

## Appeal Decision

Inquiry held over 5 days between 20 - 27 June 2023

Site visit made on 27 June 2023

**by Michael Boniface MSc MRTPI**

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

**Decision date: 28<sup>th</sup> July 2023**

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**Appeal Ref: APP/D3125/W/23/3317512**

**Land north of Cote Road, Aston, Oxfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Hayfield Homes Construction Ltd against the decision of West Oxfordshire District Council.
  - The application Ref. 22/00986/FUL, dated 1 April 2022, was refused by notice dated 6 December 2022.
  - The development proposed is 40 dwellings and associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for 40 dwellings and associated works at Land north of Cote Road, Aston, Oxfordshire in accordance with the terms of the application, Ref. 22/00986/FUL, dated 1 April 2022, subject to the conditions contained in the attached Schedule.

### Preliminary Matters

2. In advance of the Inquiry, it was agreed between the Council and the appellant that the Council could demonstrate and housing land supply of between 2.56 – 3.14 years and that this represents a serious and significant shortfall against the five-year requirement. In light of this, it was not necessary to test the matter further at the Inquiry.
3. As the proposal affects the setting of a listed building, I have had special regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. A completed Unilateral Undertaking capable of securing planning obligations pursuant to S106 of the Town and Country Planning Act 1990 was submitted after the Inquiry, in line with a previously agreed timetable, and has been taken into account.

### Main Issues

5. The main issues are:
  - a) The effect on the character and appearance of the area, including landscape and visual impacts;
  - b) The effect on heritage assets, namely Aston Conservation Area and St James Church;

- c) Whether the proposed dwellings would provide suitable living conditions for future occupants, with particular regard to the nationally described space standards.

## **Reasons**

### *Character and appearance*

6. The site is located to the rear of a 20<sup>th</sup> century housing estate known as Foxwood and would be accessed from a very recent housing development adjacent, Marsh Furlong. The likely landscape and visual impacts of the development have been assessed in a Landscape and Visual Appraisal, which was supplemented with expert evidence at the Inquiry. This convincingly concludes, systematically and having regard to a defined methodology broadly consistent with GLVIA3, that the landscape impacts would initially be moderate adverse, reducing to moderate-minor adverse once planting had matured. In visual terms, the effects would remain no greater than moderate adverse by year 15, once landscaping became established, for those residents with direct views of the scheme.
7. The Council chose not to produce expert evidence by a witness qualified in this field but nonetheless sought to critique the appellant's case and elevate the anticipated effects. However, the conclusions reached were not significantly different to that of the appellant.
8. The West Oxfordshire Landscape Assessment (1998) is a high-level review of the district and, whilst a consideration, not a justification for increasing landscape value or sensitivity on a small site, heavily influenced by the adjacent residential development and disjointed from the wider countryside by intervening public open space associated with Marsh Furlong. The site, whilst pleasant enough, is an unremarkable arable field which is not subject to any landscape designation and cannot be considered valued in the context of the National Planning Policy Framework (the Framework).
9. The development has been designed for the site, maintaining the established field boundaries, retaining trees, enhancing existing hedgerows, and incorporating a significant green space on the outer edge, allowing for comprehensive landscaping. The landscape impacts would be very localised and would be minimised so far as reasonably practicable.
10. I was not persuaded by the Council's approach to seek a separate cumulative impact assessment having regard to other relatively modern development in the area. Aside from the difficulty in defining which schemes should be included in such an assessment, it is unnecessary having taken existing developments into account as part of the baseline. No sites with permission for development but yet to be built were identified in the vicinity.
11. The most significant visual effects would undoubtedly impact neighbouring occupants with views of the site. As the appellant concludes, these effects would be adverse, but they are inevitable where greenfield land is required to meet housing requirements and akin to the effects that would result anywhere that a site is developed on the edge of an existing settlement. The same can be said of views from the public open space associated with Marsh Furlong. Whilst planted as a wildflower meadow, users are clearly aware of being in a manmade setting on the edge of a housing development. More expansive

views of the open countryside are available to the north east, in the opposite direction to the appeal site.

12. Long-range views of the development would be possible from the public right of way running east-west through the countryside to the north of the site. However, recreational users would see the development in the context of the existing settlement edge where built form is not uncharacteristic. Housing would become more prominent, at least initially, but the Council accepts that the proposed landscaping would significantly reduce the impacts over time. In my view, only limited harm would result.
13. Overall, I am persuaded by the appellant's evidence and find this more reliable to that produced by the Council. Whilst adverse impacts would inevitably result from the development, I attach these impacts only limited weight.
14. In addition to landscape and visual effects, the Council raises concern about the design quality of the scheme, which starts from the assumption that development in this location is unacceptable in principle. Whilst the scheme would be seen as a modern residential development adjacent to other such housing, it would have little impact on the ability to appreciate the historic morphology of the village. The historic core of the village, which follows the main roads, centred on a triangular square, would remain unaffected and the scheme would instead extend a much more recently developed residential area, quite remote and distinct from the historic core.
15. The development would encroach on countryside, partially filling a gap between modern developments at Marsh Furlong and St James Court and have an urbanising effect by introducing housing to greenfield land. However, the development would be in a modern part of the village and the effects would be limited, having regard to their context. The detailed design of the properties would not be dissimilar to the adjoining modern development, which seems an entirely appropriate benchmark given that this is the site's immediate context and the point at which it would be most visible. As I have explained above, the development appears to have been designed having regard to the site characteristics and would be of an appropriately high design standard.
16. As such, I find no conflict with Policies OS2, OS4 and EH2 of the West Oxfordshire Local Plan 2031 (2018) (LP) or the West Oxfordshire Design Guide (2016) so far as they seek to protect character and appearance and support good design that is appropriate to its context.

### *Heritage*

17. The Aston Conservation Area covers a large proportion of the village, incorporating the historic core described above; areas of agricultural land close to the historic core and seen as important in heritage terms; and large areas of modern residential development such as Foxwood and Marsh Furlong. The historic core of the village incorporates many of the village's historic buildings, a number of which are listed, and its vernacular architecture and linear arrangement along the main streets is readily identifiable. It is clearly desirable to preserve or enhance the character or appearance of that area, and the conservation area as a whole.
18. However, the site is not located in the conservation area. It stands adjacent to its eastern extent where the existing modern development is markedly

different to the more historic areas, and where the Council suggests heritage significance has been 'completely eradicated'. The development would appear entirely consistent with the modern development in the conservation area to which it is attached and would have very little impact on the separated historic core.

19. There is no dispute between the parties that the residents of Aston, a relatively small rural village, would once have relied on the surrounding agricultural land for farming. Indeed, such is the significance of this rural connection that some of the agricultural land has been incorporated into the conservation area, though not the appeal site. Nevertheless, the appeal site contributes to significance as part of the wider agricultural landscape.
20. The development would replace an arable field in the vicinity of the conservation area and is unquestionably part of the village's agricultural setting. However, those fields within the conservation area would remain, as would the fields beyond the appeal site. The development has been designed with an area of open space on its periphery, creating a green edge to the development and maintaining a gap between other modern development, namely St James Court (formerly a farm but now a residential development).
21. This would be apparent when viewed from the countryside and looking towards the village, albeit that there are currently no appreciable views of the historic core, or from where the significance of the conservation area can be appreciated on the route of the public right of way. To the very limited extent that there are any meaningful views from the conservation area outwards towards the countryside, the development would be seen as a small component of housing in the context of other modern residential development.
22. For the reasons set out above, the morphology of the village in the most historic parts is readily identifiable and quite distinct from the appeal site and adjacent development. The evolution of the settlement would remain apparent and unaffected by the proposed development, as would its agricultural origins given the expansive countryside surrounding the village.
23. There is no dispute between the parties that, in the terms of the Framework, less than substantial harm would result to the conservation area. In light of my conclusions above, I consider that the limited harm identified would be at the lower end of the 'less than substantial' spectrum.
24. In circumstances where there would be harm to the significance of a designated heritage asset, it is necessary to weigh that harm against the public benefits of the proposal. In this case, the benefits include the delivery of 40 affordable housing units in an area where there is a substantial identified need for both market and affordable housing. This is sufficient in of itself to outweigh the limited harm identified to the significance of the conservation area.
25. The only listed building to which the Council suggests there would be harm is the Church of St James, listed at Grade II. The church is significant as a historic focus for worship in the village, through its vernacular architecture with a spire rising prominently above the village and historic interest as a 19<sup>th</sup> century church.

26. Much of its significance would remain untouched, though the development would appear in the foreground when viewed at a distance on the public right of way from some angles. This would, to a small extent reduce the dominance of the Church in these views, but the spire would remain a prominent feature rising far above the development. The Council and appellant agree that the scheme would result in less than substantial harm at the lower end of the spectrum and I do not take a different view.
27. Again, the delivery of 40 affordable housing units in an area where there is a substantial identified need for both market and affordable housing is sufficient to outweigh the limited harm identified to the significance of the listed building, both individually and in combination with the harm to the conservation area. This is notwithstanding the desirability of preserving the listed building and its setting and the need to attach considerable importance and weight to the asset's conservation.
28. The Council chose not to call a heritage expert at the Inquiry and the evidence it did produce was sometimes inaccurate or unconvincing. My conclusions align with the professionally prepared Historic Environment Desk-Based Assessment (2022) and subsequent expert evidence prepared by the appellant, which I found to be compelling.
29. Consequently, the application of policies in the Framework that protect areas or assets of particular importance does not provide a clear reason for refusing planning permission in this case and the presumption in favour of sustainable development is not disengaged, contrary to the Council's position. Furthermore, there would be no conflict with Policies OS2, OS4, EH9, EH10 or EH11 of the LP, so far as they seek to protect the historic environment.

#### *Living conditions*

30. Not all of the proposed dwellings would be of a size consistent with the Government's nationally described space standards. However, such standards are not universally applicable and should only be imposed by a Council through the plan making process where locally justified and viable. Despite having adopted its LP after the standards were published, the Council did not include a policy requirement to enact the standards and so there is no basis for requiring them. No substantive evidence was produced to demonstrate that the size of the properties was insufficient or that they would not provide suitable living conditions for future occupants.

### **Other Matters**

#### *Flooding and drainage*

31. It was clear from the evidence submitted that the area around Aston is regularly flooded and this is consistent with being located within Flood Zone 3, including areas of functional floodplain as identified by the Environment Agency. The site itself was shown to hold some standing water, but the proposed buildings would all be located within Flood Zone 1, the lowest flood risk category where there is no 'in principle' obstacle to development. The site-specific flood risk assessment undertaken and supplemented by expert evidence to the Inquiry supports the appellant's stance that the development would not be at risk of flooding or cause flooding elsewhere.

32. The proposed development is designed to attenuate its own surface water runoff, which would be held in onsite swales and released at a rate no greater than the existing greenfield runoff rate. The detailed design of the surface water drainage scheme could be secured by condition for subsequent approval by the Council. As the swale could be lined to prevent groundwater infiltration there is no necessity for further groundwater monitoring in order to make this development acceptable.
33. Thames Water have an obligation under the Water Industry Act to provide foul drainage connections and necessary capacity within the network to accommodate new development. I acknowledge the concern of residents regarding existing capacity issues, but it would not be reasonable to require this scheme to mitigate existing issues. Instead, it must be assumed that Thames Water will meet its statutory obligations and I am satisfied that a condition could be used to prevent occupation of the development until such time as capacity is available.
34. As such, I find no conflict with Policy OS3 or EH7 of the LP, so far as they seek to avoid flooding.

#### *Accessibility*

35. Aston is a rural village where the opportunities for sustainable travel are fewer than in an urban location. That said, the village is served by a local shop (albeit with limited opening hours), public house, church, village hall, primary school and a pottery shop with café. Whilst not sufficient to meet all day-to-day needs, this is a reasonable level of provision for a village that would meet some needs without a requirement to travel by private car, reducing such journeys to some extent. An increased population could also assist in maintaining the existing services and facilities in the village.
36. In addition, there is a two hourly bus service on Monday-Saturday facilitating sustainable travel to larger settlements with their greater variety of shops, services and facilities, including employment opportunities.
37. Opportunities for maximising the use of sustainable transport modes have been taken up through the provision of cycle storage facilities and a financial contribution towards maintaining the bus service. As such, the site is located in an area where there are opportunities for sustainable travel commensurate with the rural location and future occupants need not be unduly reliant on private vehicles, albeit that private cars will likely remain a mode of travel for many purposes.
38. This is consistent with the objectives of the Framework and I find no material conflict with Policies T1, T3 or OS3 of the LP.

#### *Parking and cycle storage*

39. The appeal scheme was designed in accordance with the Local Highway Authority's (LHA) parking standards at the time of the planning application. These have since been replaced by the Parking Standards for New Development (2022) (Parking Standards), resulting in a significant increase in the requirement for cycle storage and a small reduction of four parking spaces. A condition has been proposed to secure cycle storage provision, the majority of which would likely take place within private gardens. I am satisfied that this

is a reasonable and enforceable requirement that would support objectives to increase sustainable travel.

40. Whilst the scheme, as submitted, would deliver four parking spaces more than the maximum sought by the standards the overprovision would not be material or sufficient to jeopardise sustainable travel objectives. Although Policy T4 of the LP requires compliance with adopted parking standards, the Parking Standards guidance has not itself been tested as part of the plan making process. In any case, the minor conflict identified with Policy T4 and the Parking Standards attracts limited weight.
41. A condition could be used to require removal of four parking spaces but that would not be necessary to make the development acceptable and so would not meet the tests for conditions.

#### *Traffic movements*

42. The TRICS data used by the appellant in the submitted Transport Statement is relatively dated, having supported the previous application on the site and the neighbouring Marsh Furlong. However, the LHA has not raised a concern about the likely level of traffic generation and no evidence was submitted to suggest that traffic levels would be significantly greater than anticipated. Indeed, the Parish Council's own Transport Technical Note concludes that changes to the trip rates, if using up-to-date data, are unlikely to be significant. Given that the appeal proposal is for 100% affordable housing which tends to generate less traffic movements than market housing, a component of the previous scheme, the data is sufficiently robust in this case.

#### *Construction Traffic Management Plan*

43. A Construction Traffic Management Plan (CTMP) has been submitted which demonstrates to the satisfaction of the LHA that construction traffic could access the site safely and that impacts on local residents could be minimised. I acknowledge that residents would likely be disrupted during the construction process but this would be for a temporary period and would not result in long-term harm to living conditions.
44. There may be alternatives to the detailed proposals contained in the CTMP, such as the exact position of the wheel washing facilities, but the suggested condition would allow the Council to agree such minor amendments if necessary. Overall, the submitted CTMP is comprehensive and appropriate and could be secured by condition.
45. The conclusion contained in the Parish Council's Transport Technical Note that the proposed routing of construction traffic is unsafe is not accepted in light of the submitted swept path analysis and safety measures proposed, such as the use of banksman.

#### *Air quality*

46. The submitted Air Quality Screening Assessment (2022) demonstrates that the development would not result in significant air quality effects. Any adverse effects during construction, such as dust, could be mitigated as far as possible through measures secured as part of a Construction Environmental Management Plan, to be secured by condition.

### *Public Sector Equality Duty*

47. I have been particularly mindful of the potential impacts of the development on local people with health conditions that could be exacerbated by the proposal, for example, through the loss of an open space or increased dust in the air. However, the site is not currently publicly accessible and subject to suitable conditions, I am satisfied that no person with protected characteristics would be disproportionately affected by the development.

### *Effect on neighbours*

48. The proposed development has been arranged to have a back-to-back relationship with neighbouring residential properties with intervening gardens. All buildings would be sufficiently removed from neighbouring properties to avoid unacceptable impacts such as overlooking, overbearing or loss of light.

### *Infrastructure*

49. Where there is evidence that the development would put pressure on existing infrastructure or services, relevant providers have sought contributions to mitigate the impacts of the scheme, and these are discussed under the planning obligations sections below.

## **Planning Obligations**

50. A Unilateral Undertaking capable of securing planning obligations pursuant to S106 of the Town and County Planning Act 1990 was submitted by the appellant. The obligations are provided to make the development acceptable and to ensure, where there is an evidenced need, that the proposed dwellings are served by necessary infrastructure and services.
51. The undertaking would secure delivery of 100% of the proposed units as affordable housing and the delivery and maintenance of open space and a SUDS scheme. Financial contributions would also be secured towards local leisure facilities, public transport, education, waste and recycling. The Council and County Council each provided a statement justifying the respective obligations having regard to the Community Infrastructure Levy Regulations 2010 and there was no dispute between the parties that the obligations are necessary and otherwise in accordance with the Regulations. I am satisfied that this is the case and have taken the obligations into account in reaching my decision.

## **Planning Balance**

52. Policy H1, H2 and OS2 of the LP set out the amount and distribution of housing expected in the district, its expected location and the phasing for delivery. The annual housing requirement is stepped, increasing significantly in 2021-22 and again at 2023-24 and 2024-2025. The Council has made relatively good progress in previous years at making up an accumulated shortfall in delivery, but supply is now limited and agreed to be somewhere between 2.56 – 3.14 years. Large strategic housing sites have not delivered at the rate anticipated and there is likely to be a significant shortfall by the end of the plan period. There is also an acute need for affordable housing in the area, which to a large extent is dependent on delivery alongside anticipated market housing. Policy H2 suggests that a review of the plan will take place in such circumstances, but this has not occurred to date.

53. As such, there is clear evidence of a housing need to justify development in Aston, defined as a village in the hierarchy, where development on undeveloped land adjoining the built-up area will be permitted where in accordance with other policies of the plan. Indeed, it is common ground that the Council will not be able to meet its housing needs on land within the existing settlement boundaries. Although the identified need is not entirely specific to Aston that is not a policy requirement and the delivery of housing would support the significant district-wide need, as well as any unmet need in Aston itself.
54. In the Carterton sub-area, Policy CA5 focuses development on Carterton, a higher order settlement. Elsewhere, new development is to be limited to meeting local community needs. That does not displace the requirements of the housing policies set out above, nor does it confine the contribution made by housing schemes to meeting needs in individual settlements.
55. Policy OS2 states that the villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. The term 'limited' is not defined but the appeal proposal for 40 dwellings would be consistent with the policy in my view, even having regard to other development that has taken place recently. It would be a proportionate and logical extension of existing modern development in the village which makes an efficient use of land. The detailed policy criteria, including the general principles, would be met.
56. Whilst it is possible for development plan policies to pull in different directions, I have found very broad support in this case, such that the proposal can be considered to be in accordance with the development plan taken as a whole. As such, the proposal should be approved in accordance with Policy OS1 of the LP.
57. The scheme would result in some landscape and visual harm and limited harm to heritage assets, which I have attached great weight. There would also be a conflict with Policy T4 of the LP and the Parking Standards in that the development would deliver four parking spaces more than the maximum sought.
58. However, there is a serious and significant shortfall in housing delivery and no expectation that the need for affordable housing will be met in the short term without the delivery of schemes like that the subject of this appeal. The delivery of 40 affordable housing units is a substantial benefit. In addition, the scheme would deliver local economic benefits, publicly accessible open space and a biodiversity net gain. These are material considerations that weigh in favour of the proposal.
59. Overall, the appeal proposal would be in accordance with the development plan taken as a whole and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. In such circumstances, planning permission should be granted without delay.

### **Conditions**

60. The Council and appellant agreed a range of conditions considered to be necessary in the event that planning permission was granted. These were discussed during the Inquiry and subsequently amended. I have largely

attached the conditions as agreed but have altered the wording as necessary to improve their precision and otherwise ensure compliance with the relevant tests.

61. I have not imposed the suggested condition removing permitted development rights as no exceptional circumstances were identified that would justify doing so. There is no reason why minor household alterations permitted by the General Permitted Development Order should be undesirable or problematic in this location.
62. The Parish Council suggested alterations to the agreed conditions, which would largely be required if the overprovision of parking spaces needed to be rectified, the CTMP was found to be unacceptable or in the event that greater detail was needed in relation to flooding and drainage. In light of my conclusions above, this is not necessary.

### **Conclusion**

63. In light of the above, the appeal is allowed.

*Michael Boniface*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Kate Olley, Counsel

She called:

|                     |                                   |
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| Chris Wood BA PGDip | Senior Planning Officer (Appeals) |
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### FOR THE APPELLANT:

Giles Cannock KC

He called:

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|-----------------------------------------|----------------------------------------------|
| Alexander Bennett BSc (Hons) MCIHT MTPS | Director, Mewies Engineering Consultants Ltd |
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| Elisabeth Spencer BSc (Hons) MSc CMILT MCIHT MTPS | Associate Director, Rappor |
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| Jeff Richards BA (Hons) MTP MRTPI | Senior Director, Turley |
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| Jamie Roberts MPlan MRTPI | Principal Planner, Tetlow King Planning |
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| Rob Bourne BA MA MCIfA | Managing Director, Orion Heritage Ltd |
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| Timothy Jackson BA (Hons) Dip LA CMLI | Senior Director, FPCR Environment & Design Ltd |
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| Rosie Dinnen BA (Hons) DipTP MRTPI | Director, Tetlow King Planning |
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### FOR ASTON, COTE, SHIFFORD AND CHIMNEY PARISH COUNCIL (RULE 6):

Kimberley Ziya, Counsel

She called:

|                 |                |
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| Catherine Smith | Local resident |
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| Russell La Forte CBE MA BA (Hons) RAF (Retd) | Local resident and Chair of Parish Council |
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**INTERESTED PERSONS:**

|                   |                |
|-------------------|----------------|
| Charlie Maynard   | Councillor     |
| Christopher Fryer | Local resident |
| Jackie Razzell    | Local resident |
| Gillian Ball      | Local resident |
| Kathryn Jackson   | Local resident |
| David Clarke      | Local resident |
| Dan Levy          | Councillor     |

**DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1 Enlarged Drainage Plan
- 2 Opening submissions by the appellant
- 3 Opening submission by the Council
- 4 Opening submissions by the Parish Council
- 5 Speaking notes of Cllr Charlie Maynard
- 6 Speaking notes of Christopher Fry
- 7 Speaking notes of Jackie Razzell
- 8 Speaking notes of Gillian Ball
- 9 Speaking notes of Kathryn Jackson
- 10 Speaking notes of David Clarke
- 11 Speaking notes of Cllr Dan Levy
- 12 Draft site visit itinerary
- 13 Draft Unilateral Undertaking
- 14 Explanatory Note of Affordable Housing
- 15 Semington Appeal Decision (APP/Y3940/W/21/3285428)
- 16 Semington Unilateral Undertaking
- 17 E-mail from Oxfordshire County Council regarding bus service
- 18 Revised planning conditions
- 19 Letter confirming agreement to pre-commencement conditions
- 20 Summary Note on Unilateral Undertaking
- 21 Closing submissions by the Council
- 22 Closing submissions by the Parish Council
- 23 Closing submissions by the appellant
- 24 Derwent Holdings v Trafford Borough Council et al court judgement

**DOUMENTS SUBMITTED AFTER THE INQUIRY**

- 1 Completed Unilateral Undertaking

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

3826\_01A Site Location Plan (BHB Architects)

3826\_02H Proposed Site Layout (BHB Architects)

3826\_03G Proposed House Type Key Plan (BHB Architects)

3826\_04E Proposed Parking Strategy (BHB Architects)

3826\_05D Proposed Materials Plan (BHB Architects)

3826\_06D Boundaries Plan (BHB Architects)

3826\_07E Hard Landscaping Plan (BHB Architects)

3826\_10B House Type 2 (BHB Architects)

3826\_13B House Type 4 (BHB Architects)

3826\_14B House Type 5 (BHB Architects)

3826\_16B House Types 5 & 6 (Corner Turn) (BHB Architects)

3826\_17B House Type 8 (BHB Architects)

3826\_18A House Type 1 (BHB Architects)

3826\_19A House Type 3 (BHB Architects)

3826-20A House Type 7 (BHB Architects) 3826-09A Solar Panel Location Plan (BHB Architects)

REASON: To clarify the terms of the permission.

- 3) No dwelling shall be erected beyond the damp proof course until a schedule of materials to be used in the elevations and roofs of the development are submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

REASON: To ensure a suitable appearance for the development and to protect the character and appearance of the area.

- 4) Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied. The scheme shall include:
  - i) A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";

- ii) Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- iii) A Flood Exceedance Conveyance Plan;
- iv) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- v) Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- vi) Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- vii) Details of how water quality will be managed during construction and post development in perpetuity;
- viii) Confirmation of any outfall details; and
- ix) Consent for any connections into third party drainage systems.

REASON: To ensure the proper provision for surface water drainage and to ensure flooding is not exacerbated in the locality.

- 5) Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- i) As built plans in both .pdf and .shp file format;
  - ii) Photographs to document each key stage of the drainage system when installed on site;
  - iii) Photographs to document the completed installation of the drainage structures on site;
  - iv) The name and contact details of any appointed management company information.

REASON: To ensure the proper provision for surface water drainage and to ensure flooding is not exacerbated in the locality.

- 6) No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the

developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To prevent pollution of the environment and to protect human health in accordance with Policy EH8 of the LP and Section 15 of the NPPF.

- 7) A Construction Environmental Method Statement shall be submitted to and approved, in writing, by the Local Planning Authority before works commence. These shall include details of the method of works including:
- i) a method statement to protect badgers and their setts in accordance with the 'Badger Survey and Mitigation Strategy' report, dated March 2022;
  - ii) measures to protect other species including nesting birds during the construction phases;
  - iii) measures to protect ecological features including retained habitats (notably the hedgerows) during the construction phases;
  - iv) measures for storage and disposal of waste
  - v) measures to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development
  - vi) means to manage Heavy/Large Goods Vehicle access to the site
  - vii) measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

Works shall be implemented in strict accordance to the approved methodology including timescales, unless otherwise agreed in writing.

REASON: To protect ecological interests and the living conditions of neighbouring occupants in accordance with Policy EH8 of the LP and Section 15 of the NPPF.

- 8) Prior to any demolition and 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.

REASON: To ensure the recording of archaeological interest within the site in accordance with the NPPF.

- 9) Following the approval of the Written Scheme of Investigation referred to in the previous condition, and prior to any demolition on the site and 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 within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

- 10) Prior to above ground works commencing, full details of the solar panels and air source heat pumps (to include specifications and where in each plot they shall be installed) shall be submitted to the Local Planning Authority for approval in writing. The approved solar panels and air source heat pumps shall be installed on every dwelling prior to the first occupation of the dwellings hereby approved.

REASON: In the interests of energy efficiency.

- 11) A detailed landscape scheme shall be submitted to the Local Planning Authority and approved in writing prior to the erection of any external wall of the development hereby approved. The approved scheme shall include a timetable for its implementation, completion and retention. The scheme should be implemented in accordance with its timetable.

Any trees, hedges or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: In the interests of character and appearance.

- 12) The development shall proceed in accordance with the Construction Traffic Management Plan dated July 2022 (ref 21-0840) written by Rappor Consultants Ltd. subject to such alterations as the Local Planning Authority may agree in writing.

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

- 13) No dwelling shall be occupied until a sensitive external lighting strategy is submitted to and approved, in writing, by the Local Planning Authority. No means of external illumination shall be installed other than in accordance with the approved details and shall not be varied without the permission in writing of the Local Planning Authority.

REASON: To protect ecological interests.

- 14) No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority. The Plan shall include measures for establishment, enhancement and long-term management of habitats and open spaces within the site and shall include enhancements and planting schedules devised in accordance with the principles and recommendations set out in the Ecological Appraisal, dated March 2022. This shall include a timetable for management activities as well as a

monitoring schedule and shall be fully implemented in accordance with the approved timetable.

REASON: To protect ecological interests.

- 15) There shall be no occupation until written confirmation has been provided by Thames Water that either:
- i) All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
  - ii) A development and infrastructure phasing plan has been agreed with Thames Water to allow the development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation of any dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 16) Prior to first occupation, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack upon occupation.

REASON: To encourage sustainable modes of travel.

- 17) No dwelling shall be occupied until cycle parking has been provided in accordance with a plan showing the number, location and design of cycle parking for the dwellings that has previously been submitted to and approved in writing by the Local Planning Authority. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

REASON: To ensure appropriate levels of cycle parking are available at all times to serve the development and to promote sustainable travel in accordance with the Parking Standards for New Developments.

- 18) The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

- 19) Prior to the commencement of development, a scheme to provide biodiversity net gain enhancement measures in accordance with the FPCR Ecology Technical Note - Biodiversity Net Gain Calculation (dated May 2023) shall be submitted to and approved in writing by the Local Planning Authority. The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To secure a biodiversity net gain in accordance with the NPPF.

## **END OF CONDITIONS**