

## Appeal Decision

Inquiry held on 20 – 23 September 2016

Site visits made on 19, 22 and 26 September 2016

**by Richard Schofield BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 02 November 2016**

---

**Appeal Ref: APP/D3125/W/15/3136376**

**Land South of New Yatt Road, North Leigh, Oxfordshire OX29 6TN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of West Oxfordshire District Council.
  - The application Ref 15/01934/OUT, dated 27 May 2015, was refused by notice dated 21 August 2015.
  - The development proposed is residential development of up to 76 dwellings, landscape, public open space and associated works.
- 

### Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 76 dwellings, landscape, public open space and associated works at Land South of New Yatt Road, North Leigh, Oxfordshire OX29 6TN, in accordance with the terms of the application Ref 15/01934/OUT, dated 27 May 2015, subject to the conditions contained in the Schedule to this decision.

### Preliminary Matters

2. The application was made in outline with all matters other than access reserved for future determination. I have considered the appeal on this basis, treating the submitted development framework drawings<sup>1</sup> as illustrative.
3. Subsequent to the Council's refusal of planning permission, the appellant submitted a revised access drawing for the appeal site. Neither the District Council nor the County Council, as highway authority, have objected to it. As the changes between the original drawing and the revision are minor, I do not consider that anyone would be prejudiced by my consideration of it and have determined the appeal on the basis of the revised drawing.
4. The Council's first reason for refusal cites, among other things, highway safety impacts in relation to the 'pinch point' close to the junction of New Yatt Road, Park Road and Church Lane. It was agreed by the main parties in advance of the Inquiry, however, that this was no longer a matter in dispute.
5. The Council's second reason for refusal concerned the failure of the appellant to provide an '*agreed mitigation package*'. The main parties agreed at the Inquiry that the provision of two unilateral undertakings addressed this reason for refusal.

---

<sup>1</sup> A revised illustrative drawing (6588-L-02 Rev K) was submitted in advance of the Inquiry.

---

6. As well as visiting the appeal site, which is crossed by a public right of way (PROW), my extensive site visits included walking the PROWs around North Leigh to the various representative viewpoints identified by the main parties. I also walked to and from the site into the village centre (defined by the parties as that part of Park Road containing the school, library and post office), by both potential routes, including at the peak travel time in the morning. Thus, I observed the school morning drop-off period, as well as walking around the village in the lead up to it. I also viewed a site on Park Road, which was the subject of an appeal in relation to a proposal for residential development in June 2015. I consider this further below.
7. The Council's decision notice makes reference to policies in the emerging West Oxfordshire Local Plan 2013. Nonetheless, the Planning Statement of Common Ground between the main parties agrees that, *'only limited weight could be afforded to any potential conflict with the emerging Local Plan policies...'*. Given that there has been a hiatus in the emerging Local Plan's production with, it was suggested by the Council, new hearings unlikely to be held until February/March 2017, the adoption of the emerging Local Plan is a considerable way off. In addition, there can be no certainty at the present time that the policies within it will remain as they are currently drafted. This being so, I agree with the views of the main parties on this matter, affording very little weight to the emerging Local Plan and determining the appeal in accordance with the adopted development plan, being the West Oxfordshire Local Plan 2011 (WOLP), and national planning policy.

### **Main Issue**

8. The main issue is whether, having regard to the Council's supply of deliverable housing sites; the effect of the proposed development on the character and appearance of the area; and any other material considerations, the appeal proposal can be regarded as a sustainable form of development.

### **Reasons**

#### ***Housing Land Supply in West Oxfordshire***

9. It is common ground between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites. Although there was some debate about the possible implications of Oxfordshire's districts taking some of Oxford's housing requirement, it was agreed that, for the purposes of this appeal, the supply in West Oxfordshire is 3.21 years. Based on all that I have read and heard I have no reason to depart from this agreed position.
10. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites, paragraph 49 of the National Planning Policy Framework (the Framework), which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date.
11. This does not, however, lead to an automatic assumption that planning permission should be granted. Rather, paragraph 49 aims to ensure that in situations where, as here, the existing development plan policies have failed to secure a sufficient supply of deliverable housing sites, the *'presumption in favour of sustainable development'* is duly applied.

12. The mechanism for applying that presumption is set out in paragraph 14 of the Framework. This explains that where relevant policies are out-of-date then (unless material considerations indicate otherwise) 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 Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
13. This, clearly, does not equate to a blanket approval for residential development in locations that would otherwise have conflicted with development plan policies. If the adverse impacts of the proposal (such as harm to the character and appearance of the area) significantly and demonstrably outweigh the benefits, then planning permission should still be refused. This is the decision making process that I have followed here.

### ***WOLP policy context***

14. The WOLP seeks to steer the majority of new house building in the District to Witney and to four of the largest towns and key service centres (i.e. Carterton, Chipping Norton, Eynsham and Woodstock). Allowance is made for some development in the smaller centres and the villages. This approach is set out in policies H4 to H7, which are a *'nested suite of locational housing policies'*<sup>2</sup>.
15. Policy H4 relates to the open countryside and small villages, where development is restricted to that necessary for agricultural or operational need. Policy H5 relates to villages, allowing infilling and conversions. Policy H7 relates to Service Centres, allowing development in accordance with a series of criteria and making provision for allocations.
16. The WOLP makes no housing allocations for North Leigh, nor is there any indicative level of housing provision for the village. Even so, North Leigh is defined by the WOLP as a Medium Sized Village. Such villages are the middle tier of the hierarchy of settlements, where policy H6 permits new residential development if it constitutes either infilling; rounding off within the existing built-up area; or the conversion of appropriate existing buildings.
17. I note the arguments of the Parish Council and local residents that the village is a poor location for new development. Even so, in line with policy H6, North Leigh is, in principle, an acceptable location for some, albeit an unspecified amount of, new housing development insofar as the adopted development plan is concerned.
18. It is common ground, however, that the appeal site lies beyond North Leigh's 'Limits of Development' and is, in effect, in the open countryside. This being so, given the requirements of WOLP policies H4 and H6, the appeal proposal conflicts with the locational restrictions of the adopted development plan. This is a matter to be weighed in the planning balance.

### ***Character and appearance***

19. The Council's first reason for refusal is comprised of a number of issues relating to the appeal scheme's alleged impact upon character and appearance. Of these, the Council agreed in advance of the Inquiry that there would be no impact upon the AONB, or on views from it, arising from the appeal scheme.

---

<sup>2</sup> Mr Wood - Evidence in Chief

This was not seriously disputed by other parties. Given the distance between the site and the AONB, I agree. The other issues in dispute I address below.

### *Landscape and Visual Impact Assessments*

20. It was common ground between the main parties that their respective Landscape and Visual Impact Assessments (LVIA) had been carried out using the same methodology and were not substantively different insofar as process was concerned. The differences lay in their conclusions in relation to the magnitude of change arising from the proposed development and the consequent significance of impact upon receptors. It was further agreed that any assessment of impact, and therefore harm, was always a matter of judgement for the decision maker.
21. Mr Rech stated that he had only visited the site after his Proof of Evidence, which drew upon the appellant's LVIA, had been submitted. This is unusual, but does not, in my judgement, reduce the weight to be attached to his evidence. It was apparent from his answers that he had become well-acquainted with the site, the village and the wider landscape around it and was clearly able to support the judgements that were made in his written evidence.

### *Site landscape context*

22. The appeal site is an irregularly shaped grass field, lying towards the end of the crescent shaped ridge of higher ground upon which much of North Leigh is situated. The site's northern boundary, defined by a dense mature hedge, faces New Yatt Road, with dwellings immediately north of that. A further dense, mature hedge defines the site's southern boundary, with additional screening provided by the small woodland parcel around the reservoir immediately to the southeast of the site. A public right of way (PROW) runs along the southern side of the southern boundary for its full length. The western boundary is mature hedgerow with mature trees. The eastern boundary is the access track to Providence Cottage, Hit & Miss Cottage and Field View, which are all visible on the other side of it, with more dense, mature hedgerow being the boundary with the neighbouring field to the east. The rear gardens of two dwellings on Perrott Close abut the site, and development on Perrott Close is readily apparent from it.
23. The wider landscape within which the appeal site sits is attractive. It is typically characterised by a rolling topography, with prominent high points, and medium scale, irregularly shaped fields interspersed with small blocks of deciduous woodland. Field boundaries are typically mature hedgerows, frequently containing mature trees. It lies within the Wychwood Uplands and is reflective of the Semi Enclosed Limestone Wolds (smaller scale) character type, as defined by the West Oxfordshire Landscape Assessment (WOLA). Although the WOLA may have some shortcomings, insofar as it is not completely reflective of a post-Framework approach to landscape assessment and development opportunities, it nonetheless provides a robust and accurate baseline assessment of the District's landscape. As such, in my judgment, it should still be afforded significant weight as an indication of local landscape characteristics and sensitivities.
24. The site has a PROW running across it for a short distance and is not unattractive, being part of the countryside setting to North Leigh. It is, however, unremarkable in, and indistinct from, its local and wider landscape

context. It has no particular distinguishing features that set it apart and, although it is elevated<sup>3</sup>, it is not especially exposed, and therefore prominent, due to its robust natural boundaries and, when looking from the north, the residential development in front of it on New Yatt Road and Green Lane.

25. It was common ground between the main parties that the appeal site was not a 'valued landscape' as referenced by paragraph 109 of the Framework. That said, it was agreed at the Inquiry that this does not mean that it does not have value in and of itself, as part of the setting to the village and as an integral part of the wider countryside. I address the implications of this below.

*Skyline ridge/Views from the south*

26. Development on the appeal site, at the heights indicated in the Design and Access Statement (DAS), would result in some dwellings breaking the skyline, notably when viewing the village from the north. From this direction, parts of some upper storeys would be visible along with some roofscapes. I do not consider, however, that this would result in any harm. As noted above, when viewed from the PROWs to the north of the village, the western end of North Leigh is very apparent, with a number of dwellings already breaking the skyline. There is also a jumble of exposed dwellings of different form and style, some rendered in pale colours, running down the hillside from New Yatt Road to the lower land below.
27. In this context, I consider that dwellings on the appeal site, although visible and breaking the skyline, would actually be a less prominent feature of the village than the extant dwellings on the more exposed sloping side of the ridge. Appropriately designed, and with the use of recessive vernacular materials, any new dwellings would, in my judgement, appear as a natural part of the existing built form of the settlement behind which they would be situated.
28. The Council conceded that, with the proposed mitigation planting in place on the site's southern end, there would be no adverse impact upon views from public rights of way (PROW) to the south of the site or from the A4095. Based upon all that I have read, heard and seen I agree. Notwithstanding this, the Parish Council continued to raise concerns in this regard.
29. Most people passing along the A4095, which is some distance from the site, would be doing so in a vehicle. In this instance, any awareness of the appeal development would be fleeting, at best. Approaching the site from the PROWs to the south, development would, again, be apparent. Again, however, it would not appear stark. The mature site boundaries, combined with the tree belt around the reservoir, would soften the impact considerably. When the proposed southern planting<sup>4</sup> is also brought into consideration, new development would be barely discernible in the wider landscape in the longer term. I appreciate that the mitigation planting would take time to mature, but during this time I do not consider that the development would be an overly prominent feature from the south, reading instead as part of an extant open wolds ridge line village, which characteristically range '*loosely over the landform*'.<sup>5</sup>

---

<sup>3</sup> There is a trig point on the PROW immediately to the south of the site.

<sup>4</sup> Which would also reinforce the distinctive '*blocks and belts of native broadleaf woodland*' found in the area (WOLA p50)

<sup>5</sup> West Oxfordshire Design Guide p5

30. The appeal site falls within an area formerly designated as an Area of High Landscape Value (AHLV). Although this past designation is still a useful indication of the attractiveness of the area, and its sensitivity, the AHLV is extremely large. There is not any 'fine tuning' of the designation such that one can come to an understanding of its more sensitive locations nor is there any moratorium on development within it. More significantly, the AHLV policy designation no longer exists. As such, this factor does not weigh heavily against the appeal proposal, which benefits from a more detailed and contextualised landscape and visual impact assessment.
31. The appeal site also falls within the Wychwood Forest Project area. Although my attention was drawn to supporting text in the Local Plan, which references the need for development to give special consideration to the objectives of the Project, there does not appear to be any development plan policy in relation to it. Even if this were not the case, the Project area is expansive and I see no reason to consider that the appeal scheme would be detrimental to it. The appeal site is not proximate to an area of ancient woodland, is well contained in the landscape and will result in new woodland planting (secured by condition).
32. It was suggested that some of the vegetation around the reservoir to the south of the site may need trimming on occasion, which could expose the built development to views from the south. Notwithstanding that there is a very considerable tree belt here, it was evident from my site visit that the vegetation overhanging the path had been cut back relatively recently, with no obvious adverse effect on the screening of the appeal site.

*North Leigh's setting/Gap between New Yatt and North Leigh*

33. The Council's concerns in this regard related to the advancement of North Leigh west towards New Yatt and a perception of coalescence between the two villages.
34. With regard to the first point, the appeal site is part of North Leigh's setting. This setting is not, however, particularly constrained nor is the gap between North Leigh and New Yatt particularly narrow on the southern side of the road. When setting out for North Leigh from New Yatt on foot, using the PROW that eventually passes along the site's southern boundary, the bulk of North Leigh is barely visible given the topography and intervening hedgerows. As one begins to cross the fields, however, Hit & Miss Cottage and Field View are discernible.
35. Development on the appeal site would make the developed edge of North Leigh more apparent to PROW users here. Again, however, I do not consider that this would be harmful. The western boundary of the appeal site is deep, mature hedgerow with a number of mature trees. Even when the trees were not in leaf, this would mean that the proposed dwellings would be reasonably well screened and, again if appropriately designed and vernacular materials used, would sit comfortably in the landscape. I am not persuaded that there would be any perception of the coalescence of the two settlements, with a substantial green gap remaining between them and a clear sense of departing from one settlement, walking across open countryside, and arriving at another.
36. In terms of approaching from New Yatt by road I agree with the Council that North Leigh does not really begin until one is past Arden and The Chalet and has rounded the bend. The fields either side of the road here make an important contribution to the sense of separation between the two settlements.

Given the speed at which one passes from New Yatt to North Leigh by vehicle, the advancement of development so far along New Yatt Road at this point would, in my judgment, give rise to some harm insofar as there would be a diminution of the sense of passing between two distinct villages.

37. As one passes Arden and The Chalet, and rounds the bend, however, development is apparent ahead. Indeed, built development runs opposite the site's northern boundary for around two thirds of its length on New Yatt Road. The gable end of Stonehouse is very obvious, with driveway entrances, trimmed evergreen hedging, telegraph poles, street lighting and, on some days, dustbins, all making up a 'domestic' street scene here. This would serve to lessen the impact of the proposed development on the setting of the village and on the gap between it and New Yatt. In addition, as indicated by Mr Rech in evidence, buffer planting in the site's northwestern corner, around where the proposed drainage pond is also indicated, secured through a landscaping condition, would serve to soften the impact of the new development at the point where the road bends.

*Traffic safety measures/Highways works*

38. The Council's main grounds of objection on this matter related to the potential loss of the hedgerow in front of Gazeway to make room for the proposed footway. It has been demonstrated, however, that the hedge can be retained.
39. Work to the hedgerow on the site's northern boundary would still be necessary to make room for the proposed site access. This hedge is, however, very deep and, consequently, aside from the creation of the access itself, much of the work would be confined to cutting back rather than complete loss. This must also be seen in the context of the current field access, which, although not as wide as that proposed, is nonetheless open, prominent and tarmaced at its entrance.
40. There would be some loss of grass verge, notably on the highway in front of Holly Tree Cottage. To suggest that this would 'urbanise' this part of the village is, in my judgment, stretching a point. One is already well into the village at this point, where footways are already present. In addition, the verge in question is not wild roadside but managed highway land, featuring bollards and a telegraph pole. Its reduction would not give rise to any significant urbanising effects.

*PROWs adjoining and passing through the site*

41. Development on the appeal site would result in a very significant impact upon users of the PROW that crosses it. This would give rise to some harm insofar as, rather than passing through a field, PROW users would be walking through a housing development even if, as is proposed, the PROW is, sensibly, retained in a green corridor.
42. Nonetheless, the PROW is very short and is, in essence, a means of accessing the wider PROW network in the countryside beyond, rather than being a significant section of that network itself. The long distance views from the PROW to the south would be obstructed, but this is not the best place to take them in and their loss at this point would not be significant. The PROW that runs along the outside of the site's southern boundary affords far more expansive views, unobstructed by the boundary hedge.

43. There would be some impact upon users of this southern PROW, inasmuch as development would be in greater proximity to them. Even so, North Leigh is already apparent, with the rear of dwellings on Perrott Close clearly visible as one proceeds west from Heath Farm Lane or approaches North Leigh from the east. In this context, the presence of built development on the appeal site would not be significantly harmful, with the eye still being drawn to the expansive southern views rather than into the village. Any impact would be further mitigated by the deep landscape buffer proposed for the vast majority of the site's southern boundary.
44. My attention was drawn to published walks that take in North Leigh, as an indication of the popularity of the PROWs around the village. I have no reason to doubt the attraction of this area as a destination for walkers and it was evident from my own site visits that PROWs in the locality are well trodden. Nonetheless, the walks in question focus on the, arguably more attractive and more sensitive, area to the north of the village through which the waymarked routes of the Wychwood Way and Palladian Way pass. I have addressed above the matter of impacts looking south and, in the light of my further conclusions, am not persuaded that development on the appeal site would have any bearing on the degree to which these northern PROWs are used by visiting walkers.
45. Other appeal decisions were drawn to my attention wherein Inspectors had reached the view that an adverse impact upon a PROW from new development was sufficient grounds for dismissal. It was agreed, however, that different Inspectors have found otherwise and that site context is the most relevant factor in reaching a view on such matters.
46. WOLP policy TLC8 seeks to 'safeguard' PROWs, but does not preclude development on sites through which PROWs may pass. Indeed, the intent of the policy, when read with its supporting text, appears to be the prevention of the loss of PROWs not a prohibition on development around them.

*Integration with existing built form*

47. When considered solely in plan form on a map, it would seem that the appeal proposal would be at odds with the prevailing pattern of development in the immediate vicinity. However, there is a body of development between New Yatt Road and Green Lane, opposite much of the appeal site. Consequently, the village does not so much peter out as stop somewhat abruptly after the entrance to CSE Education Systems.
48. This is, clearly, a result of relatively dense 20<sup>th</sup> century infilling that has meant that the historic form of North Leigh, both generally and at this point, has been compromised. Indeed, the Council's own West Oxfordshire Design Guide (WODG) notes that infill development in North Leigh, '*strongly binds together the previously dispersed parts...*'. This being so, I do not consider that development on the appeal site would appear to be out on a limb or particularly incongruous, as it might well do in a village that has retained its historic, more dispersed pattern of development.
49. The strong landscape structure around the site, which could be further strengthened through a landscaping scheme secured by condition, would assist with this. This ties in with the WOLA's assessment that any development in the elevated, semi-enclosed limestone wolds landscapes, '*would need to be closely*

*and sensitively integrated with existing buildings or within a strong landscape structure’.*<sup>6</sup>

50. Development on the appeal site would be in depth, which would contrast with the pattern of development opposite. However, given the relatively close situation of the extant dwellings to each other, the lack of development in depth is not readily apparent. In addition, the appeal proposal would reflect the pattern of development established by Perrott Close to the east of the appeal site, which stretches well back from New Yatt Road.
51. With the use of appropriate materials and landscaping, I see no reason why the proposed development, although it may be marginally more dense than that around it, could not be integrated sympathetically with the existing built form of the village.

#### *Social integration*

52. New development in rural areas is not a new phenomenon. Indeed, it is evident from the age and groupings of dwellings in North Leigh that there have, in the past, been phases of large development. There is no evidence before me, either local or national, to suggest that developments of the scale proposed on the edge of villages have given rise to any issues of social integration.
53. There may be a significant level of local opposition to the appeal proposal, but the natural corollary of this would not be social rejection by local residents of the occupiers of any future dwellings on the site. Indeed, on the basis of the evidence that I heard from the Parish Council and local residents, North Leigh is a vibrant community, with numerous opportunities for social interaction, into which new residents have been welcomed in the past. The scale of any influx may have been less than is currently proposed, but there is no reason to consider that this is a barrier to forming local relationships.
54. It may also be that some future residents would have ties, be they social or employment related, to nearby settlements from which they may have relocated. This is speculation, however, and it is equally plausible that future residents may wish to move to North Leigh as they have similar ties to this village. Nor am I persuaded that maintaining relationships with people in their former settlements would somehow stop any future residents from forming new relationships in North Leigh.

#### *Other factors*

55. There was some concern about the robustness and longevity of any company that may be set up to manage open space and landscaping on the appeal site. The use of such a mechanism, secured by obligation or condition, is, however, commonplace and I have no reason to suppose that it would not succeed in this instance.
56. My attention was drawn to two other appeal decisions in the village in relation to schemes for residential development. Both appeals had been dismissed. The first<sup>7</sup> is some years old and relates to the conversion of a garage to a dwelling on Heath Farm Lane. As such, it is a very different scheme to that before me and I note that much of the Inspector’s concern related to the

---

<sup>6</sup> WOLA p50

<sup>7</sup> 2141464

impact of the conversion upon the host building. It is also not apparent that the Inspector had the benefit of the level of landscape evidence before me to assist him in assessing how the proposal might assimilate with the wider landscape, or that the scheme had any associated landscaping proposals. I do not, therefore, regard my decision as being at odds with this earlier appeal.

57. The second appeal concerns a scheme for 20 dwellings on a site north of Park Road. This is some distance from the appeal site and on the northern side of the village. Based upon my own observations and the Inspector's report, it is apparent that the site is much more prominent than the appeal site, notably in views from the PROW network to the north of the village. The dwellings proposed for it would also have been '*very prominent*', which is not the case in relation to the appeal site. Indeed, the Park Road site remains almost directly in one's line of sight when approaching from the church, along a PROW which is noted by the Inspector as being a '*particularly attractive route across the fields ...*'. This chimes with my own judgment, noted above, that the landscape to the northern side of the village is more attractive and has greater sensitivities than that to the south. As such, I do not consider that this scheme can be regarded as comparable to that before me.
58. Appeals at Kirtlington<sup>8</sup> and Milton<sup>9</sup> were also brought to my attention. The main reason for this related to the weight to be afforded to certain policies mentioned above, with which I have found no conflict anyway. In addition, although it is alleged that the Kirtlington site is broadly similar to the appeal site, insofar as it is, like many others, a greenfield site on the edge of a village, it is in an entirely different locality and contextually different. Thus, I afford it little weight as a comparable decision.
59. The outline nature of the proposal means that local residents are uncertain as to what a residential scheme on the site might look like. Nonetheless, the DAS submitted with the planning applications sets out the principles and parameters of what could be delivered. Compliance with this, and the revised development framework, could be secured by condition.
60. In relation to this, it is clear that there are examples of poorly designed dwellings in North Leigh, where inappropriate materials, generic house types and a lack of landscaping have meant that they have failed to assimilate well with the village or with the landscape around it. There has, therefore, been an adverse impact upon character and appearance. I also observed, however, examples of new dwellings, both in North Leigh and in other villages in the area, where attention had clearly been paid to the local vernacular and the use of distinctive local building materials (with the use of other local detailing such as half dormer windows in steeply pitched roofs). I see no reason why a well-designed and landscaped scheme, with buildings reflecting the historic local style (informed by the relevant sections of the WODG) and surrounding dwelling heights could not deliver a high quality residential development, which would preserve the character and appearance of the village.

#### *Conclusion on character and appearance*

61. I conclude, therefore, that the appeal proposal would not have an adverse impact upon the character and appearance of the area. It would not conflict

---

<sup>8</sup> 3134944

<sup>9</sup> 3143885

with WOLP policies BE2, BE4, H2, NE3 and TLC8. These seek, among other things, to ensure that new development respects the character and quality of its surroundings and the landscape; does not result in the loss of important open areas; and safeguards public rights of way.

62. Reference is made in the decision notice to WOLP policy NE1. This seeks to ensure that proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake. It is difficult to see how new development in the countryside could not have some adverse impact upon the value of the countryside purely by virtue of the loss of greenfield land. Nonetheless, the WOLP clearly recognises the need for greenfield development and the Council has accepted that greenfield sites are necessary to deliver its housing requirements. Given my conclusions above about the landscape impacts of the proposed scheme, I consider that the appeal proposal could be accommodated within the countryside without significant adverse impacts upon its beauty, local character and distinctiveness. This being so, although I find that the appeal scheme, or indeed any other large residential scheme on a greenfield site, must conflict with the terms of policy NE1, I do not consider this conflict to be severe.

### **Other Matters**

63. Notwithstanding the agreed position between the main parties in relation to highway safety and sewerage, the Parish Council continued to object to the scheme on these grounds. In addition, a number of local residents spoke eloquently, passionately and at length on these and other matters. I am acutely aware of what are, clearly, deeply held concerns and do not take them lightly.

#### *Highway safety and efficiency*

64. In relation to highway safety, Oxfordshire County Council (OCC), which is the highway authority, raised no objection to the original planning application, subject to relevant conditions and/or legal agreements. Officers stated in their response to the submitted Transport Assessment that:

*'we are convinced that the traffic implications associated with the development are satisfactory and that the proposals would not be detrimental on [sic] the highway network. On this basis there are no objections to the proposal from a traffic and highway safety point of view'.*

65. The Highways Statement of Common Ground between OCC and the appellant is equally emphatic that:

*'It is agreed that there are no highway safety concerns in relation to the pinch point close to the junction of New Yatt Road, Park Road and Church Lane to the east of the site and the junction of Park Road with the A4095. The scheme is acceptable in terms of highway safety.'*

66. I am mindful of the assertions of local residents about near misses, speeding traffic, parking problems at the school<sup>10</sup> and poor sight lines at the Green Lane bend on New Yatt Road. My site visits were just snapshots in time, and traffic levels and behaviour will vary throughout the day. Even so, on the three

---

<sup>10</sup> Which is clearly a source of some, albeit unexplained, exasperation for the local PCSO (see Inquiry Document 17).

occasions that I was in the village, for lengthy periods of time, I did not observe anything in relation to the number, speed, manoeuvring or parking of vehicles, or the interaction between pedestrians and vehicles, even with the reduced pavement widths in some areas, that would lead me to depart from the views of the highway authority.

67. Although traffic passed along New Yatt Road and Park Road reasonably regularly, and I observed cars parking outside the school, vehicles appeared to be travelling within the stated speed limit and drivers were observing parking restrictions. Although vehicles were parked on the roadside, this did not cause any significant obstruction to the flow of traffic nor did it give rise to dangerous driving as vehicles sought to pass each other. Traffic was largely made up of cars and light vans, with the occasional bus.
68. A road may be busy, but that does automatically equate to it being unsafe. I was not provided with any substantive evidence that would lead me to the conclusion that New Yatt Road/Park Road is inherently unsafe or that any perceived safety issues would be created or exacerbated by the appeal proposal. Indeed, the provision of a new footway between the site and the extant footway network would, arguably, improve matters for a number of residents who currently have to make their way along the grass verge. It seemed to me to be a reasonable, and not unduly lengthy, route into the centre of the village.
69. The differences in data used and produced by the appellant's highway engineers and those representing Kier Group, promoting a nearby site, were raised. It is not unusual, however, for there to be some variation between professional studies and there is no evidence before me to suggest that the differences are significant, insofar as they would give rise to very different outcomes in relation to the local highway network.
70. Experts are not infallible and local residents' dubiousness of their findings reflects the zeitgeist. Nonetheless, one must place some faith in professional experience and judgment, particularly when it has not been shown to be incorrect elsewhere in the District. Two sets of highways engineers agree on this matter and there is no technical highways evidence before me that would lead me to depart from the agreed views of the main parties in relation to highway safety.
71. The Parish Council alleged that the highway works could give rise to a 'Part 1 Claim' against the highway authority as a result of the proposed works to the verge by Holly Tree Cottage. This may be so, but it would be a private matter and not something on which it is appropriate for me to come to a view.

### *Drainage*

72. Turning to sewerage, it is not disputed that at present there is insufficient capacity in the existing foul network to take the predicted flows from the proposed development. However, Thames Water's Developer Services commissioned report<sup>11</sup> concludes that there is an indicative option available to address this lack of capacity. My attention was drawn to email correspondence from what appeared to be a different department of Thames Water<sup>12</sup>,

---

<sup>11</sup> Sewer Impact Study X4503 -1010 SMG 1876 Proposed Connection at New Yatt Road North Leigh Foul System January 2016

<sup>12</sup> See Inquiry Document 22

suggesting that it is too early to clarify whether an upgrade to Church Hanborough Sewage Treatment Works is being considered. It was also suggested by the Parish Council that any works to implement the indicative option would need access to third party land. Nonetheless, there remains no objection to the appeal scheme from Thames Water nor is there any suggestion that the indicative solution is undeliverable. On the basis of the evidence before me, I have no reason to doubt Thames Water's formal position.

73. Some concerns were raised in relation to the possibility of increased flooding arising from the proposed development. The appellant submitted a Flood Risk Assessment & Outline Drainage Strategy with the original application, which concludes that surface water run-off from the site could be attenuated to greenfield run off rates. This has been considered by the relevant statutory consultee and no objections have been raised.
74. I note the Parish Council's concerns about the state of the roadside ditch running westward along New Yatt Road, but there is no reason to consider that this could not be cleared should the need arise. I am also mindful of the safety concerns raised about the proposed drainage pond. Such features are, however, common on modern developments and there is no evidence before me to suggest that they are inherently unsafe or cannot be made safe through appropriate measures. Thus, I am satisfied that the site is not at significant risk of flooding and that the proposed development would not increase the risk of flooding elsewhere.

#### *Local infrastructure*

75. Objections were raised in relation to the ability of the local primary school to accommodate any extra pupils arising from the proposed development. Nonetheless, OCC as the local education authority has raised no objection subject to the provision of funds towards securing a permanent classroom on the school site to replace the temporary facility currently in place. This is secured through a unilateral undertaking.
76. It was suggested that access to GPs is challenging for local residents and that existing difficulties would be exacerbated by an influx of new residents. There are not, however, any objections from the relevant NHS body in general or local GP practices in particular. In addition, the undisputed evidence from the appellant is that the nearest GP practice is accepting new patients.
77. The potential closure of one of Witney's GP practices was reported in the local press during the Inquiry. The outcome of this issue did not yet appear to be resolved, however, and given the location of the practice, on the western side of Witney some distance from North Leigh, it is not readily apparent that it would have any direct impact upon GP services used by village residents.

#### *Living conditions*

78. Representations were made by some local residents, notably the occupiers of Stonehouse, Hit & Miss Cottage, Field View, Providence Cottage and Croft House in relation to the potential impact of the proposed scheme on their living conditions. Concerns were raised in relation to outlook, privacy and light.
79. There is no doubt that the outlook from these dwellings would change as a result of the proposed development. The change would be significant in relation to Stonehouse, Hit & Miss Cottage and Field View. Having viewed the site from

these dwellings, and from Providence Cottage, I can fully appreciate that having a view of housing where currently there is none would be an undesirable outcome for the occupiers. Change, however, does not automatically mean harm and there is no right to a view. Particular and careful attention would need to be paid to the juxtaposition between Field View, Hit & Miss Cottage and any new buildings on the appeal site, but I am satisfied that, given the distance that these dwellings are set back from the appeal site, any new buildings on the site, appropriately scaled and located, would not be oppressive upon the outlook of the occupiers of extant dwellings.

80. For the same reasons, I do not consider that loss of privacy or light would be an issue. I see no reason why appropriate separation distances could not be achieved such that there would be no danger of the privacy of the occupiers of neighbouring dwellings being compromised or light to these dwellings being lost.
81. Similar attention would need to be paid to the relationship between any new buildings and the rear gardens of the dwellings on Perrott Close that back onto the site. Again, however, I see no reason why a satisfactory relationship could not be achieved, with particular attention paid to ensuring that outlook from the rear gardens is not compromised by overly tight positioning of new development.
82. Concerns were expressed about the potential adverse impacts that could arise from vehicle headlights shining into properties on New Yatt Road opposite the proposed site entrance. However, the property that could be most affected, Croft House, is set back some way from New Yatt Road, behind mature hedging. I see no reason why vehicle lights would be intrusive.
83. My attention was drawn to potential adverse health impacts of electromagnetic fields, arising from the increased use of wireless communication with particular regard to smart meters. The only evidence before me, however, is a letter from 2011 from a Swedish academic to the California Public Utilities Commission. I am sympathetic to the condition of the resident who submitted this letter but it does not, in my judgement, represent a body of evidence sufficient to allow me to form any kind of rounded view on so complex a matter generally and its implications locally. Nor am I aware of any prohibition on the use of smart meters or other wireless technology in the United Kingdom.

#### *Alternative site*

84. Another site in the village, between the A4095 and Windmill Road, is currently being promoted for residential development and is the preferred option of the Parish Council, *'if there must be development in North Leigh'*<sup>13</sup>. There are not, however, any details of a planning application for the site before me, nor is there any evidence that residential development is appropriate or deliverable on this site. In addition, it is not my place in the context of this appeal to judge a beauty contest between different sites.
85. The Framework places considerable emphasis on a plan-led system, which seeks to select the most appropriate sites for development, and I am not unsympathetic to the view that future residential development opportunities in North Leigh ought to be considered in the round. However, the Framework

---

<sup>13</sup> Mr St John evidence in chief

also seeks to boost significantly the supply of housing and makes it clear that where the plan-led system is not delivering the required levels of housing, housing should be permitted, even if contrary to the plan's spatial strategy, unless the real world land use planning impacts of doing so significantly and demonstrably outweigh the benefits that housing may deliver.

#### *Land ownership*

86. The ownership of the site's western boundary was questioned by the Parish Council. The only evidence before me that this boundary is not in the appellant's ownership is an annotated map signed by the son of the landowner. Notwithstanding that this gentleman is not himself the landowner, he was not present at the Inquiry to give evidence. Even were this not the case, there is no evidence before me to suggest that the mature hedge and trees on the boundary are under any imminent threat of felling or lopping. As such, their landscape function in relation to the proposed scheme still stands. If the Council is, however, concerned about land ownership then this boundary can be further strengthened under a landscaping condition now or at reserved matters stage.

#### *Ecology*

87. The appellant submitted an Ecological Assessment with the application. This concluded that, other than the mature hedgerows, which are to be retained and would be enhanced, the site is a low value habitat. It makes a number of recommendations to secure biodiversity enhancements. The response from the Council's ecologist supports these findings and there is no objection on ecological grounds. I note the, albeit unsubstantiated, statements of some local residents about wildlife that has been spotted on the site, but there is no ecological evidence before to suggest that any species would be significantly adversely affected by the appeal proposal.

#### *Precedent*

88. The issue of precedent was raised by a number of parties. My decision in this appeal should not be interpreted as a finding that North Leigh is necessarily a 'sustainable location' for residential development *ad infinitum*. Indeed, any future proposals would need to be assessed on their own site-specific merits, in the context of any development plan and national policy then in place. While I have concluded that the appeal scheme is acceptable, given the site context and housing land supply situation, the fact that up to 76 dwellings have been allowed on appeal in North Leigh would be a consideration to be weighed in the balance when considering any future development proposals.

#### *Affordable Housing*

89. The appeal scheme would deliver a large number of affordable units, which the Parish Council suggested '*could bring with it social problems that are characteristic on similar estates...*'. There is no evidence before me to support the assertion that similar estates have endemic social problems nor that a well-designed scheme, with appropriately distributed affordable housing units, would give rise to any such problems.

## **Planning Obligations**

90. Two unilateral undertakings (UU) were submitted by the appellant, one to the County Council and one to the District Council. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations contained in such agreements are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
91. Between them the UUs set out obligations in relation to the provision and management of public open space, including a Locally Equipped Area of Play; public art; local library provision; local sports facilities; travel plan monitoring; bus service enhancement, including bus stop provision; and primary education.
92. Evidence of the necessity, relevance and proportionality of these obligations was set out in detailed submissions from both the District and County Councils, which were considered at the Inquiry. They demonstrate the basis for the obligations, how they relate to the development proposed, set out how any financial contributions have been calculated and whether the CIL regulation pooling limits have breached and indicate the planning policy basis for them. In my judgment these provide persuasive evidence that the above obligations meet the tests set out in the Regulations.
93. There was lengthy dispute at the Inquiry as to whether the monitoring contribution met the tests and I am mindful of legal judgment<sup>14</sup> in relation to this matter. However, it was common ground that the case in point leaves it to the decision maker to come to a view on whether or not such contributions meet the relevant tests, and different Inspectors have come to different conclusions in various appeal decisions on the basis of the evidence and arguments presented to them.
94. In this instance, I accept the County Council's argument that the monitoring of the relevant UU is integral to ensuring its effective implementation. The sums involved are not enormous, but that is not the point. There are a number of obligations with a range of trigger points and index linking clauses and I accept that some degree of oversight would be required to monitor them appropriately to ensure that they achieve that which is expected of them. This being so, I find that the contribution sought meets the relevant CIL regulation tests in this instance.
95. The Parish Council requested that an obligation be sought in respect of a pedestrian crossing over New Yatt Road in the vicinity of the appeal site. In the absence of any evidence of its necessity, however, I do consider that such an obligation would meet the relevant tests.

## **Conditions**

96. A list of proposed planning conditions was discussed in some detail at the Inquiry. I have made amendments in the light of those discussions. This is to improve precision, clarity and enforceability, as well as to avoid overlap.

---

<sup>14</sup> Oxfordshire County Council v Secretary of State for Communities and Local Government [2015] EWHC 186 (Admin)

97. The conditions specifying the reserved matters, the time limits for submission of reserved matters and commencement of development, compliance with the approved plans, and that defining the number of dwellings permitted, are necessary to ensure legal compliance and/or to provide certainty.
98. A condition tying the reserved matters application to the DAS and Development Framework Plan is necessary in the interests of character and appearance, particularly given the assumptions on which the appellant's case is predicated. That relating to an archaeological scheme of investigation is necessary in the light of the potential for historic remains being found on the site. Conditions relating to offsite highway works, internal highway construction and parking/turning areas are necessary in the interests of highway safety and efficiency. The Travel Plan condition is necessary to ensure that opportunities for non-car related modes of transport from the site are maximised, in line with national and local planning policy. That relating to noise is necessary in the interests of ensuring appropriate living conditions for any future occupiers. The affordable housing condition is necessary to secure the benefits with regard to boosting housing supply advanced by the appellant in this regard, in line with adopted planning policy. A condition relating to contamination investigation, and remediation as necessary, is required given the potential for contamination in light of the past agricultural use of the site. The landscaping condition is necessary and reasonable at this stage, given the emphasis placed by the appellant on the reinforcement planting to be achieved, to ensure that any reserved matters application is fully informed of the key matters requiring attention. An ecological/landscape management condition is required to ensure that appropriate ecological protection, mitigation and enhancement is secured in line with agreed recommendations. A Construction and Environment Management Plan condition is necessary to ensure that there is no adverse impact upon retained habitat, the living conditions of the occupiers of surrounding dwellings or the local highway network during construction. The lighting condition is necessary to ensure that there is no adverse impact upon bat feeding corridors, the living conditions of the occupiers of surrounding dwellings and to ensure appropriate living conditions for any future occupiers. Given the topography of the site, a condition relating to levels is appropriate. A drainage condition is required to ensure that the site is properly drained.
99. On the basis of evidence presented to me, I am not persuaded that conditions relating to fire hydrant provision and foul water drainage are necessary, given the requirements of legislative provisions outwith the land use planning regime.
100. There was dispute between the appellant and OCC as to whether a condition was a satisfactory means of securing the off-site highway works required. The Planning Practice Guidance<sup>15</sup> is clear that:
- It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990. In such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation.*
101. Based on all that I have read and heard, I am not persuaded that this matter cannot be addressed satisfactorily by the condition imposed.

---

<sup>15</sup> Paragraph: 011 Reference ID: 21a-011-20140306

## Conclusion

102. The appeal scheme would bring about social benefits through the delivery of market and affordable housing in a District with an acknowledged shortfall of both. It is common ground between the main parties that this benefit should be afforded significant weight and I see no reason to depart from this consensus.
103. In environmental terms, no significant harm has been established and it may be that there is some gain in biodiversity from the proposed landscaping. I give this moderate weight.
104. Turning to the economic dimension of sustainability, the Government has made clear its view that house building plays an important role in promoting economic growth. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. Moderate weight should be afforded to this benefit.
105. The development would also generate New Homes Bonus (NHB) and Council Tax receipts for the Council. As the former is an incentive for local planning authorities to provide housing on suitable sites, the latter is essentially a means for the Council to cover its costs arising from an increased local population, and no direct beneficial link between the spend of the NHB and North Leigh has been established, I do not consider that these matters attract weight as benefits in the planning balance.
106. Weighed against these benefits is the fact that the appeal scheme would conflict with the development plan, insofar as it does not meet with the criteria of WOLP policies H4 and H6. However, the weight to be given to this conflict is necessarily reduced, in my judgment, by the Council's inability to demonstrate a five-year supply of deliverable housing sites. The Framework is clear that where this situation arises, relevant policies for the supply of housing should not be considered up to date. Policies setting development limits must be regarded as 'relevant policies' in this context. In addition, the appeal scheme would broadly conform to the WOLP's overall strategy and its identification of the Medium Sized Villages as suitable locations for development.
107. The appeal scheme would also conflict with WOLP policy NE1. This policy, however, seeks to ensure that new development in the countryside maintains or enhances the value of the countryside '*for its own sake*'. This approach goes some way beyond that taken in the Framework and, as noted above, makes it almost impossible for development of any size to comply with it. In my judgment, policy NE1 is not, therefore, entirely consistent with the Framework's approach to situating development in the countryside. Again, this necessarily reduces the weight to be afforded to the appeal scheme's conflict with the policy.
108. There is also a clear recognition by the Council that the WOLP's Limits to Development need to be 'flexed' to accommodate housing growth, until a time when they can be reconsidered in the context of a revised development plan. This recognition must, in my judgment, reduce further the weight to be attributed to the conflict with development plan policies in this regard.
109. The scheme would cause some harm to the 'rural' character of the site itself, which is an inevitable consequence of developing a greenfield site on the edge

of a village (which will be required in any case to meet the Council's housing requirement). Given my wider assessment of matters of character and appearance, however, I afford this harm limited weight.

110. Thus, the appeal scheme would fail to accord with the development plan as a whole. Nonetheless, as noted above, the Framework, which is a significant material consideration, makes it clear that where the plan-led system is not delivering the required levels of housing, housing should be permitted unless the real world land use planning impacts of doing so significantly and demonstrably outweigh the benefits that housing may deliver.

111. Given my considerations above, I find that there are significant material considerations that indicate that planning permission should be granted, warranting a decision other than in accordance with the development plan. I find that the limited adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the benefits. In the circumstances I conclude that the proposal would represent a sustainable form of development and, for the reasons given above, and taking all other matters into consideration, I further conclude that the appeal should be allowed.

*Richard Schofield*

INSPECTOR

## **APPEARANCES**

### *FOR THE COUNCIL:*

Mr Jack Connah of Counsel

Instructed by West Oxfordshire DC

He called:

Mr Paul Gibbs  
Mr Chris Wood

David Jarvis Associates  
West Oxfordshire DC

### *FOR THE APPELLANT:*

Mr Peter Goatley of Counsel<sup>16</sup>

Instructed by Gladman Developments  
Ltd

He called:

Mr Phil Rech  
Mr James Podesta  
Mr Robert Gaskell

FPCR Environment & Design Ltd  
Rural Solutions Ltd  
Gladman Developments Ltd

### *FOR NORTH LEIGH PARISH COUNCIL:*

Mr Harry St John FRICS

### *INTERESTED PERSONS:*

Mr Kevin Partridge  
Mr Tony Pugh  
Mr John Blair  
Mr Keith Mason  
Ms Val Taylor  
Ms Louise Morgan  
Mr Greg Matthews  
Mr Steve Legg  
Ms Julie Surplice  
Mr Tim Bush  
Ms Joanna Lewis  
Ms Nicolette Ferraz  
Mr Ian Hogg

---

<sup>16</sup> Assisted by Mr Christian Hawley

## **INQUIRY DOCUMENTS - SUBMITTED DURING PROCEEDINGS**

1. List of appearances for the appellant
2. List of appearances for the Council
3. Updated list of conditions
4. WODC CIL Statement
5. Report to the Oxfordshire Growth Board meeting on 26 September 2016
6. Opening statement for the appellant
7. Opening statement for the Council
8. Statement by Mr Kevin Partridge
9. Statement by Mr Tony Pugh
10. Statement by Mr John Blair
11. Statement by Mr Keith Mason
12. Statement by Mr Steve Legg
13. Email from Thames Water to Mr St John, 14 September 2016
14. Locally-Led Garden Villages, Towns and Cities, DCLG (March 2016)
15. Statement by Mr Tim Bush
16. Article in Witney Gazette 21 September 2016 regarding the closure of Deer Park Medical Centre in Witney
17. Email from North Leigh's PCSO regarding parking outside North Leigh Primary School
18. Excerpts from WODC Landscape Assessment
19. Notification of changes to the No 11 bus service between Witney and Oxford
20. Details of Wychwood Walk No 6
21. Letter from Olle Johansson of the Karolinska Institute in Stockholm to the California Public Utilities Commission, 9 July 2011
22. Email from Thames Water to Mr St John, 21 September 2016
23. Excerpt from The Times, 13 August 2016, detailing a round walk from Stonesfield, passing to the north of North Leigh
24. Appeal decision 3134944
25. Oxfordshire County Council v Secretary of State for Communities and Local Government; Ref: [2015] EWHC 186 (Admin), 3 February 2015
26. Response from Hydrock to Mr Bush's Statement, 22 September 2016
27. Submissions by Oxfordshire County Council in relation to the appellant's Unilateral Undertaking

- 28. Oxfordshire County Council's proposed alternative condition 7
- 29. CIL Statement submitted by the appellant
- 30. Unilateral Undertaking to West Oxfordshire District Council, 23 September 2016
- 31. Unilateral Undertaking to Oxfordshire County Council, 23 September 2016
- 32. Closing Submissions on behalf of North Leigh Parish Council
- 33. Closing Submissions on behalf of West Oxfordshire District Council
- 34. Closing Submissions on behalf of the appellant
- 35. Land Registry entry for land to the immediate west of the appeal site, with signed map

### **SCHEDULE OF CONDITIONS**

1. Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
3. The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the details contained within the following plans: Site Location Plan (Drawing no. 2014-136-101); and Proposed Access Arrangement Plan (Drawing no. C151183-001 rev. P2).
5. The total number of dwellings authorised by this permission shall not exceed 76 and any reserved matters application(s) submitted pursuant to conditions 1 and 2 shall be limited to this maximum in total.
6. The development hereby permitted shall be carried out in accordance with the principles and parameters set out in the submitted Design and Access Statement and revised Indicative Development Framework Plan (6588-L-02 Rev K), with particular regard to dwelling heights and landscaping.
7. Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority. Following the approval of this Written Scheme of Investigation and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
8. Prior to the commencement of development, a scheme for the provision of the off-site highway works (the works), to include alterations to the highway to create a footway providing safe pedestrian access to the western side of the junction of Green Lane and New Yatt Road, to connect the development to the existing footway network in North Leigh, in accordance with Proposed Access Arrangement drawing no. C151183-001 rev P2, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the delivery of the works and the works shall be carried out strictly in accordance with that timetable.

9. No development shall take place until a scheme setting out details of all road construction, street lighting and drainage, including longitudinal sections and means of draining roads to an acceptable outfall (the works), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the approved details. The works shall be constructed in accordance with the approved details and timetable.
10. No development shall take place until details of access, parking and turning areas to serve each dwelling have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the dwelling to which it relates, the approved access, parking and turning areas shall be provided in accordance with the approved details and shall thereafter be made available at all times for their designated purposes.
11. None of the dwellings hereby permitted shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a timetable for implementation and details of provisions for monitoring and review. The Travel Plan shall be implemented in accordance with the agreed timetable and details and shall remain operative as long as any part of the development is occupied.
12. Prior to the commencement of development a scheme for the protection of the occupiers of the dwellings hereby permitted from road traffic noise to achieve British Standard 8233:2014 internal ambient noise levels shall be submitted to and approved in writing by the Local Planning Authority. All relevant works that form the approved scheme shall be completed before each of the dwellings hereby permitted are first occupied. The required internal noise levels are: living rooms 35db LAeq 16-hour (0700 to 2300); bedrooms 30dB LAeq 8-hour (2300 to 0700). All habitable rooms must be afforded noise mitigation measures including appropriate glazing and ventilation so as to achieve the above standards. In addition the layout and/or mitigation measures employed shall achieve a general daytime noise level in rear gardens not exceeding 55dB LAeq 16-hour (0700 to 2300).
13. The development hereby permitted shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to, and approved in writing by, the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing as set out in the Glossary to the National Planning Policy Framework at the time of the issuing of this permission (or any subsequent replacement to it). The scheme shall include:
  - a. the numbers, type, tenure and location on the site of the affordable housing units, which shall be pepper-potted throughout the development and which shall consist of not less than 50% of the total number of 76 dwellings hereby permitted, 65% of which shall be Affordable Rented Housing and 35% of which shall be Intermediate Housing;

- b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing. No more than 40% of the open market dwellings shall be occupied before 50% of the affordable housing is completed and ready for occupation. No more than 80% of the open market dwellings shall be occupied before 100% of the affordable housing is completed and ready for occupation;
  - c. the arrangements for the transfer of the affordable housing to an affordable housing provider or for the management of the affordable housing if no Registered Social Landlord is involved;
  - d. the means by which it shall be ensured that the affordable housing shall remain as such for first and subsequent occupiers; and
  - e. the criteria to be used for selecting occupiers for the affordable housing and the means by which such occupancy criteria shall be enforced.
14. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is found to be necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the prior approval in writing of the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme before any further development takes place.
15. Prior to the commencement of development a scheme for the hard and soft landscaping of the site, in general conformity with the indicative Landscape Buffer Planting Plan 6588-L-06 (25 August 2016) and with particular regard to the planted reinforcement of the site's boundaries, northwest corner, 15m deep southern landscape buffer and retained public footpath route through the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timetable for the undertaking of the agreed works and the works shall be carried out in strict accordance with the approved scheme.
16. Prior to the commencement of development, a combined habitat (ecological) and landscape management plan, including long term design objectives, future management responsibilities, protection of habitats and retained vegetation during construction, timetable for implementation, compliance with the recommendations and mitigation measures contained within the FPCR 'Ecological Appraisal' (May 2015) and maintenance schedules for not less than 15 years for all areas of the appeal site shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan shall thereafter be implemented in accordance with the approved details and its requirements adhered to thereafter.
17. No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by

the Local Planning Authority. The CEMP shall include, amongst other things, details of:

- hours of work at and deliveries to the site;
- access and routing arrangements for construction and delivery vehicles;
- contractor and visitor parking areas and compounds, including storage areas for plant and materials;
- specification of plant and equipment to be used;
- details of wheel washing facilities to ensure that mud and debris is not spread onto the adjacent public highway;
- loading and unloading areas;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- an undertaking that there shall be no burning of materials on site at any time during construction;
- details of any piling required, including method (to minimise noise and vibrations), duration and prior notification to affected neighbouring properties;
- measures to avoid adverse impacts upon retained habitat, including trees and hedgerows;
- overall monitoring methodology; and
- details of the responsible person (site manager/office) who can be contacted in the event of a complaint.

The approved CEMP shall be adhered to throughout the construction period.

18. No external lighting, other than within a private residential curtilage or standard street lighting, shall be installed other than in accordance with a scheme of lighting that shall previously have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, height, design and luminance of any lighting to minimise potential loss of amenity and character caused by light spillage. The lighting scheme shall thereafter be installed and operated in accordance with the approved details and shall be retained thereafter.
19. No development shall take place until details of the existing and proposed ground levels across the site and the levels of the proposed floor slabs and ridge heights have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
20. No development shall take place until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details of the scheme shall include a) a timetable for its implementation; and b) a management and maintenance plan for it for the lifetime of the development, which shall include arrangements for its adoption by any public body or statutory undertaker or any other arrangements to secure the continued operation of the sustainable drainage scheme thereafter.