the achievement of the objectives of the OHGD and Didcot Garden Town.
37. On the opposite side of the scales, is the conflict with the development plan and the unacceptable impact on the character and appearance of a valued landscape, the landscape character and scenic beauty of the AONB and its setting. As required by the Framework and PPG, I attach great weight to conserving and enhancing the landscape and scenic beauty of the AONB, including land within its setting. Moreover, having regard to Framework paragraph 170, I attach significant weight to the Framework policies regarding the conservation and enhancement of the natural environment.
38. Notwithstanding my favourable conclusion on the highway effects of the scheme, I conclude that the benefits of the development, do not outweigh the conflict with the strategy and policies of the development plan when read as a whole and the unacceptable harm to the character and appearance of a valued landscape and the landscape character and scenic beauty of the AONB and its setting. In coming to this conclusion, I have had regard to the contents of the S106 Obligation. However, as the appeal is being dismissed for other reasons it is unnecessary to consider this matter in any further detail.
39. For the above reasons and having taken all other matter into consideration the appeal is dismissed.

*George Baird*

Inspector



## **APPEARANCES**

### **FOR THE APPELLANT**

Satnam Choong of Counsel instructed by Mr Murray-Cox of Turley.

He called:

Dominic Smith BA (Hons), MCIHT  
Associate Partner, i-Transport LLP.

Joanna Ede MA, DipLD, CMLI.  
Director and Head of Landscape and Visual Impact Assessment, Turley.

John Powell BA (Hons).  
Operations Director, Alfred York Associates Limited.

David Murray-Cox BA (Hons), MPlan, MRTPI.  
Director, Turley

### **FOR THE LOCAL PLANNING AUTHORITY**

Cain Ormondroyd of Counsel instructed by Mr P Moule of South Oxfordshire District Council.

He called:

Lachlan Robertson MA; Dip (UD); B.Sc. (Hons); MRTPI.  
Planning Consultant.

Alan DeVenny BEng (Hons), PhD; MICE.  
Associated Director, Systra Transport Planners & Engineers.

Peter Radmall MA, B.Phil, CMLI.  
Independent Practitioner.

Barbara Chillman, BSc, PGCE, MA.  
Pupil Place Planning Service Manager, Oxfordshire County Council.

Conditions Roundtable Session

Phil Moule BSc (Hons), MSc; MRTPI.  
Senior Planning Officer, South Oxfordshire District Council.

Paul Harrison, Oxfordshire County Council.

### **INTERESTED PERSONS**

Cllr D Rouane  
Didcot North East, Cabinet Member for Housing & Environment & Didcot Garden Town.

Mr Fryer  
Save Fleet Meadows Resident Group.

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

- Doc 1 - Statement by Cllr. Rouane.
- Doc 2 - Statement for the Save Fleet Meadows Resident Group.
- Doc 3 - Plan No. ITL9366-GA-004 Rev C Jubilee Way Roundabout Mitigation.
- Doc 4 - Plan No. ITL9366-GA-006 Abbington Rd/Broadway/Hadden Hill Roundabout Mitigation.
- Doc 5 - Notes on Cost per Place submitted by Mr Powell.
- Doc 6 - Application of Matrix to unit mix showing total contributions. submitted by Oxfordshire County Council.
- Doc 7 - S106 Contributions calculation submitted by the appellant.
- Doc 8 - List of Suggested Conditions.
- Doc 9 - Certified copy of signed S106 Agreement.
- Doc 10 - Regulation 122 Compliance Statement, Oxfordshire County Council.

## **DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY**

- Doc 11 - Appellant's response dated 5 January 2021 following adoption of the South Oxfordshire Local Plan 2035.
- Doc 12 - Lpa's response dated 19 January 2021 following adoption of the South Oxfordshire Local Plan 2035.

## ANNEX A

### PUTATIVE REASONS FOR REFUSAL

1. The proposed development given its location, scale and nature fails to accord with the strategy for new housing set out in the development plan. The application site is not an site (sic) allocated for development nor would it constitute infill development and consequently does not fall within one of the categories where development would be acceptable. As such, the proposed development would be contrary to Core Strategy Policies CSS1 and CSDID3.
2. The submitted application proposals have failed to assess the full impact of the proposed development on the highway network and junctions sensitive to any increase in vehicle movements. The proposal has therefore failed to demonstrate whether the impact on the highway is acceptable or whether appropriate mitigation would be provided. As such, the application proposals are contrary to Core Strategy CSM2.
3. The proposed development would result in the generation of vehicular trips through a sensitive part of the highway network at the Culham bridge and Clifton Hampden bridge river crossings. The local highway authority has confirmed that the road network cannot accommodate the traffic arising from the development and will therefore cause safety, congestion and environmental problems. Any new trips would create traffic congestion during peak periods. As such, the traffic impact of this development would be unacceptable and would meet the NPPF criteria of 'severe harm' and therefore justify refusal of planning permission.

In the longer term the Oxfordshire Local Transport Plan includes a new Thames river crossing which will relieve pressure on this part of the network; however until such improvement is realised the local highway authority recommends against any development in Didcot that would add new trips to this part of the network.

The proposed development fails to comply with the criteria contained within paragraph 109 of the National Planning Policy Framework, Policy 02 of the Oxfordshire Local Transport Plan, Core Strategy Policy CSM2 and saved Local Plan Policy T1.

4. The proposed development would represent an encroachment into the open countryside that forms the setting of the North Wessex Down AONB. The loss of the existing views from footpath 189/12/10 across the open countryside towards the AONB would have an adverse effect on user's enjoyment of the public right of way and the valued landscape that forms the setting of the AONB. As such, the application proposals are contrary to NPPF Para 170, Core Strategy Policy CSEN1 and saved Local Plan Policies G2 and C4.
5. The application proposals have failed to demonstrate that a suitable access road could be provided to serve the development that would both satisfy the requirements of the Local Highway Authority and would not result in damage to or the loss of mature Oak tree which is the subject of a Tree Preservation Order. As the protected tree is in close proximity to the proposed site access junction, this is a matter that should be addressed as part of the access

- proposals for the site. As such, the proposed development would be contrary to saved Local Plan Policies T1 and C9.
6. The application proposals have failed to demonstrate that there would be no net loss of biodiversity on the site. Consequently, it not possible to determine whether the proposals comply with Core Strategy CSB1 or whether any on or site mitigation would be required. This is a matter that should be addressed as part of the outline submission. As such, the proposed development would be contrary to Core Strategy Policy CSB1.
  7. In the absence of a completed Section 106 legal agreement, the proposal fails to secure affordable housing to meet the needs of the District. As such, the development would be contrary to the National Planning Policy Framework and Core Strategy Policy CSH3.
  8. In the absence of a completed Section 106 legal agreement, the proposal fails to secure infrastructure necessary to meet the needs of the development. As such, the development would be contrary to the National Planning Policy Framework, policy CSI1 and CSM2 of the South Oxfordshire Core Strategy and policies T1, D10, D12, R2 and R6 of the South Oxfordshire Local Plan 2011.
  9. The proposal is contrary to the emerging policies STRAT1, STRAT3 and H2 of the South Oxfordshire Local Plan 2034, given substantial weight by the local planning authority as it is in an advanced stage towards adoption, whereby the proposal would not contribute to the overall strategy nor to the specific allocations identified in the Plan.