
Appeal Decision

Hearing Held on 10 January 2024

Site visit made on 10 January 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2024

Appeal Ref: APP/V3120/W/23/3329000

Land South of Steeds Farm, Coxwell Road, Faringdon.

Easting: 427823. Northing: 194109.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of an outline planning permission.
 - The appeal is made by Wain Homes against the decision of Vale of White Horse District Council.
 - The application Ref P22/V0996/RM, dated 13 April 2022, sought approval of details pursuant to condition Nos. 1, 7, 8, 9, 10, 11, 14, 15, 17, and 18 of outline planning permission Ref P18/V0259/O, granted on 20 July 2021.
 - The application was refused by notice dated 21 April 2023.
 - The development proposed is described as 'outline planning application for up to 125 dwellings and associated public open space, all matters except access reserved'.
 - The details for which approval is sought are the reserved matters of appearance, landscaping, layout (including internal access arrangements) and scale, Biodiversity Enhancement Plan, Building Heights Parameters Plan, Green Interface Plan, Lighting Scheme, Acoustic Insulation and Ventilation Scheme, ground floor finished levels, Construction Method Statement, Residential Travel Plan and Electric Vehicle Charging Point Scheme.
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Decision

1. The appeal is allowed insofar as it relates to the reserved matters of appearance, landscaping, layout (including internal access arrangements) and scale submitted in pursuance of condition 1, and the discharge of planning conditions, 8 (Building Heights Parameters Plan), 9 (Green Interface Plan), 11 (Acoustic Insulation and Ventilation Scheme), 14 (ground floor finished levels), 15 (Construction Method Statement), 17 (Residential Travel Plan) and 18 (Electric Vehicle Charging Point Scheme) attached to planning permission Ref P18/V0259/O, granted on 20 July 2021, subject to the schedule of conditions at the end of this decision.
2. The details for the discharge of conditions 7 (Biodiversity Enhancement Plan) and 10 (Lighting Scheme) are not approved.

Application for costs

3. Prior to the Hearing, a written application for a partial award of costs was made by Wain Homes against the Vale of White Horse District Council. The Council submitted a written costs response at the Hearing and the appellant made a

verbal final costs response. This costs application is the subject of a separate Decision.

Preliminary Matters

4. The site benefits from outline planning permission, P18/V0259/O, granted in July 2021, for 'up to 125 dwellings and associated public open space'. Appearance, landscaping, layout (including internal access arrangements) and scale were all reserved matters. Access was approved from Coxwell Road, via a new junction.
5. A number of the attached conditions required details to be submitted for approval concurrent with the submission of the reserved matters. Those which the appellant has sought to discharge are listed in the banner heading above.
6. Details pursuant to condition 16 (on-site foul and surface water drainage works) were also initially submitted as part of the reserved matters application, but during the course of the application the appellant confirmed the intention to deal with this matter separately. I have dealt with the appeal accordingly.
7. In the event that the appeal should be allowed, the Council has raised no objection in respect of the details submitted in respect of the discharge of conditions 8 (Building Heights Parameters Plan), 9 (Green Interface Plan), 11 (Acoustic Insulation and Ventilation Scheme), 14 (ground floor finished levels), 15 (Construction Method Statement), 17 (Residential Travel Plan) and 18 (Electric Vehicle Charging Point Scheme. On the basis of the evidence before me, I have no reason to disagree, and I have dealt with the appeal accordingly.
8. Since the submission of the appeal, the Council has withdrawn its fourth reason for refusal in respect of harm to the character of the area and landscape setting, following a further review of this matter and having regard to the residential allocation of the appeal site within the *Vale of White Horse Local Plan 2031 Part 1 Strategic Sites and Policies* (2016) (the LPP1) and the aforesaid outline permission. I have dealt with the appeal accordingly.
9. Since the refusal of the application, the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

Main Issues

10. The main issues are:

- The impact of the proposal upon the character and appearance of the area; and
- The impact of the proposal on the living conditions of future occupiers of the development, with particular regard to outdoor living space.

Reasons

Character and appearance

11. The appeal site comprises agricultural land on the southwestern edge of Faringdon, west of Coxwell Road and northwest of the A420. There is farmland

to the west and south of the site. To the north, the first phase of the wider 'South of Faringdon' strategic housing site, of which the appeal site forms a part, has been developed. In townscape terms, the appeal scheme would be perceived as a logical built extension of that development, which is known as Steeds Phase 1 (the Bellway scheme). There is also a nearby recent residential development known as Fernham Fields¹ to the northeast of the appeal site on the opposite side of Coxwell Road. This also comprises part of the surrounding urban context within which the appeal site would be viewed.

12. Policy NDS9 of the *Great Coxwell Neighbourhood Plan 2020 – 2031* (March 2020) (the NP) states that "new development should be no higher than two storeys with roof space behind dormers". The policy goes on to say that "designing accommodation above the second storey will only be acceptable if it is visually compatible with the scale of buildings in the surrounding area"...and that "the overall height of new buildings and extensions must be commensurate with existing buildings, irrespective of the number of storeys".
13. As such, this policy does not explicitly rule out 2.5 storey high built development on the appeal site.
14. The majority of the proposed 125 dwellings would be 2 storey, reflecting the predominant prevailing height of built development within the site locality, both in respect of long-established buildings within Faringdon, as well as within the aforementioned new housing schemes to the north and northeast of the appeal site.
15. Only 3 of the proposed new dwellings would be greater than 2 storey. They would have a maximum ridge height of 9.8m compared to the maximum 2 storey ridge height of 8.6m. As such, although these properties would appear higher than the surrounding 2 storey properties, the height difference would not be so great that it would make the properties appear unduly visually intrusive within the street scenes within which they would sit.
16. Moreover, the upper floors would be accommodated within simple pitched roofs and served by roof lights rather than dormers. As a result, although having a greater eaves to ridge depth, the roofs of the 2.5 storey dwellings would not be significantly wider or longer than the pitched roofs of the nearby 2 storey dwellings and would not appear unduly bulky or visually discordant in comparison with them.
17. By encompassing a different type of roof detailing, the 2.5 storey properties would add interest to the street scene and add to the variety of dwelling forms within the overall development, whilst also maintaining visual assimilation with other houses through design detailing, such as materials and fenestration style.
18. The higher design of the buildings in the specific locations proposed, would be viewed within the street scene as contributing to the framing of the central area of public open space around which they are sited.
19. Having regard to all of the above, I find that, within the context of the remainder of the appeal proposal, the proposed roof level accommodation within 3 houses would not result in the 2.5 storey properties appearing visually incongruous within the development.

¹ LPA Ref P16/V2582/RM and P16/V1791/RM

20. The site is in an edge-of-settlement location, where a gradual increase in ground levels towards the north would reasonably mean that the roofscape of the development is likely to be visible in wider views from outside the site. The 2.5 storey houses would be sited close to each other within a confined and relatively central location within the overall scheme, where they would face onto a central area of communal green space. As such, these higher dwellings would be set back within the development and surrounded by built development and boundary landscaping, so that they would not appear unduly conspicuous in views from outside the site.
21. Moreover, I saw during my site visit, that there are 2.5 and 3 storey dwellings within the nearby new residential developments to the north and northeast of the appeal site. Some of these occupy a similar position in relation to open green space, and some have more bulky roof forms than those of the appeal scheme due to the incorporation of dormers.
22. Notwithstanding the Council's stated reasons for allowing those nearby higher than 2 storey dwellings, the properties do form part of the existing urban context with which the appeal scheme is required to be visually compatible, in accordance with NP Policy NDS9. This policy does not require additional special justification for 2.5 storey development where it would be in keeping with its surroundings.
23. During my site visit, I observed that the nearby 2.5 and 3 storey properties do not appear unduly discordant within their developments, nor are they perceived as being overly bulky when viewed from outside the edge of the built-up area, including in views looking northwards from Coxwell Road towards the settlement fringes.
24. Due to similarities of scale and height with those neighbouring higher properties and having regard to their positioning within the appeal scheme, the proposed 2.5 storey houses would reasonably be considered likely to have a similar imperceptible visual impact upon their immediate built environment and views from the surrounding countryside.
25. Moreover, the Council has not provided substantive evidence, such as a visual impact assessment study, to detail any specific views within which it considers the appeal scheme to be harmful.
26. As such, I find that the proposed 2.5 storey detached houses would not appear unduly discordant within the context of the surrounding built development, comprising predominantly 2 storey detached, semi-detached and terraced houses and flats, with a few interspersed 2.5 and 3 storey properties.
27. For the above reasons, I therefore conclude that the proposal would not materially harm the character and appearance of the area. As such, the appeal scheme would accord with NP Policy NDS9, in so much as this policy seeks to ensure that new development maintains the character and appearance of the area and is visually compatible with the scale of buildings in the surrounding area.
28. Whilst not specifically referred to in the Council's second reason for refusal, both main parties have acknowledged that LPP1 Policy CP37 is relevant to the determination of the appeal. Having regard to the above, I find that the proposal would also accord with this policy, in so much as it requires new

development to respond positively to the site and its surroundings, and for design factors, including, inter alia, scale, height and massing, to be appropriate for the site and surrounding area.

29. For similar reasons, the development accords with guidance in Chapter 12 of the Framework which seeks to achieve well-designed and beautiful places.

Living conditions

30. The Council's standards for private amenity areas are set out within the South Oxfordshire and Vale of White Horse Councils' *Joint Design Guide Supplementary Planning Guidance* (June 2022) (the JDG). This was adopted following public consultation and is therefore a material consideration to which I attach weight in my decision.
31. The JDG requires an adequate amount of quality private amenity space to be provided for each residential unit, taking into account factors such as the usability of the gardens, and their orientation and available sunlight, with the size of private amenity space reflecting the prevailing character of the area. Where the "general/minimum standards for amenity space", as set out in paragraph 4.11 of the JDG, cannot be met, a robust justification should be provided.
32. The Council's first reason for refusal refers to 9 properties that would fail to meet the JDG minimum garden size requirements, based on the information submitted with the planning application, including 'Garden Areas' drawing Ref P21-2599-21C. Following subsequent re-measurement of the proposed housing plots, to ensure that the garden sizes relate to private back gardens and exclude other spaces such as access pathways, landscaped areas outside of enclosed gardens and frontage space within the public realm, the Council considers that additional plots would have deficient garden sizes.
33. Prior to the Hearing, both parties prepared a joint measurement comparison table in respect of the plots considered by the Council to be deficient in garden sizes and building separation distances. This comprised part of the latest version 6A of the Draft Statement of Common Ground. For the avoidance of doubt, notwithstanding the information contained within the parties' statements, as this table represents the most up-to-date measurements by both parties, I have used it as a basis for my consideration of this main issue.
34. The Council, for the purposes of the JDG garden size standards, consider the requirements in respect of terraced properties to be limited to mid-terraced buildings, on the basis that these are the most constrained gardens in respect of enclosure and access. However, and notwithstanding the comments of the Council's Urban Design Officer, I have no cogent evidence before me that this is the intention of the JDG.
35. As such, notwithstanding the Council's view that end-of-terrace properties are more akin to semi-detached houses, given the lack of evidence to the contrary, and the definition of terraced properties within the *Permitted Development Rights for Householders: Technical Guidance* document (MHCLG September 2019), I have included end-of-terrace properties within the definition of terraced houses for the purposes of assessing the garden size requirements.
36. Based on the information before me, notwithstanding some minor differences in the measured garden sizes by the parties, it is not disputed between the

- parties that around 20 properties would have a shortfall in garden area when assessed against the minimum standards of the JDG. In respect of approximately half of these, the shortfall is arguably marginal, amounting to less than 10sqm. In the remainder of the cases the shortfall is more notable, rising up to a figure of just under 50 sqm in the case of the greatest shortfall.
37. The majority of the properties with a garden size deficiency comprise designated affordable units, and, whilst future residents may have little choice in whether or not to accept the smaller proposed outdoor living space, at the Hearing, the appellant confirmed that it has been in discussion with local affordable housing providers who would be willing to take on these properties.
38. Moreover, notwithstanding the number of proposed rear gardens that would fail to meet the JDG minimum garden size standards, these gardens would nonetheless, be laid out to be directly accessible from the rear of the dwellings to which they relate, and to be private and enclosed. As such, the proposed gardens would be appropriately positioned having regard to their function as an external extension of the indoor living space of each dwelling.
39. On the basis of the evidence before me, I consider that these gardens would be sufficiently large as to reasonably be capable of providing some outdoor furniture, play equipment, drying facilities and landscaping in a manner which would readily lend itself to the typical outdoor living requirements associated with residential occupancy, including by family occupancy of the proposed 2 and 3 bedroomed houses.
40. The Council's third reason for refusal refers to harm to occupiers' living conditions as a result of the aforesaid smaller garden sizes and also due to inadequate distances between some of the houses. In respect of the latter, both parties are agreed that about 13 instances, properties would fail to meet either the 21m minimum back-to-back or the 12m minimum back-to-side distances set out in the JDG.
41. Whilst the Council has referred to associated overlooking concerns, I am not persuaded, on the basis of the evidence before me, which includes reference to the impact of the side elevation landing window of plot 60 on the privacy of the occupiers of 55, and the separation distance between the rear elevations of the houses on plots 87 and 92, that the proposal would be materially harmful, having regard to privacy between neighbouring occupiers of the development, having regard to the juxtaposition of the buildings concerned.
42. Neither am I persuaded that there would be instances where the resulting juxtaposition of buildings would result in a materially harmful outlook for future residents. It is not uncommon for large residential developments comprising perimeter block layouts to include instances of gardens facing the side walls of neighbouring houses.
43. The Council's appeal statement confirms further concerns in respect of the gardens of some plots receiving inadequate sunlight due to a northerly plot orientation and/or overshadowing from adjacent buildings and fences. In this respect my attention has been drawn to the British Research Establishment (BRE) good practice guidelines in respect of daylight and sunlight² which

² *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BR 209 2022 edition)

- recommend that a least half the garden or open space should receive at least 2 hours sunlight on 21 March.
44. The Council's submitted Sunlight and Daylight Assessment (Initial Draft v1.1 November 2023) (the SDA Report) indicates the extent of overshadowing of a small selection of gardens at various times of the day on 21 March and 21 September. Whilst the Council's draft assessment illustrates that there will be overshadowing of a large part of a limited number of gardens at certain times, due to their juxtaposition in relation to surrounding buildings and enclosures, it does not provide cogent evidence by means of detailed analysis of its findings, in accordance with BRE guidelines, to demonstrate which, if any, of the plots specifically fail to meet the aforesaid BRE guidance.
 45. The appellant has carried out a more detailed sunlight and daylight assessment which acknowledges that 10 of the 125 plots would fail to achieve the BRE March guidelines but concludes that the sunlight access achieved would still provide useable amenity in March and that an assessment of the situation on April 21 concludes that all properties would achieve the BRE standard on that date.
 46. These conclusions are not disputed by the Council, and based on the evidence before me, I have no cogent reason to disagree with the appellant's submitted data. Moreover, at the Hearing, the Council confirmed that its SDA Report was intended to highlight the poor quality of some of the gardens, rather than to provide an in-depth analysis.
 47. Whilst the BRE guidelines do provide a useful indicator of outdoor living space quality, they are not mandatory and are intended to be applied with an element of flexibility, recognising that natural lighting is just one factor informing development layout.
 48. Having regard to the above, I find that instances of smaller than JDG garden sizes and building to building distances, combined with garden overshadowing effects, would reasonably be expected to reduce the attractiveness of some of the gardens, as detailed in the Council's statement of case, to future occupants of the development. However, it is reasonable to assume that such impacts would be known to future occupiers and would not materially affect the living conditions of existing neighbours of the appeal site.
 49. Moreover, the JDG allows for justification where garden size criteria are not met. It is realistic to assume that some future residents may prefer smaller gardens which require less maintenance and may prefer to make use of nearby public amenity space as well as, or instead of, their own private gardens. In this respect, the development would benefit from offering an increased choice for future residents.
 50. It would provide 2.1 ha of public open space, including a locally equipped area for play (LEAP), and that there is also an existing equipped children's play area nearby on the adjacent new development north of the appeal site which could also be easily accessed by future residents of the proposed development due to its proximity to the appeal scheme and proposed footpath linkages between the two developments.
 51. I find that the proposed generous provision of public open space, which includes facilities that are reasonably likely to be used by families with children,

would make a significant positive contribution towards the outdoor living space available for future occupiers of the development, and would provide a justified compensatory alternative to on-site outdoor living space provision in respect of those plots which fail to meet the JDG minimum standards.

52. Further justification which is of relevance in this instance is that, despite the greenfield nature of the site, there are a number of factors and constraints which have influenced the proposed garden sizes and layouts. These include an outline permission for up to 125 dwellings, long-established viability calculations, a requirement to provide affordable housing in accordance with the legal agreement attached to the outline consent and a housing mix that accords with the Council's identified needs, the need for a large amount of land to be given over to a green buffer to the south and west of the built development, and the requirement to protect the significance and setting of nearby listed building and conservation area heritage assets.
53. I find that the above, together with a need to balance common urban design requirements in respect of layout and design, including achieving a satisfactory balance between the amount of private garden land and enabling the provision of appropriate street frontages, provides sufficient justification for some departures from the JDG standards, noting that such instances comprise a proportionately small amount of the overall number of gardens.
54. Also, on large residential developments such as the appeal scheme it is not unreasonable for some plots to have north facing gardens which would experience overshadowing from their dwellings.
55. Moreover, the identified deviations from the JDG criteria would not be out of keeping within the context of the appeal proposal as an extension to the adjacent new residential development to the north, since the information before me is that this development also includes some gardens that fail to accord with the JDG criteria in dispute as part of the current appeal. As such, there is further justification in accordance with the JDG which refers to private garden sizes having regard to the established character of the area.
56. The Council's appeal statement refers to the failure of some of the proposed housing footpath accesses to adhere to the minimum pathway width requirements as set out in the Department for Transport guidance *Inclusive Mobility* (2002). The Council has not explained the context within which the minimum figures cited in its appeal statement relate to this document, and did not expand upon this at the Hearing, noting that it considers this matter to comprise a minor point in order to highlight what it considers to be the cramped nature of the appeal scheme.
57. The aforesaid document was superseded in December 2021 by guidance³ which is primarily aimed at transport infrastructure and the public highway, providing good practice on designing the public realm to be accessible to all. Moreover, the information before me is that the JDG does not contain any specific minimum footpath accessway width requirements. As such, on the basis of the information before, I have not given weight to this matter in my consideration of this second main issue.

³ *Inclusive Mobility a Guide to Best Practice on Access to Pedestrian and Transport Infrastructure* (DfT)

58. For the above reasons, whilst some gardens would fail to meet the minimum garden size and building separation distances as set out in the JDG, I conclude that there would be no material harm to the living conditions of future occupiers, having particular regard to outdoor living space. The development would therefore accord with LPP1 Policies CP23 and CP37 and Policy DP23 of the *Vale of White Horse Local Plan 2031 Part 2 Detailed Policies and Additional Sites* (2019) (LPP2). These policies, amongst other things, seek to ensure that new development functions well, and protects neighbouring living conditions, having regard to, inter alia, dominance or visual intrusion and loss of daylight or sunlight. It would also accord with the objective of the JDG in so much that it seeks to ensure that every dwelling has convenient access to outdoor amenity space so that usable amenity spaces are provided for all residents.
59. This is generally consistent with Paragraph 135 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Other Matters

60. I have had regard to my duty⁴ to consider the impact of the appeal scheme upon nearby heritage assets. In allowing the appeal⁵ and granting outline planning permission⁶ for up to 125 dwellings and associated public open space on the appeal site, the appeal Inspector found no harm to the significance of the nearby heritage assets of the Badbury Camp Iron Age hill fort Scheduled Monument and the Little Coxwell Conservation Area.
61. In respect of the significance of the Grade 1 listed Great Barn and the Great Coxwell Conservation Area, the previous appeal Inspector found less than substantial harm at a minor level which was outweighed by the public benefits of the proposal.
62. Having regard to the reserved matters nature of the current appeal scheme, which follows the parameters of built development as set by the outline permission, there is no requirement for me to consider this matter further as part of my determination of this appeal.
63. Third party concerns in respect of drainage infrastructure for the development will be addressed through pre-commencement conditions, as set out below.
64. Other interested party objections in respect of encroachment onto the green land between Great Coxwell and Faringdon, and highway danger from increased traffic arising from the development and on-street parking during construction of the scheme are addressed through conditions attached to the outline permission.

Conditions

65. In the event that the appeal was allowed, the appeal documents include a set of conditions which have been agreed by both main parties. I have considered these in the light of the tests set out in Paragraph 56 of the Framework and the National Planning Practice Guidance (PPG). I have also taken account of which of the conditions attached to the outline permission have been discharged by

⁴ Under Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and chapter 16 of the *National Planning Policy Framework 2023*

⁵ Ref APP/V3120/W/20/3264500

⁶ Ref P18/V0259/O

the Council, as well as those in respect of which the Council has confirmed that further information must be submitted, including condition 7 (biodiversity enhancement, 10 (lighting) and 13 and 16 (drainage).

66. I have adopted the suggested conditions with only minor modifications, where appropriate in order to add clarity. Some conditions require scheme pre-commencement submission and approval in the instances where such details need to be taken into account in the construction of the development, and therefore go to the heart of the planning permission.
67. It is necessary to define the plans for certainty (1). Conditions are necessary to safeguard water management and mitigate the risk of pollution or flooding that might arise as a result of the development (2), (3) and (11).
68. In the interests of protecting the character and appearance of the area, conditions are necessary to ensure the protection of trees of high visual amenity value (4) and (5) and the provision of appropriate external materials (6), hard and soft landscaping (7) external lighting (8) and boundary treatments (13).
69. In the interests of ensuring a net gain in biodiversity, a condition is necessary to secure a scheme of biodiversity enhancements for the site (9).
70. In the interests of highway safety, conditions are necessary to ensure the provision of adequate vehicular access visibility splays (10) and parking provision (11) and (15).
71. To ensure that the development provides opportunities for sustainable transport modes, a condition is necessary to require secure cycle parking provision (12).
72. In the interests of the living conditions of future occupiers of the development, conditions are necessary to ensure the provision of appropriate boundary treatments (13) and appropriate construction methods in respect of the roads, footways, cycleways and street lighting (14). The latter is also required in the interests of highway safety.

Conclusion

73. For the above reasons, I conclude that the appeal should be allowed, in so far as it relates to the discharge of conditions 1, 8, 9, 11, 14, 15, 17, and 18 of outline planning permission Ref P18/V0259/O, granted on 20 July 2021.

S Leonard

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and reports, except as controlled or modified by conditions of this permission:
P21-2599_01 AC Site layout; P21-2599_1D Illustrative Streetscenes;
P21-2599_05 H Parking Strategy; P21-2599_06 E Building Heights;
P21-2599_07 G Adoption & Management; P21-2599_08 F Materials Strategy; P21-2599_09 E Boundaries Strategy; P21-2599_09 E.1 Boundaries and Surfaces 1; P21-2599_09 E.2 Boundaries and Surfaces 2; P21-2599_09 E.3 Boundaries and Surfaces 3; P21-2599_10 E Refuse Strategy; P21-2599_11 E Road Hierarchy _ Movement; P21-2599_12 F Affordable Housing; P21-2599_13D House Pack; P21-2599_13_2B.1 Rev D; P21-2599_13_2B.1-2 Rev D; P21-2599_13_2B.2 Rev D; P21-2599_13_2B.3 Rev D; P21-2599_13_2B.3-4 Rev D; P21-2599_13_2B.4 Rev D; P21-2599_13_3B.1 Rev D; P21-2599_13_3B.1.1 Rev D; P21-2599_13_3B.1.2 Rev D; P21-2599_13_3B.1-2-3 Rev D; P21-2599_13_3B.2 Rev D; P21-2599_13_3B.4 Rev D; P21-2599_13_3B.4.1 Rev D; P21-2599_13_BIR Rev D; P21-2599_13_BIR.C.1 Rev D; P21-2599_13_BIR.C2 Rev D; P21-2599_13_BIR.E1 Rev D; P21-2599_13_BIR.E1.1 Rev D; P21-2599_13_BIR.K Rev D; P21-2599_13_BL Rev D; P21-2599_13_BL.1 Rev D; P21-2599_13_BUD.C Rev D; P21-2599_13_BUD.C.1 Rev D; P21-2599_13_BUD.D.E Rev D; P21-2599_13_BUD.D.E.1 Rev D; P21-2599_13_BUD.E.1 Rev D; P21-2599_13_BUD.E2.C.K Rev D; P21-2599_13_CHN Rev D; P21-2599_13_CHN.1 Rev D; P21-2599_13_CIN Rev D; P21-2599_13_CIN.C1 Rev D; P21-2599_13_CIN.C2 Rev D; P21-2599_13_HAT Rev D; P21-2599_13_HAT.C1 Rev D; P21-2599_13_HAT.C2 Rev D; P21-2599_13_HAT.E Rev D; P21-2599_13_HAT.K1 Rev D; P21-2599_13_HAT.K2 Rev D; P21-2599_13_HAV Rev D; P21-2599_13_HAV.1 Rev D; P21-2599_13_HAV.C1 Rev D; P21-2599_13_HAV.E1 Rev D; P21-2599_13_MAP Rev D; P21-2599_13_MAP.K Rev D; P21-2599_13_OUT Rev D; P21-2599_13_SNW.1 Rev D; P21-2599_13_SNW.2 Rev D; P21-2599_13_SNW.C Rev D; P21-2599_13_SNW.K Rev D; P21-2599_13_SS Rev D; P21-2599_13_WRE Rev D; P21-2599_13_WRE.C Rev D; P21-2599_13_WRE.E.1 Rev D; P21-2599_13_WRE.E.2 Rev D; P21-2599_13_WRE.K Rev D; P21-2599_14 E Character Strategy; P21-2599_15 E Land Areas; P21-2599_16B Site Location Plan; P21-2599_17 E EV Charging; P21-2599_18 D Surfaces Strategy; P21-2599_21 C Garden Areas; P21-2599_22 B Garden Depths; P21-3387-01M Detailed Landscape proposals (Sheet 1 of 3); P21-3387-02M Detailed Landscape proposals (Sheet 2 of 3); P21-3387-03M Detailed Landscape proposals (Sheet 3 of 3); P21-3387-04C Detailed LEAP Proposals; P21-3387-05F Landscape Management Areas Plan; P21-3387-06H Green Interface Plan; P21-3387-07M Landscape Composite Plan; P21-3387 Landscape Management Plan Rev C; WLC673-1300-001-R6_Indicative Lighting Strategy; WLC673-LA-001-R6_Lighting Assessment; WLC673-LC-AC-001-R6_Lighting Calculation Reports; ES143-TES-00-XX-DR-C-0511-S2-P07 (FFLs for Planning.Sheet 1); ES143-TES-00-XX-DR-C-0512-S2-P08 (FFLs for Planning.Sheet 2); ES143-TES-00-XX-DR-C-0515-S2-P08 (Drainage

Strategy.Sheet 1); ES143-TES-00-XX-DR-C-0516-S2-P08 (Drainage Strategy.Sheet 2); ES143-TES-00-XX-DR-C-0517-S2-P07 (Visibility Planning.Sheet 1); ES143-TES-00-XX-DR-C-0518-S2-P08 (Visibility Planning.Sheet 2); ES143-TES-00-XX-DR-C-0522-S2-P07 (Swept-Path Analysis-Refuse and Private Cars.Overall Plan); ES143-TES-00-XX-DR-C-0523.1-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 1.1); ES143-TES-00-XX-DR-C-0523.2-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 1.2); ES143-TES-00-XX-DR-C-0523.3-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 1.3); ES143-TES-00-XX-DR-C-0524.1-S2-P07 (Swept-Path Analysis-Refuse and Private Cars.Sheet 2.1); ES143-TES-00-XX-DR-C-0524.2-S2-P06 (Swept-Path Analysis-Refuse and Private Cars.Sheet 2.2); ES143-TES-00-XX-DR-C-0524.3-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 3.1); ES143-TES-00-XX-DR-C-0524.4-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 3.2); ES143-TES-00-XX-DR-C-0524.5-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 3.3); ES143-TES-00-XX-DR-C-0524.6-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 4.1); ES143-TES-00-XX-DR-C-0524.7-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 4.2); ES143-TES-00-XX-DR-C-0524.8-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 4.3); ES143-TES-00-XX-DR-C-0524.9-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 5.1); ES143-TES-00-XX-DR-C-0524.10-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 5.2); ES143-TES-00-XX-DR-C-0524.11-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 5.3); ES143-TES-00-XX-DR-C-0524.12-S2-P01 (Swept-Path Analysis-Refuse and Private Cars.Sheet 5.4); ES143-TES-00-XX-DR-C-0525-S2-P07 (Swept-Path Analysis-Fire Vehicle.Sheet 1); ES143-TES-00-XX-DR-C-0526-S2-P07 (Swept-Path Analysis-Fire Vehicle.Sheet 2); ES143-TES-00-XX-DR-C-0527-S2-P06 (Swept-Path Analysis-Fire Vehicle.Overall Plan); ES143-TES-00-XX-DR-C-0563-S2-P02 Longsections.Sheet 1; ES143-TES-00-XX-DR-C-0564-S2-P02 Longsections.Sheet 2; ES143-TES-00-XX-DR-C-0565-S2-P02 Longsections.Sheet 3; ES143-TES-00-XX-DR-C-0568-S2-P02 New Ditch Longsection; ES143-TES-00-XX-DR-C-0681-S2-P08 (Impermeable Areas); ES143-TES-00-XX-DR-C-0695-S2-P08 (Drainage Exceedance Plan); ES143-TES-00-XX-RP-C-0751-S2-P06 - Maintenance Plan Site Execution Plan V4; Travel Plan Issue 02; Arboricultural Method Statement Rev B; Biodiversity Enhancement Plan Rev3; Construction Method Statement V5; and Noise Impact Assessment Rev 4.

- 2) Prior to the commencement of development, details of any off-site water supply network upgrades to accommodate the additional flows required to serve the development, or a housing and infrastructure phasing plan agreed in consultation with Thames Water, shall have been submitted to and approved in writing by the Local Planning Authority.
Prior to the first occupation of any dwelling, written confirmation shall have been provided that development has been carried out in accordance with the approved off-site water supply network upgrades or housing and infrastructure phasing plan.
- 3) Notwithstanding the details submitted, no development shall commence until details of on-site foul and surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority. The submitted on-site foul and surface water drainage details

shall include:

- a) evidence that an assessment has been carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority;
- b) detailed design information, including detailed drawings, network arrangements and calculations in support of the on-site foul and surface drainage works, which shall include calculations demonstrating the drainage system performance for a range of storms period and intensities (including 1 in 1 year, 1 in 2 years, 1 in 30 years, 1 in 100 years, 1 in 100 years + climate change);
- c) the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation;
- d) a management and maintenance plan for the lifetime of the development that shall include the name and contact details of any party responsible for the maintenance of any on-site drainage features (outside of individual plot boundaries); arrangements for adoption by any public authority or statutory undertaker including copies of correspondence with Thames Water indicating agreement to discharge foul drainage to the public sewer; and any other arrangements, to secure the operation of the scheme throughout its lifetime.

No dwelling hereby permitted shall be occupied until the on-site foul and surface water drainage works have been implemented in accordance with the approved details.

- 4) The tree protection details as detailed within the Arboricultural Method Statement (Prepared by GE Consulting, ref 1483B-AMS-MU, dated February 2023) and the Tree Protection Plan (drawing 1483B-TTP-MU) contained therein, shall be put in place prior to any on site works including demolition and thereafter retained in situ for the duration of development.
- 5) Prior to the commencement of development, full details of proposed subterranean utility routes (electricity, water, gas, communications etc) have been submitted to and approved in writing by the local planning authority. Where routes are located adjacent to trees, consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'. Thereafter the development shall be completed in accordance with the approved details.
- 6) Prior to the commencement of development above slab level, details of all materials to be used externally in the construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built using only the approved materials.

- 7) Notwithstanding the details submitted, no development shall take place above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials, schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme.
Prior to the use or occupation of the new development, all hard and soft landscape works shall be carried out in accordance with the approved details. Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.
- 8) Notwithstanding the details submitted, no development shall take place above slab level until a Lighting Scheme for the external areas of the development has been submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include details of how external lighting would be directed downwards to avoid light spillage. The development shall be carried out in accordance with the approved Lighting Scheme, and thereafter be retained as approved.
- 9) Notwithstanding the details submitted, prior to the commencement of the development above slab level, full details (specification, position, height, orientation, etc.) of a scheme of biodiversity enhancements for the site, including a minimum of 20 bat boxes and 33 bird boxes, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details, with all enhancements being provided prior to first use.
- 10) Prior to the use of all the internal main vehicular accesses, visibility splays shall be provided in both directions in accordance with the approved plans. Such splays shall be designed to ensure there is no obstruction to vision above 0.9 metre in height relative to the centre line of the adjacent carriageway over the whole of each visibility splay area. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.
- 11) Prior to the use or occupation of the new development, the car parking spaces shown on approved drawing number P21-2599-05 rev H shall be constructed, surfaced and marked out. The parking spaces shall be constructed to prevent surface water discharging onto the highway. Thereafter, the parking spaces shall be kept permanently free of any obstruction to such use.
- 12) Prior to the use or occupation of the new development, the cycle parking shown on approved drawing number P21-2599-05 rev H shall be provided. Thereafter the cycle parking shall be permanently retained.
- 13) All of the site's internal and external boundaries shall be enclosed in accordance with the details shown on approved drawing numbers

P21- 2599_09E, P21- 2599_09E.1A, P21-2599_09E.2A, P21- 2599_09E.3A. The approved boundary treatments for each dwelling shall be completed prior to the occupation of that dwelling, and all of the approved boundary treatments shall be completed prior to the occupation of the last dwelling on the site.

- 14) No dwelling shall be occupied until that part of the roads, footways, cycleways and street lighting which is to serve the site (apart from the wearing course) have been constructed in accordance with the specification in Oxfordshire County Council's Street Design Guide.
- 15) Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order with or without modification), the garage accommodation forming part of the development shall be retained for parking motor vehicles, with ancillary cycle storage where this is provided within garages, at all times and shall not be adapted to be used for any other purpose.

*****End of Conditions*****

APPEARANCES:

For the appellant:

- Constanze Bell – Kings Chambers
- Chris Flemming - McLoughlin Planning
- Nathan McLoughlin - McLoughlin Planning
- Mark Farrow – Pegasus Group
- Toby Rogan-Lyons - Lichfields
- John-Rhys Davies – Wain Homes

For the Local Planning Authority:

- Jack Barber – Cornerstone Barristers
- Sharon de Bru – Bluestone Planning
- Hannah Zembrycka-Kisiel – Vale of White Horse District Council

Observer

- Katherine Foxhall – Ward Councillor for Watchfield and Shrivenham