



Appeal Decisions

Inquiry held on 1 to 3 and 9 to 11 April 2025

Site visit made on 10 April 2025

by **O S Woodward MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th May 2025

Appeal A - Ref: APP/Q3115/W/24/3353533

Land at Bayswater Farm, Bayswater Farm Road, Oxford, OX3 8EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Cillarda Group (Headington) Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S0133/O.
 - The development proposed is for up to 121 dwellings and a care home, including open space and green infrastructure.
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Appeal B - Ref: APP/G3110/W/24/3353532

Land at Bayswater Farm, Bayswater Farm Road, Oxford, OX3 8EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Cillarda Group (Headington) Ltd against the decision of Oxford City Council.
 - The application Ref is 24/00075/OUT.
 - The development proposed is for up to 121 dwellings and a care home, including open space and green infrastructure.
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Appeal C - Ref: APP/Q3115/W/24/3354458

Land at Bayswater Farm, Bayswater Farm Road, Oxford, OX3 8EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Cillarda Group (Headington) Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is 24/S2074/O.
The development proposed is for up to 76 dwellings and a care home, including open space and green infrastructure.
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Appeal D - Ref: APP/G3110/W/24/3354459

Land at Bayswater Farm, Bayswater Farm Road, Oxford, OX3 8EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Cillarda Group (Headington) Ltd against Oxford City Council.
 - The application Ref is 24/01541/OUT.
 - The development proposed is for up to 76 dwellings and a care home, including open space and green infrastructure.
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Decisions

1. Appeals A and B are dismissed.

2. Appeal C is allowed, and planning permission is granted for up to 76 dwellings and a care home, including open space and green infrastructure at Land at Bayswater Farm, Bayswater Farm Road, Oxford, OX3 8EB, in accordance with the terms of the planning application Ref 24/S2074/O, dated 25 June 2024, and subject to the conditions in the attached schedule.
3. Appeal D is allowed, and planning permission is granted for up to 76 dwellings and a care home, including open space and green infrastructure at Land at Bayswater Farm, Bayswater Farm Road, Oxford, OX3 8EB, in accordance with the terms of the planning application Ref 24/01541/OUT, dated 25 June 2024, and subject to the conditions in the attached schedule.

Application for Costs

4. An application for full costs was made by Cildara Group (Headington) Ltd against the decisions of South Oxfordshire District Council (SODC). This application is the subject of a separate Decision.

Preliminary Matters

Background

5. The four appeals relate to two proposals on one appeal site. All the appeals are for outline planning permission with access applied for in full and all other matters reserved. Appeals A and B relate to Scheme A, which is for up to 121 dwellings and a care home and associated works. Appeals C and D relate to Scheme B, which is for up to 76 dwellings and a care home and associated works. There are two appeals for both schemes because access to the appeal site is on land within Oxford City Council (OCC). However, the development itself for both schemes, including all homes and the care home, would be within SODC. I reflect this as appropriate throughout my Decisions.
6. Risinghurst & Sandhills Parish Council (the Parish) were a Rule 6 Party at the Inquiry.

Disputed issues

7. Scheme A was the subject of five reasons for refusal by OCC and ten reasons for refusal by SODC. Scheme B was the subject of seven reasons for refusal by SODC. OCC failed to determine the proposal but stated that it would have refused it for the same reasons as Scheme A if it had been determined.

Revised access

8. Following the submission of the appeals, the appellant entered into negotiations with the Highway Authority (the HA) which resulted in amendments being made to the proposed access to the site for both schemes. The revised access proposal is for vehicular, pedestrian and cycle access to be from Burdell Avenue, and pedestrian, cycle and emergency access only to be from Delbush Avenue. The existing maple tree on Delbush Avenue is to be retained. The revisions were consulted upon and all parties were provided the opportunity to comment ahead of the Inquiry. I therefore accepted the changes.
9. The above changes satisfied the HA with regard to highway safety and access, which led to OCC not pursuing Reasons for Refusal 1 to 3 and 5 for Scheme A, or

the same putative reasons for refusal for Scheme B. It also led to SODC not pursuing Reasons for Refusal 1 to 4 for both Scheme A and Scheme B.

S106 planning obligations

10. The final s106 Planning Obligation, dated 24 April 2025 (the Scheme A s106) secures, in relation to Scheme A:
 - affordable housing as follows:
 - 50% of the total dwellings to be for affordable housing including first homes;
 - the submission of a future scheme to confirm the number, location, size and tenure of affordable housing; and,
 - a contribution if required;
 - contributions for SODC as follows:
 - recycling and refuse; and,
 - street naming;
 - contributions for Oxfordshire County Council (the County) as follows:
 - nursery, primary, secondary and SEND education;
 - household waste recycling centre;
 - Headington Library; and,
 - public rights of way;
 - highways works and transport related obligations as follows:
 - a residential travel plan;
 - a contribution towards a Traffic Regulation Order for waiting restrictions adjacent to the primary school on Terret Avenue;
 - contributions towards providing a bus lane and widening the A40 eastern approach to the Headington Roundabout, and widening the A4142 eastern bypass;
 - improving bus services;
 - details of works to bridleway No 215/8/10 and its diversion and a series of works on the surrounding roads, both of which would be further secured through a diversion order, dedication agreement, and a s278 agreement; and,
 - the provision of public open space including a landscaping scheme, locally equipped area of play, a recreation facility for older children, and the long-term management of the open space;
 - monitoring fees as follows:
 - general, highways works, care home and residential travel plan for the County; and,
 - for SODC.
11. A similar s106 Planning Obligation, dated 24 April 2025 (the Scheme B s106) secures the same as above, with the addition of measures in relation to Biodiversity Net Gain (BNG). Specifically, the creation of a Habitat and Management and Monitoring Plan, a BNG plan, and a monitoring contribution. The BNG measures should be on-site if possible, but allowance is made for off-site provision if necessary.
12. The SODC and OCC CIL Compliance Statements set out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreements would meet the tests set out in Regulation 122 of the CIL

Regulations 2010 (as amended) and the tests at Paragraph 58 of the National Planning Policy Framework (the Framework), and I have taken them into account. The BNG measures are only required for Scheme B because the 10% BNG requirement only applies to major development submitted after the 4 February 2024. Reasons for Refusal 9 and 10 for SODC Scheme A, Reasons for Refusal 6 and 7 for SODC Scheme B, Reason for Refusal 4 for OCC Scheme A and putative Reason for Refusal 4 for OCC are not, therefore, main issues for the appeals. I return to matters of weight and detail of the s106s throughout my Decisions as appropriate.

Main Issues

13. As set out above, all areas of dispute relating to Scheme B with both SODC and OCC were resolved ahead of the Inquiry. All areas of dispute with OCC for both schemes were resolved ahead of the Inquiry. However, the Parish and local residents maintained objection to both proposals for a number of reasons. SODC maintained objection on a number of matters. The main issues therefore relate to the following areas of dispute between SODC and the appellant with regard to Scheme A:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to landscape, the rural edge location and quantum of proposed development;
 - the effect of the proposal on ecology, with particular regard to Barbastelle bats; and,
 - whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to internal living conditions.
14. In addition to the above, the areas of concern for the Parish relate to both schemes and include:
 - the principle of obtaining access over unregistered land;
 - the effect of the proposal on highway safety and the free-flow of traffic in the Sandhills Estate;
 - whether or not the proposed development would be likely to increase the likelihood of flooding in the area, with regard to surface water run-off; and,
 - whether or not adequate arrangements are made for the disposal of foul and surface water from the site.
15. I will, of course, also need to consider the overall planning balance.

Reasons

Character and appearance

Existing

16. The appeal site comprises two fields separated by a hedgerow and part of an area of woodland that runs alongside Bayswater Brook to the north. There is a relatively steep slope from the southern boundary down towards the brook and also down towards the eastern hedgerow boundary. Because the fields and hedgerows are of an agricultural character and appearance they represent some of the key characteristics of the wider landscape. However, they are ordinary grassland fields. The slope adds a modicum of visual interest but to no great

degree. Overall, this part of the appeal site is only of ordinary value and character and appearance.

17. The brook is surrounded by a relatively narrow, but still prominent, area of woodland. The part of the appeal site that sits within this area is of higher value, partly because it is relatively attractive, and partly because it reflects the key characteristic of the wider landscape of strong tree cover and river valley landscapes¹.
18. To the south and west of the appeal site lie the built-up extent of Oxford, in particular the Sandhills estate. To the east is a hedgerow and wooded area. To the north is the brook and wooded area. The site slopes down toward these boundaries and is highly visually contained. It is prominent from the bridleway² that runs along the southern boundary along the site. However, from only a short distance beyond to the east, and immediately to the west, views of the site even from this bridleway are screened by some or all of intervening housing, trees, and hills. There are some glimpsed views from further east on public footpaths and from the Shepherds Pit road to the north, but these are fleeting and heavily screened.
19. The Sandhills estate to the south is a predominantly residential estate with very few facilities, other than a primary school. It has only one access from the A40 and does not provide any through roads. It therefore has a relatively tranquil, suburban character and appearance. The estate has clear views of the site, not just from the bridleway, but also the ends of Burdell and Delbush Avenues which provide unobstructed views over the site. This, combined with the site's intrinsic sense of enclosure and restrained longer distant views, creates an intimate visual relationship between the estate and the appeal site.
20. The emerging Joint Local Plan 2041 (the eLP) identifies landscapes of particular merit, which includes an area called East Oxford Hills District Value Landscape that falls across part of the existing woodland area around the brook within the appeal site. However, this provisional designation has not yet been tested at an examination into the eLP. The relevant designation is for a much wider parcel of land and it is entirely possible that the boundaries of the designation would change. Nor does this part of the appeal site become a 'valued landscape' by an objective assessment of its intrinsic value. As set out above, whilst relatively attractive and displaying some of the key characteristics of the wider area, this part of the site, whilst of higher value than the ordinary fields, is not of sufficiently high value to qualify as a 'valued landscape' worthy of the higher levels of protection set out at Paragraph 187a of the Framework.

Assessment

Scheme B

21. Both schemes are submitted in outline with all matters other than access reserved. An Illustrative Layout³ has been submitted for Scheme B. This could be the subject of change at reserved matters stage but it is the most up-to-date

¹ See Landscape Character Assessment For South Oxfordshire and Vale of White Horse, September 2024 'National Character Area 109: Midvale Ridge' and Landscape Character Type 7c 'Oxford East Ridge Hilltops'. Also see Landscape Character Assessment for the Local Plan 2033, November 2017 'Character Area 1 Oxford Heights'

² No 215/8/10

³ Ref SK17, dated June 2024

layout that was provided to the Inquiry. I therefore use this as the basis for my assessment of Scheme B, whilst acknowledging its illustrative nature.

22. Development is shown across the southern half of the appeal site, including a mixture of house types and a relatively large care home building. Large areas of open space are also shown, with all built form to be set back from the brook and surrounding woodland, from the hedgerow and woodland to the east, and from the Sandhills estate to the south. Because of these set backs from the perimeters of the site and because of the relatively large indicative gardens and wide streets, the layout and density feel comfortable. The approach of providing open space and sustainable urban drainage (SUDS) features near the brook is successful, reflecting that the area around the brook is the most attractive part of the site and therefore the most sensitive to change.
23. There would be some intrinsic harm to the character and appearance of the area because the fields would be lost and replaced by a development that would inevitably urbanise the site. However, this harm would be limited and localised because it would be restricted to parts of the site that are only of ordinary value, the proposal itself would be of an appropriate density, and because of the limited visibility of the site from surrounding public viewpoints, as set out above. There would also be a harmful effect on the currently intimate relationship of the site to the Sandhills estate. However, this would be inevitable with any meaningful development on the appeal site. I have not found any additional harm from the specific character and appearance of the proposal, and there is no reason to believe that a high quality design could not come forward within the densities proposed, and given the relatively limited site constraints.
24. The currently very lightly trafficked turning circle at the end of Burdell Avenue would turn into the access road to the appeal site. This would materially alter the nature of this area by changing to a through road. This would cause some harm to the character of this part of the highway as experienced by the nearby houses. So would, albeit to a lesser extent because there would be no vehicular access, the changes at the end of Delbush Avenue. However, the traffic levels would still be low (see the Highway Safety section below for further assessment) and the resultant effect on the character of the area would also be limited.
25. The overall effect of Scheme B on the character and appearance of the area, including landscape character, would therefore be acceptable.

Scheme A

26. Appended to the appellant's Ecology & Nature Conservation Proof of Evidence is Illustrative Masterplan Ref SK25, dated 27 February 2025. This was the only masterplan before the Inquiry which reflected the agreed position on ecology (see below), and is the most up-to-date masterplan presented to the Inquiry with regard to Scheme A. I therefore use this as the basis for my assessment of Scheme A with regard to character and appearance, whilst acknowledging its illustrative nature.
27. Scheme A would be larger than Scheme B. However, the overall layout and approach is similar to Scheme B, with development pushed away from the more visually sensitive woodland areas to the north and east. Nevertheless, there would be development closer to the northern woodland area, which is illustrated as

being in relatively large blocks of flats along the northern part of the site. This means that the more dense and larger scale development would be along the northern part of the site, in the rural edge location. However, this is the lowest part of the site and the furthest part from the Sandhills estate. Providing the higher density development in that part of the site appropriately responds to the restriction of the Sandhills estate to the south and the topography of the site. Importantly, a fairly substantial landscaped buffer would remain to the north and development would remain set back from the existing woodland canopy.

28. The site is relatively steeply sloped. It is likely that this would give rise to the need for features such as retaining walls, at least in places, but the proposal is not of such density that such features could not be successfully incorporated into a final landscaping strategy. In fact, the topography could be used to positively influence the detailed design. For example, with the creation of interesting relationships between buildings, by the use of split level housing designs, or by using the slope to hide car parking in undercroft areas. Such an approach could be secured and controlled by SODC at reserved matters and condition discharge stages.
29. The illustrative layout shows relatively wide streets and indicatively a fairly large number of street trees. This could be retained or even improved upon at detailed design stage.
30. As currently drawn, the proposed blocks of flats would be relatively bulky. However, there are several ways that such blocks could be articulated to reduce their evident bulk. For example, through features such as bay windows, set backs, chamfered edges, balconies, cores, and hipped footprints. This could be achieved at reserved matters and condition discharge stages.
31. A Locally Equipped Area for Play (LEAP) is proposed. As currently drawn, this is set slightly away from the proposed built form and relatively near to a SUDS feature. However, there would still be some overlooking of the play area and the SUDS feature could be appropriately fenced off for health and safety reasons. In addition, the LEAP could eventually be located in a different area. The LEAP, either in the location in the illustrative masterplan or an alternative location, could be successfully integrated into the development and the landscaping.
32. As discussed in more detail later in my Decision, the masterplan relies upon automated blinds to the windows to the northern elevation of the blocks nearest the woodland. This would reduce natural surveillance of the area to the north. It also has the potential to be unattractive by providing a façade with very limited interaction with its surroundings. However, in character and appearance terms, this could be dealt with through detailed design. For example, through articulation of the façade in ways other than using fenestration or by the design of the landscaping immediately surrounding these buildings to the north. I am therefore comfortable that a successful design to the northern elevations could be achieved within the ecological restrictions.
33. Although not clear, it is possible that some of the back-to-back distances between dwellings in the illustrative masterplan would be less than 21m. However, whilst local guidance⁴ recommends back-to-back distances of 21m, this is between facing habitable rooms. Therefore, even if the distance is not met for building

⁴ See Paragraph 4.4, Joint Design Guide Supplementary Planning Document, June 2022

façade to building façade then the detailed design could still secure an acceptable relationship between habitable rooms. In addition, the National Design Guide, 2021 sets no such distance, instead highlighting the underlying consideration is to ensure suitable privacy for the future occupants⁵. Nor is such a distance a requirement of policy in the Development Plan. I am therefore comfortable with this relationship, which could, in any event, change at the detailed design stage.

Conclusion

34. As set out above, although there would be some intrinsic harm from development of a currently mostly open countryside site, but this would be limited and localised because of the visually contained nature of the site and the ordinary value of the areas to be developed for built form. The design of both schemes would be acceptable, subject to control of the detail at condition discharge and reserved matters stages, with particular regard to the rural edge location and quantum of proposed development. Both schemes therefore comply with Policy ENV1 of the LP which requires proposals to protect the landscape, countryside and rural areas of the District, Policy DES1 of the LP and the Joint Design Guide which require high quality design, Policy DES2 of the LP which expects proposals to enhance local character, and Policy DES5 of the LP which requires adequate outdoor amenity space.
35. With regard to Policy STRAT13 of the LP, there would be a technical conflict with part (3)(ix) which requires higher densities to the south of the site and to reduce towards the northern landscape buffer. However, the overall thrust of part (3) of the policy is to secure high quality design, which would be achieved. It is also important that Policy STRAT5 of the LP requires optimisation of development sites. In character and appearance terms, this is achieved by both schemes, because there would be no unacceptable harm to character and appearance, despite the conflict with part of Policy STRAT13.

Ecology

Bats

36. The appeal site is not a designated site for bats and nor is it within the Zone of Influence of a designated site. However, it is common ground that the woodland area to the north of the site is a foraging and commuting area for Barbastelle bats, which are a priority species. It is likely not a primary foraging or commuting route, due to limited connectivity to the wider landscape and bat habitat. The numbers of bats recorded were low. Nevertheless, given the bats are a priority species, it is common ground, and I agree, that the proposals must not cause unacceptable harm to the bats within this foraging and commuting area.
37. The parties have agreed on the parameters that must be met to achieve this, which are for a 10m wide dark corridor from the tree canopy to be created, with an allowance for limited light spill up to 7m. The appellant's written evidence also refers to a 5m wide dark corridor but under cross-examination it was acknowledged that its position at the Inquiry is that a 10m corridor with an allowance for limited light spill is the mitigation measure upon which it relies. This could be controlled by condition. It is common ground, and I agree, that Scheme B

⁵ See Section H1

would be able to meet these parameters, because the quantum of development proposed could comfortably be accommodated whilst providing a suitable set-back from the woodland edge.

38. With regard to Scheme A, an Illustrative Masterplan is included within the appellant's Ecology Proof of Evidence by Mr Goodman. In this masterplan, the blocks to the north of the site would be at least 10m from the canopy of the trees to the northern woodland boundary. Additional mitigation measures are also proposed to reduce light spill to be within the agreed parameters. These would apply to the northern elevation of any properties adjacent to the woodland. The measures are for triple glazing with a lighting transmission value (LTV) equal to or no greater than 70%, and for automated blinds. The automated blinds would be fixed to work from dusk to dawn with no override possible by occupants, and would be installed between the glass to ensure that they could not be removed.
39. There would be a maintenance requirement for the blinds. There would also likely be an incentive for future occupants to not report problems with them. However, the blocks in question are currently illustrated to be blocks of flats. These would be subject to commercial management and maintenance regime, to be funded through communal charges. There is no reason to believe that such an arrangement could not adequately maintain the blinds and repair those that are defective, even if future occupants reporting of breakdowns was inconsistent. For example, there could be patrols at night to observe the relevant elevations. This aligns with the guidance on bats and artificial lighting, which states⁶ that such automated blind mechanisms are suited to commercial situations where maintenance can be incorporated into the long term regime for the building.

Other

40. As set out in the Ecological Appraisal dated December 2023, the majority of the appeal site is semi-improved grassland. There is also a hedgerow running through the site. These provide common and unremarkable habitat and therefore similarly common species diversity. Around the brook is lowland mixed woodland. There is also a further hedgerow that links to the woodland to the north east. These areas provide more valuable habitat and species diversity. However, the ecological surveys found only one grass snake, no badgers, no dormice, no water voles, a relatively limited range of breeding birds and invertebrates, and some sightings of hedgehogs.
41. The overall ecological value of the site is therefore low. Where it is higher, near the brook and the woodland areas to the north and east, for both schemes these areas would not be subject to built development. The woodland would remain untouched. The detailed design and overall approach of the landscaping and built form of the developments could be controlled by condition and/or by reserved matters submissions to ensure that any ecological considerations are accounted for appropriately. Ongoing management and maintenance of the landscaped areas of the site is secured by the s106s.

⁶ See Paragraphs 4.41 to 4.44 of the Bats and Artificial Lighting at Night Guidance Note 08/23 by the Institute of Lighting Professionals and the Bat Conservation Trust

Biodiversity Net Gain

42. Because the planning application was submitted before 4 February 2024, Scheme A has no statutory requirement to provide a 10% net gain to biodiversity. However, Scheme B is captured by this. The Scheme B s106 secures the appropriate provision of the 10% net gain. Scheme A could be controlled by condition and/or reserved matters submissions to provide 'a' net gain, in accordance with Paragraph 187 of the Framework.

Overall

43. Both proposals would not harm ecology, with particular regard to Barbastelle bats. In fact, both schemes would enhance biodiversity through the creation of new and more diverse habitats and a series of measures to achieve an overall BNG, be it 'a' gain (Scheme A) or 10% gain (Scheme B). Both proposals therefore comply with Policy ENV2 of the LP which seeks to protect biodiversity, and Policy STRAT13(3)(x) of the LP which seeks a net gain in biodiversity and the protection and enhancement of habitats along the brook. They also comply with Chapter 15 of the Framework, which seeks to protect and enhance biodiversity.

Living conditions

Ecological mitigation measures

44. For Scheme A, the proposed mitigation measures for the dwellings that would face towards the woodland to the north of the appeal site include triple glazed, tinted windows and blinds to operate from dusk till dawn. Although not explicitly stated in the submitted material, it must also be the case that any fenestration that requires blinds and/or tinted glass must also be fixed shut in the hours of dusk till dawn. This is for the obvious reason that if the window(s) were opened then this would negate the mitigation measures and allow for light spill.
45. The tinted windows would reduce the amount of sunlight entering the affected properties even in daylight hours. This would be exacerbated by being on a north-facing elevation that would receive limited sunlight in any event. Moreover, the blinds would be a serious imposition on the quality of accommodation to be provided at all hours of darkness, which are extensive in winter and still several hours in mid-June. There would also be the inability to open windows to allow for natural ventilation or simply to improve outlook, which could potentially be a particularly harmful restriction on warm summers nights. The measures, both individually and cumulatively, would harmfully impact upon the reasonable use and enjoyment of their home by future occupier's.
46. I acknowledge that this is currently at outline stage. It is not yet known how many windows would be affected and it is likely that not all windows to all floors would require all measures. It is also likely that design solutions could limit the number of affected windows, for example with bay windows or chamfered and inset windows. Many, if not all, of the affected properties would also likely be dual aspect and/or the northern elevation could be used in part for non-habitable rooms such as bathrooms. However, there would remain at least one façade that would require compromises, and in some cases a series of compromises, to meet the ecology requirements. I have not been provided with substantiated evidence

that this could avoid such measures to at least some, and potentially many, habitable rooms.

47. The appellant in cross-examination characterised the consideration as ‘bats versus people’. But it is the appellant’s own approach that is prioritising bats over people. The measures are an acknowledgment that a sub-optimal solution to avoiding harm to bats must be adopted to mitigate a factor that could have been designed out entirely by adopting a more restricted area of built development for the site layout, as has been adopted for Scheme B.
48. The blinds have been used in other developments. However, the examples provided to me are from schemes for student flats. That is accommodation to be lived in for only part of the year and likely only for one year. This is very different from the main home, potentially main family home, that persons live in all year and likely for several years, if not decades.

Alternative proposals

49. The proposal is in outline and alternative layouts are not only possible but inevitable. There is flexibility in the scheme to amend the layout, scale of buildings, building heights etc, because there are no parameters plans fixing these factors. Other elements of the design could change, for example to reduce street widths, move streets, or even use different typologies altogether. However, whilst alternative layouts and design approaches are possible, there are not infinite varieties. The appeal site has constraints, from its size, topography, ecology, and the Sandhills estate to the south. To take just one specific example, the appellant acknowledged under cross-examination that the appeal site is too narrow to accommodate two rows of back-to-back houses whilst maintaining an acceptable relationship with regard to overlooking.
50. The description of development is for ‘up to’ 121 dwellings. The full quantum of 121 dwellings does not, therefore, need to come forward when detailed proposals are considered at reserved matters stages. However, something close to that number would likely come forward because otherwise 121 dwellings would not have been used as the basis for the entire application and appeal. The illustrative masterplan put forward at the appeal was also for 121 dwellings. A small movement lower is feasible, however in granting outline permission I would be creating an expectation that something close to 121 dwellings can come forward in an acceptable manner on the appeal site.
51. It is not, therefore, carte blanche. It is particularly telling that none of the illustrative masterplans presented to me by the appellant indicate a solution which avoids the use of the tinted windows/closed windows/blinds mitigation protocol. Alternatives that might achieve this include additional flat blocks or if the houses further south in the site were increased in height and size, perhaps to become duplexes. However, this could then create a harmful design approach with regard to the need to appropriately reflect the existing character of the Sandhills area to the south. The unavoidable conclusion is that it is not possible to respond to the ecological constraints whilst retaining the quantum of homes proposed and with an acceptable overall design.
52. I do not accept the point made by the appellant in closings that adopting the approach I am here would create a severe consequence for the nationwide

planning system. I do not expect numerous illustrative masterplans with outline applications. I do not think that every feasible design issue must be dealt with at outline stage. No better illustration than this is the approach I have adopted to the character and appearance issues, as set out above, where I have allowed for several matters to be resolved at reserved matters stage. I also agree with the appellant that it is under no obligation to demonstrate all the possible alternative layouts to achieve the quantum of development proposed. This would be a poor use of resources and would misunderstand the nature of outline permissions and the need to retain the proper assessment of areas of detail for the reserved matters stages.

53. However, it is also important to remember that the outline permission is the planning permission. I as the decision maker must be satisfied that the quantum of development set out at the outline stage could be satisfactorily accommodated on the appeal site. For Scheme A, this has not been demonstrated.

Overall

54. Therefore, whilst Scheme B would be acceptable, Scheme A would not provide satisfactory living conditions for future occupiers, with particular regard to the bat mitigation measures. The proposal therefore fails to comply with Paragraph 135 of the Framework, which requires a high standard of amenity for future users.

Other Matters

Access

55. The proposal includes diverting the bridleway at the two access points. It is proposed to secure this as a permanent diversion through a s257⁷ application. The Parish has raised concerns that this involves land which the appellant does not own. However, there is nothing in s257 that requires the applicant to be the land owner. It instead sets out that a competent authority may authorise the diversion of a bridleway if it is necessary to do so to enable a development to be carried out, as is the case for both appeal schemes. This is subject, if considered necessary by the competent authority, for the creation of an alternative highway or for the improvement of the existing highway⁸. Both such measures are being promoted by the appellant. I therefore see no reason why a successful s257 application should not be forthcoming if I were to grant planning permission for either scheme, irrespective of land ownership.
56. The Parish also raises concerns regarding the use of unregistered land on and nearby to the turning heads for access to the appeal site. However, this is an issue relating to land ownership and is therefore primarily a private law concern. Planning permission runs with the land, not the owner. In any event, I have seen no substantiated evidence that the rights to access could not be forthcoming. I am therefore satisfied with the land ownership matters in relation to access.

⁷ Of the Town and Country Planning Act 1990 (as amended)

⁸ S257(2)(a)

Highway safety and free-flow of traffic

Existing

57. There is one vehicular access into the existing Sandhills estate, at the junction between the A40 and Merewood Avenue. The proposal would use one vehicular access from within the Sandhills estate at the end of Burdell Avenue. Sandhills estate contains 384 dwellings. The proposals are for up to either 76 or 121 dwellings and an 80-bed care home. There would therefore be significantly in excess of 400 dwellings all accessed, in effect, from the one junction with the A40. The County's Street Design Guide stipulates⁹ that there should be no more than 400 dwellings from a single point of access. However, this is not part of the Development Plan. Nor is it statutory guidance. Therefore, whilst an important material consideration, I must consider the practical implications of the schemes on the operation and safety of the single point of access, as well as on the surrounding existing road network more generally.
58. As existing, Sandhills estate has relatively low traffic levels. This is because it is a series of no-through routes and only attracts traffic from those living in the estate or using the school. It has relatively narrow streets and some on-street car parking. However, there are regular, lit footways. The traffic speeds are naturally low because of the short roads, multiple-access points from driveways, regular junctions, and the clearly residential nature of the area. The turning circles at the ends of Delbush Avenue and Burdell Avenue are quiet and offer good visibility and do not present highway safety concerns, even if they are used by pedestrians.
59. At school drop-off and pick-up time, there is a school safer streets scheme which prevents parking on Terret Avenue. This has likely displaced some parking by parents onto surrounding streets but there is no substantiated evidence before me, and nor did I observe on my site visit at school drop-off time, any unduly hazardous parking or driving behaviour.
60. The junction between Merewood Avenue and the A40 includes a clearly marked crossing for pedestrians and cyclists. There are relatively wide pavements. There is a raised table and a gate in the island in the middle of the road which further slows the speed of vehicles navigating this junction. No substantiated evidence has been provided of any safety issues at this junction.
61. Further afield to the west along the A40 is the Headington Roundabout, a relatively busy and large roundabout connecting several major and minor roads.

Proposed

62. A Transport Assessment (the TA) was submitted in support of Scheme A. I use this as the basis for my assessment of both schemes because Scheme A would be larger and would therefore generate more traffic than Scheme B. In other words, it is a 'worst case' scenario. The TA finds that the proposal would generate 60 two-way traffic movements in the AM and peak hours. This is only one additional vehicle movement per minute. I acknowledge that Sandhills estate is currently a low traffic area and relatively tranquil. However, the proposals, even for the larger scheme, would not materially alter this. Therefore, they would also

⁹ See page 22

not materially worsen highway safety from the perspective of cyclists or children walking to school.

63. The residents that live at the ends of Burdell and Delbush Avenue currently have very quiet turning circles outside their homes. The turning circle at the end of Burdell Avenue would turn into the access road to the appeal site. This would materially alter the nature of this area by changing to a through road. However, traffic levels would be light and appropriate footway provision would be provided. There is therefore no substantiated evidence before me that this change would give rise to unacceptable harms to highway safety.
64. Junction capacity assessments have been undertaken which confirm that the increase in traffic would not have a material impact on the operation or safety of the junctions. Nor would I expect it to, given the relatively limited traffic generation of even Scheme A. Nevertheless, there would be increased traffic use of the Headington Roundabout, and a contribution towards improvement works to the roundabout is necessary to mitigate this impact. This is secured in the s106s.
65. The s106s also secure several mitigation measures on the surrounding streets. These include improved pedestrian crossings through use of tactile paving and dropped kerbs, traffic calming measures through building out the pavement into the roadway, widening footways, and moving street furniture to lessen obstacles on footways. Individually and cumulatively these measures would improve highway safety for pedestrians and cyclists.
66. Local residents raised concerns regarding parking on verges and highlighted that the estate is regularly used by learner drivers. However, the proposal for either scheme would not give rise to additional parking pressure on Sandhills estate because sufficient parking could be secured on the site at reserved matters stage. The increase in traffic would be relatively small, so any conflicts on the highways between parked cars and through traffic would not materially worsen from the existing situation. Similarly, there is no reason to suppose that learner drivers could not continue to use the estate, and potentially the roads on the appeal site itself, because traffic levels would be close to as existing.
67. The s106s secure works to the bridleway along the southern boundary of the site, which would improve the bridleway by making it more accessible and wider. Local residents raised concerns regarding the increased speeds of cyclists a wider and resurfaced bridleway might enable, but the proposed changes would still be in the context of a relatively narrow bridleway often bordered by hedgerows and trees. Overall, the works would allow for safer simultaneous use by cyclists and pedestrians than as existing and I see no reason why such changes would lead to safety concerns regarding pedestrians and cyclists. The details of this could be controlled by SODC and the HA as part of the agreement of such works.

Overall

68. It is agreed between the appellant and the County that the level of traffic generated from both Scheme A and Scheme B would not give rise to a severe cumulative impact on the wider highway network. For the reasons set out above, I agree, and additionally conclude that there would be no material harm to highway safety or the free-flow of traffic as a result of either proposal.

Accessibility

69. No services and facilities are proposed within either scheme. In addition, Sandhills estate only provides a primary school and a playground on Terret Avenue. However, there is a leisure centre, and a neighbourhood centre including shops, library and surgery in the neighbouring Barton estate. All of these are accessible by suitably wide, lit footways and paths.
70. In addition, busses run from stops on Waynflete Road to Oxford city centre and the park and ride on the opposite side of the A40 provides frequent services, approximately every three to five minutes, to destinations including Wheatley, Thame, Aylesbury, and High Wycombe. Although the A40 is busy, it has traffic light controlled crossings for pedestrians and this bus stop would therefore be accessible for the future residents of the proposals
71. Manual for Streets, produced by the Department for Transport, states at Paragraph 4.4.1 that walking offers the greatest potential to replace short car trips at distances of up to 2km. All these services and facilities are within a 2km walk from the appeal site. I acknowledge that some of them are towards the upper limit of the distances that people would likely walk, but this still represents a genuine alternative to the use of the car for journeys. I particularly note the frequency of the bus services from the park and ride. I therefore view the appeal site as having suitable accessibility to services and facilities.
72. In addition, the s106s secure a contribution towards improving bus services and travel plans, both of which would improve accessibility by non-car based modes of transport, both to the appeal site and the Sandhills estate. This is in compliance with Policy STRAT13(3)(v), which requires proposals to maximise trips by non-car modes and to discourage car-based development.

Fluvial flooding

73. The appeal site is principally Flood Zone 1. The brook and the land immediately adjacent to it is Flood Zone 3. All built development in Scheme A and Scheme B would be entirely in Flood Zone 1, with open space located adjacent to Flood Zone 3. SODC raise a concern regarding the paths leading to the play area being within Flood Zones 2 and 3. However, this is an outline application and such matters could be adequately mitigated at the reserved matters and condition discharge stages. The Local Lead Flooding Authority do not raise any concerns on flood risk grounds. Overall, as set out above and particularly due to the proposed built development staying within Zone 1, the proposals would be acceptable in these regards.

Surface water flooding

74. The Flood Risk Assessment, dated January 2024 (the FRA) confirms that surface water flood risk is largely in the area also at fluvial flood risk by the brook, and two channels running roughly north-south across the appeal site. The FRA confirms that an appropriate SUDS scheme can be created for either proposal that could respond to the two channels, for example through detailed design measures such as floor levels of adjoining buildings being elevated above the level of the flow path. Given the relatively limited incursions of surface water flood risk into the proposed developed areas for either scheme, I see no reason why this could not

be achieved, with the detail to be secured at reserved matters and condition discharge stages.

75. With regard to surface water risk off-site, the appeal site slopes away from the Sandhills estate and there would therefore be very limited risk in this regard. The appellant has committed to achieving pre-development greenfield run-off rates and I see no reason why this could not be achieved. The proposal for either scheme would therefore be acceptable with regard to surface water flooding, both on and off site.

Foul water

76. Thames Water has confirmed that the scale of the proposed developments do not materially affect the sewer network and therefore it has no objection to the proposals. Nevertheless, it raises concerns regarding the ability of existing sewerage treatment plants to accommodate the needs of either proposal and requests a condition requiring that upgrades to the infrastructure are complete before occupation. However, this is not necessary because a developer has an absolute right to connect to a public sewer. Improvements to the waste water works are also planned. Policies EP4 and INF4 of the LP do not require control over foul water. In other words, it is incumbent upon Thames Water to resolve this issue under other legislation. Either proposal would therefore be acceptable with regard to foul water and do not require control by condition for this to be secured through the planning regime.

Living conditions of existing residents

77. Both schemes propose houses and a care home, neither of which generate significant noise. Traffic generation would be limited, as set out above. There would not, therefore, be a material increase in noise or air pollution as a result of either proposal. Construction noise and traffic effects could be suitably controlled by condition. The wellbeing of neighbouring residents, including children and the elderly and other vulnerable people such as those in the Hill View care home for adults with special needs would not therefore be unacceptably harmed.
78. The layout and detailed design of either proposal has not yet been finalised. The design could be controlled at reserved matters stages to ensure that there would be no unacceptably harmful effect on existing residents from overlooking or sense of enclosure.

Open space and recreation

79. The existing site is private land. It might be informally used for walking and other recreation by neighbouring residents but this could be stopped at any time, other than along the bridleway that runs along the southern boundary of the site. The site as existing provides very limited useable and functional open space or recreation facilities. Nevertheless, there would be a loss of greenspace that feels intimately connected to the estate.
80. However, either proposal would create areas of public open space, including play areas. These would not only be useable by the future occupiers of the proposal, but also by the existing local residents. The brook and woodland around it would remain. The fields beyond to the east and north would remain. The bridleway would not only remain but would be enhanced. Overall, the proposals would

improve access to open space and recreation for existing residents. This includes vulnerable existing residents, such as those in a care home for adults with complex special needs.

Trees

81. The appellant has submitted information, including provisional tracking, to demonstrate that there would be no harm to street trees on the Sandhills estate from construction traffic. This could be controlled by condition. I also note that the HA has not raised an objection with regard to the impact on existing street trees. As set out above, the Maple tree on Delbush Avenue would be retained. The built-up area of both schemes would be set away from the existing woodland to the north and east. The landscaping schemes for either proposal could secure the planting of new trees throughout the site, on land which is currently just grassland fields. Both proposals would therefore have an acceptable effect with regard to trees.

Local infrastructure

82. Local residents raised concerns regarding the impact on local infrastructure from the future occupants of either proposal, eg dentists surgeries. However, no substantiated evidence has been provided that local services and facilities could not accommodate the increase in population. In addition, the s106s secure appropriate mitigation where there would be an effect, for example a recycling and refuse contribution and a contribution towards Headington Library, amongst others.

Grey Belt

83. The appeal site has largely been removed from the Green Belt by the site allocation STRAT13. This includes all the land proposed to have built form for Scheme B. However, elements of built form in Scheme A, including proposed buildings, are in land which remains in the Green Belt. In December 2024 the Framework was updated. This included the creation of the concept of the Grey Belt, where development can be considered to be 'not inappropriate' if it meets certain standards. I assess Scheme A and the appeal site against those standards below.
84. SODCs Green Belt Assessment of Strategic Sites in South Oxfordshire, dated December 2018 (the GBA) concludes that this land¹⁰ does not strongly contribute to purposes (a), (b) or (d) of the Green Belt, as set out at Paragraph 143 of the Framework. I agree with this assessment. None of the areas or assets set out at Footnote 7 of the Framework provide a strong reason for refusing Scheme A. The site therefore falls within the definition of 'Grey Belt' as set out in the Framework.
85. With regard to Paragraph 155(a) of the Framework, it is common ground between SODC and the appellant, and I agree, that the Scheme A proposal would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan. With regard to Paragraph 155(b), as set out below, SODC cannot demonstrate a five year supply of housing land which means that there is a demonstrable unmet need for the proposed housing, as set out at Footnote 56 of the Framework. With regard to Paragraph 155(c), the appeal

¹⁰ Parcel 2c

site is in an accessible location which offers a genuine choice of transport modes, as set out above. Scheme A would be able to achieve safe and suitable access to the site, as set out above. It therefore complies with Paragraphs 110 and 115 of the Framework.

86. With regard to Paragraph 155(d) and the 'Golden Rules' set out at Paragraphs 156 and 157, affordable housing is secured by the Scheme A s106 that reflects development plan policy requirements. As demonstrated in the submitted CIL Compliance Statements, any necessary improvements to local infrastructure would be secured. There would be new green spaces that would be accessible to the public and the future occupiers. Scheme A therefore meets the 'Golden Rules'.
87. It is therefore common ground between SODC and the appellant, and I agree, that neither Scheme A nor Scheme B would represent inappropriate development in the Green Belt.

Compensatory measures

88. Policy STRAT6 of the LP requires, where Green Belt land is removed by a site allocation, suitable compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. Both schemes propose the creation of public access on a site that is currently mostly private land, aside from the bridleway, and the creation of public open space and other green infrastructure. It is therefore common ground between SODC and the appellant, and I agree, that suitable compensatory measures could be secured at the reserved matters and condition discharge stages. I do not, therefore, need to consider further whether or not the policy conflicts with the Framework or the relationship between the wider STRAT13 site allocation and measures at Western Gateway Nature Park.

Principle

89. The appeal site is an allocated site in the LP, being part of a large strategic allocation covered by Policy STRAT13. The allocation is primarily to meet OCCs unmet need and is for a total of 1,100 homes. The main part of the site has already benefitted from a resolution to grant planning permission for 1,450 homes, ie in excess of the allocation on its own. In addition, in the eLP the site is provisionally not allocated.
90. However, it remains an allocated site in the adopted Development Plan and an important one to meet OCC's unmet need. Housing delivery in excess of the allocation would not undermine the strategic objectives of the LP nor its spatial strategy. STRAT13 does not specify specific dwelling numbers for the appeal site part of the allocation. The eLP has not yet been tested at examination, is likely to be modified, and is of limited weight. Both schemes would therefore be in accordance with the strategic objectives of the LP and these are therefore not reasons to lessen the importance of the site allocation for the appeal site.

Housing land supply

91. The housing targets for SODC include an allocation for the unmet need for OCC. The proposal is for all the housing to be within SODC land. I therefore only need to consider the housing land supply position of SODC.

92. The target is 5,778 dwellings in the five year period. SODC claim that 5,051¹¹ homes are deliverable, equating to 4.37 years supply. It is therefore common ground between SODC and the appellant that the Council cannot demonstrate a five year supply of housing land. All technical and methodological matters are also not in dispute. However, there are several sites which SODC claim to be deliverable and therefore to form part of the housing land supply which are disputed by the appellant, ie the extent of the shortfall is not agreed. All the disputed sites are 'category b' sites with regard to the definition of deliverable in the Framework, ie I must determine whether or not there is clear evidence that housing completions will begin on site within five years.
93. I assess these sites below:
- Land north of Bayswater Brook – planning permission is due by the end of May and there are no in-principle concerns with delivery of this site. However, SODC has assumed 200 units to be delivered in the 5th year which is in excess of its own average build out rates of 150 dwellings per year for a site of this nature. I therefore reduce the delivery of this site by 50 dwellings;
 - Land north east of Didcot (both) – SODC confirmed that revised drawings have been submitted for the reserved matters application relating to the disputed 76 dwellings. Whilst there are issues still to resolve, this is part of a multi-phase scheme, the earlier ones of which are accepted as being deliverable by the appellant. This combined with the progress on the reserved matters application represents clear evidence. All 217 dwellings should be retained in the supply. In addition, delivery of the other land north east of Didcot site is linked to this site as it is required to provide the access road. I therefore also view the other site as deliverable and the dwellings should be retained in the supply;
 - Land north of the A4130 – SODC confirmed at the Inquiry that this is likely to be a delegated decision and is being written up for approval at the moment. A developer is also already on board. The dwellings should be retained in the supply;
 - Ladygrove East – this now has planning permission. I acknowledge it was a difficult process to obtain this permission, that took five years. However, it now has permission and I have seen no substantiated evidence that reserved matters will not be forthcoming. The submission of a design code shows active progress by the developer, even if it is not yet approved. SODC assumes no delivery for three years, which is a reasonable timeframe to allow for the reserved matters to be approved. The dwellings should be retained in the supply;
 - Didcot Gateway south – SODC confirmed at the Inquiry that all planning issues are now resolved, Negotiations on the s106 remain and these can sometimes take a long time. However, I take comfort that Homes England are involved in the site, which is the Government's specialist housing delivery body. There is sufficient float in the programme to allow for complex s106 negotiations and still achieve the housing delivery numbers relied upon by the Council, because only 50 dwellings are assumed and those at year 5. The dwellings should be retained in the supply;

¹¹ 5,205 as SODC's starting position minus 111 homes from concessions in SODC's Rebuttal and a further 43 from a concession in the round-table session at the Inquiry

- Land at Wheatley Campus – reserved matters submissions have been made but are not yet determined. There remain matters still to overcome, for example the setting of a Scheduled Ancient Monument. In its response to the Council’s draft trajectory, the developer questioned deliverability within five years, due to the absence of a solution to the issues. The 135 dwellings should therefore be removed from the supply;
 - Wallingford site east - reserved matters submissions have been made, but this was very recently. It is therefore not known at this stage the extent of issues or concerns, if any, that the submission might give rise to. There is therefore a lack of clear evidence of delivery, and the 108 dwellings should be removed from the supply;
 - Land south of Newnham Manor – although planning permission is not yet granted this is likely to be imminent because the delay was primarily regarding the use of school land which has been resolved, as confirmed by SODC at the Inquiry. The dwellings should be retained in the supply;
 - Northern field at Highlands Farm – a planning application has only recently been submitted. However, it is an allocated site. I see no reason why this cannot, therefore, be approved relatively quickly. There is sufficient float in the programme because SODC are not assuming delivery until year 4. The dwellings should be retained in the supply;
 - Land west of Fair Mile – although planning permission is not yet granted this was due to a delay relating to a ransom strip which has now been resolved. The dwellings should be retained in the supply;
 - Miss Tomb’s Field – a planning application has been submitted but not yet determined. Several objections remain, including from statutory consultees. However, this is an allocated site and I see no reason why planning permission should not be forthcoming. There is sufficient float in the programme because SODC are not assuming delivery until year 4. The dwellings should be retained in the supply;
 - Land south of Appleford Road – outline permission was granted in 2022 and a reserved matters submission has not yet been made. Without this submission or other clear signs of progress, there is not clear evidence of delivery within five years. The 54 dwellings should be removed from the supply; and,
 - Wallingford Road – the planning application was recommended for approval in September 2024 but is not yet determined. However, SODC are not assuming delivery until year 4, which provides sufficient float in the programme for the determination and discharging of pre-commencement conditions, and then any earthworks even if extensive. The dwellings should be retained in the supply.
94. I therefore remove 347 homes from the housing land supply, which results in 4,704 deliverable dwellings in the five year period and a housing land supply position of 4.07 years. However, it is important to note that this is, in my view, the best case scenario for housing supply. It is my experience that there is slippage to either the availability or deliverability of sites that could not be foreseen. This is unpredictable and therefore difficult to capture by an assessment of the deliverability of individual sites, even if clear evidence is adjudged to have been provided. I therefore add to this conclusion an important qualitative consideration that the housing land supply situation is likely to deteriorate.

Interested parties

95. Several letters of objection have been received from neighbours and other interested parties. In addition, an evening session was held as part of the Inquiry which was attended by a large number of local residents. I have taken all factors and concerns raised into consideration, as set out throughout my Decisions.

Planning Balance

Benefits

Market housing

96. SODC cannot demonstrate a five year supply of housing land. This under-delivery of housing is having real world effects. For example, SODCs lower quartile house prices are 25% higher than the regional figure and 84% higher than the national figure. Both SODC and OCC have higher affordability ratios than the regional and national averages, at 15% higher than regional and 64% higher than national for SODC and 21% and 73% respectively for OCC.
97. These considerations sit in a much larger socio-economic discussion. Housing delivery is not the only factor which affects house prices. In addition, Council's cannot by themselves secure housing delivery. Their primary role is the supply of sites through local plan allocations and/or the granting planning permissions for sufficient numbers of houses. However, it is then for other stakeholders, such as developers and registered providers, to deliver the homes. Nevertheless, granting sufficient planning permissions and allocating suitable sites is an important and integral part of housing delivery. It cannot happen without it.
98. A reasonably large number of homes is proposed for either scheme. In addition, the care home for either scheme would release further homes onto the market when they are vacated by the persons that move into the care home. I therefore place substantial positive weight on the proposed market housing for either scheme albeit slightly lesser, although still substantial, for Scheme B because fewer homes are proposed.

Affordable housing

99. The Oxfordshire Strategic Housing Market Assessment, April 2014 found a net need for affordable housing of 384 dpa. This had risen to 441 dpa as of the publication of the South Oxfordshire District and Vale of White Horse District Councils: Joint Housing Needs Assessment 2023, November 2023. SODC's delivery of affordable housing has consistently fallen below either of these need figures and has averaged 246 dpa in the current Local Plan period¹². This persistent under-delivery of affordable housing is having real world effects. For example, there are 3,436 households on the SODC and 1,954 households on the OCCs housing registers, and 26 children in temporary accommodation in SODC and a further 201 in OCC.
100. The s106s secure 50% of the proposed homes to be for affordable housing, for both schemes. The proposed level of affordable housing is in accordance with Policies STRAT13 and H9 of the LP. Nevertheless, whilst only policy compliant,

¹² Accounting for right to buy transactions

either proposal would provide a relatively significant number of affordable homes in an area with great need and which has been persistently under-delivering such accommodation. I therefore place substantial positive weight on the delivery of affordable housing from either scheme albeit slightly lesser, although still substantial, for Scheme B because fewer homes are proposed.

Care home

101. I agree with Planning Practice Guidance¹³ that, in general, the need for housing older people is critical. With specific regard to the appeal schemes, the relevant catchment area for the care homes is Oxford because the appeal site, despite falling within SODC's land, is on the periphery of Oxford and the care home would likely draw the majority of its residents from there. The current demand for care home beds is 878, as set out in the Housing and Economic Needs Assessment Cherwell District and Oxford City Councils, December 2022. This takes into account the other choices that older persons might make, for example remaining in their own homes with assistance, and I view this as an appropriate assessment of demand.
102. Many of the existing care homes in the catchment area are relatively old and include facilities which are now considered to be outdated, such as communal bathrooms. There is an existing provision of 511 en-suite care home rooms in Oxford, representing a 42% shortfall against the need. No evidence has been provided of care homes currently under-construction or otherwise proposed in Oxford.
103. An 80-bed care home is proposed for both schemes. I acknowledge that the care home sector is facing challenges, for example with staffing levels. However, I have been provided with no substantiated evidence that the care home for either scheme would not come forward and be operational. Although the appeal site is relatively steeply sloped, it also provides good access to busses and would provide on-site landscaping. I therefore view it as a suitable location for a care home.
104. Overall, due to the combination of high demand, under-supply of suitable modern accommodation, and complete absence of other care homes in the pipeline in Oxford, I place substantial positive weight on the proposed care homes, in either scheme.

Access

105. The bridleway to the south of the appeal site is narrow and in many places there is not sufficient space for pedestrians and cyclists to pass one another. It is proposed to widen the bridleway to facilitate the use by pedestrians and cyclists simultaneously, and this is secured in the s106s. The s106s also secure contributions towards improvements to bus services which, whilst being promoted to mitigate the increased demand caused by the proposals, would also be a benefit for existing residents and users of the busses. Due to the relatively small scale of the contributions and the extent of bridleway to be improved, I place limited positive weight on these factors.

¹³ Paragraph: 001 Reference ID: 63-001-20190626

Public open space and recreation

106. The Green Infrastructure Strategy and Open Space Study, dated September 2024 reviews the existing open space provision in detail and makes a recommendation that the development sites as covered by STRAT13, ie including the appeal site, make the provision for greenspace to respond to a current lack of access to greenspace within the neighbourhood, local, doorstep and pocket hierarchies¹⁴.
107. Both schemes propose extensive public open space, at approximately 3.4 hectares (ha) for Scheme A and 3.34 ha for Scheme B, as based on the illustrative masterplans. It is also proposed to provide children's play space and recreation space for older children in both schemes. This provision could be secured at reserved matters and condition discharge stages. Given the shortage of suitable open space and recreation facilities in the area, including of course for existing residents, I place moderate weight on the proposed provision of open space and play areas in both schemes.

Biodiversity

108. Both schemes would retain the important habitat of the woodland and brook to the north. Both schemes would enhance the adjacent habitat through the creation of a more diverse and managed habitat than the existing semi-improved grassland in these areas. As set out above, there would be no unacceptable harm to the bats. The appellant has submitted evidence that Scheme A could achieve a BNG for hedgerows and watercourses, and an overall BNG. For Scheme B, there could be a BNG for hedgerows and watercourses, and an overall BNG of 10%. This could be controlled and secured through a mixture of s106 clauses, condition discharge submissions and at reserved matters stage. I place moderate positive weight on the proposed enhancements to biodiversity for both schemes.

Economic

109. Although not mentioned by the appellant, either proposal would give rise to short term economic benefits from employment during the construction phase, and long term benefits both from the expenditure on local goods and services by the future occupants and visitors to the schemes, and also employment in the care home. Either proposal is relatively large but is not primarily a generator of employment, beyond the care home, so I place moderate positive weight on this for both schemes albeit slightly lesser for the smaller Scheme B.

Harms

110. With regard to Scheme A, the quality of the living conditions to be created and the number of homes to be affected is not known at this stage because of the outline nature of the proposal. Nevertheless, it is known that the bat mitigation measures would affect some and potentially many of the properties on the northern elevation of the northernmost blocks of the appeal site. It has not therefore been demonstrated that the quantum of development proposed could be accommodated without unacceptable living conditions being created within a relatively large number of properties. This is not only a significant material consideration in its own right, but also lessens the weight that I can apply to the

¹⁴ See Paragraph 8.32

provision of market and affordable housing, some of which would be of unacceptable quality.

111. Scheme B does not propose any built form within the Green Belt. However, Scheme A would include some built form within the Green Belt. With regard to purpose (c), Scheme A would result in some encroachment into the countryside, however this would only be limited in nature. As set out above, the appeal site land does not strongly contribute to purposes (a), (b) or (d). With regard to purpose (e), it is not possible to make an appeal site specific assessment of the contribution to assisting in urban regeneration. This is as set out by SODC at Paragraph 3.9 of its GBA. However, there would likely be some, albeit limited, harm to this purpose purely by the function of development on greenfield land. Overall, given the limited nature of any conflict with the purposes of the Green Belt, I only place limited weight on this harm, for Scheme A.
112. The precise nature of the development within the Green Belt is not known at this outline stage, however there would inevitably be some harm to openness, both spatial and visual, from development on a currently open field. However, as set out at Footnote 55 of the Framework, where, as in this case, the land within the Green Belt is found to be Grey Belt, it is not necessarily the case that this harm must be given substantial weight. Given the small amount of Green Belt affected and the limited visual impact because the appeal site is well screened from its surroundings, I only place limited weight on the harm to Green Belt openness from Scheme A.
113. Both schemes would result in some harm to the character and appearance of the area, particularly with regard to landscape. However, this is from the intrinsic harm from development of fields and is localised by the significant screening to the site. I therefore place limited weight on this harm.
114. I have found that the effect on the highway network from the traffic generated by the proposal, and the changes to the access through Sandhills estate, would be acceptable. However, there would still be some harm from the traffic generation, both to highway safety and to the tranquillity of Sandhills estate in particular at the turning heads. This would be limited in extent and I therefore place limited weight on this harm.
115. Although there would be an overall improvement to biodiversity from either scheme, both would also result in the loss of some habitat, in particular a hedgerow and semi-improved grassland. This habitat is of low ecological value and I place limited weight on this harm.

S38(6) and material considerations

116. Scheme B would not result in harm in relation to any of the main issues, save for a technical conflict with one sub-section of Policy STRAT13, with which the proposal is nevertheless in compliance considered in the round. Any harm in other regards, for example to existing habitat, character and appearance and traffic generation, would be limited and would not result in conflict with the Development Plan. The scheme provides substantial benefits as set out above. Overall, therefore, it complies with the Development Plan when read as a whole.

117. Scheme A would result in unacceptable living conditions for future occupiers of the proposal. This does not cause conflict with the Development Plan, because I have not been directed to a specific policy protecting such living conditions. The scheme has similar limited harm in other regards as to Scheme B. It has even greater benefits because it would provide more dwellings. Therefore, Scheme A also complies with the Development Plan when read as a whole. However, the Framework is an important material consideration.
118. In this regard, SODC cannot demonstrate a five year supply of housing land. Therefore, as set out at Paragraph 11d and Footnote 8, the policies which are most important for determining the appeal are out-of-date. None of the areas or assets of particular importance as set out at Footnote 7 provide a strong reason for refusing the proposal. Therefore, the 'tilted balance' as set out at Paragraph 11dii is engaged. With regard to Scheme B, it is not necessary to consider this, because I have found it to be acceptable under a 'flat balance' as set out above and there are no material considerations to indicate I should make a decision otherwise than in accordance with the Development Plan.
119. With regard to Scheme A, the creation of suitably designed developments that provide high quality internal accommodation is an intrinsic part of creating high quality places, and of sustainable development when considered in the round. The proposal is not an optimisation of the site because of the harm that would be caused. Therefore, the sub-standard quality of the living conditions for future occupiers would significantly and demonstrably outweigh the benefits of the scheme, weighty though they undoubtedly are and also taking into account the positive feature that the appeal site is an allocated site in the adopted Development Plan and an important one to meet OCC's unmet need.

Conditions (Scheme B)

120. In addition to the standard time limit and reserved matters submission conditions, a condition specifying the relevant drawings provides certainty.
121. The design code, External Lighting Scheme, visual representations, Landscaping Scheme, Landscape and Ecology Management Plan (LEMP), Construction and Environmental Management Plan (CEMP), Arboricultural Method Statement (AMS), Landscape Management Plan, Layout and Management Plan, Maple tree and care home permitted development rights conditions are necessary to protect the character and appearance of the area.
122. The External Lighting Scheme, Landscaping Scheme, Biodiversity Enhancement Plan (BEP), LEMP, Lighting Strategy for Bats, CEMP: Biodiversity, AMS, Landscape Management Plan and Maple tree conditions are necessary to protect and enhance ecology.
123. The CEMP, Residential Travel Plan, Care Home Travel Plan and Noise Assessment conditions are necessary to protect the living conditions of neighbouring occupiers.
124. The CEMP, Residential Travel Plan and Care Home Travel Plan conditions are necessary to protect highway safety and the free-flow of traffic on surrounding roads.

125. The Energy Statement, Sustainable Drainage Scheme, Layout and Management Plan, Energy Verification Report, Care Home Energy Verification Report and SUDS Compliance conditions are necessary to ensure that the relevant technical standards would be achieved.
126. The Phasing Plan condition is necessary to agree the phases that would then be used for further condition discharge submissions.
127. The restrictions on dwelling numbers and care home bedspaces condition and the care home permitted development rights condition is necessary to control the quantum of proposed development.
128. The mix of market housing condition is necessary to ensure that the type of housing that is delivered best reflects the need in the area.
129. The design code, External Lighting Scheme, visual representations, Landscaping Scheme, Energy Statement, BEP, LEMP, Lighting Strategy and BNG Strategy conditions are necessarily worded as concurrent with reserved matters submission(s), as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.
130. The Phasing Plan, CEMP, CEMP: Biodiversity, AMS, and Sustainable Drainage Scheme conditions are necessarily worded as pre-commencement conditions as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.
131. I have adopted wording for the Maple tree condition that secures the protection and retention of the tree whilst providing suitable flexibility for how that protection is achieved with regard to construction techniques.
132. The conditions for Appeal D are identical to Appeal C. I have taken the approach of applying all conditions to both schemes but with clearly highlighted responsibilities for the different Councils. In other words, the submissions underneath the heading of 'South Oxfordshire District Council' need only be made to SODC, and that under the heading of 'Oxford City Council' need only be made to OCC.

Conclusions

133. For the reasons above, Appeals A and B are dismissed.
134. For the reasons above, Appeals C and D are allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Christopher Young KC
Assisted by Daniel Henderson, of Counsel
Kurt Goodman MCIEEM
Will Gardner CMLI
Steven Roberts MRTPI
Anthony Jones MCIHT MTPS

Andrew Raven MRTPI
Ben Pycroft MRTPI
Nigel Newton Taylor MRICS
Annie Gingell MRTPI

No 5 Barristers' Chambers
No 5 Barristers' Chambers
Senior Director, FPCR Ltd
Director, EDP Ltd
Associate Partner, Carter Jonas
Technical Director, Glanville
Consultants
Urban Design Director, Savills
Director, Emery Planning Ltd
Director, HPC Ltd
Associate Director, Turley

FOR SOUTH OXFORDSHIRE DISTRICT COUNCIL:

Josef Cannon KC
Jon Etchells CMLI
Marta Bou Fernandez MRTPI

John Wenman MCIEEM

David Jones MRTPI MRICS
Ben Duffy

Cathie Scotting MRTPI
Sarah Commins
Hanna Zembrzycka-Kisiel

Cornerstone Barristers
Director, John Etchells Consulting Ltd
Senior Urban Design Officer, SODC
and Vale of White Horse District
Council
Partner, John Wenman Ecological
Consultancy LLP
Managing Director, Evans Jones Ltd
Senior Planning Officer, SODC and
Vale of White Horse District Council
Team Leader, SODC
Planning and Litigation Lawyer, SODC
Principal Major Applications Officer,
SODC

FOR OXFORD CITY COUNCIL:

Tracy Harvey
Ross Chambers

Principal Planner, OCC
Planning Layer, OCC

FOR OXFORD COUNTY COUNCIL:

Gerri Beekmeer

Infrastructure Funding Team Leader,
County Council

FOR THE RULE 6 PARTY:

Dr David Adams

Chair, Risinghurst & Sandhills Parish
Council

INTERESTED PARTIES:

Dr Tejas Parikh
Anne-Marie Sweeney
Jen Harris
Mark Hanger
Professor Nick White
Dr Steve Harris

Local resident
Local resident
Local resident
Local resident
Local resident
Local resident

Dr Donna Harris	Local resident
Anna Zakonyi	Local resident
Michelle Aylwin	Local resident
Olivia Johnson	Local resident
Diane Stevens	Local resident
Christine Trueman	Local resident
Jaba Nala-Hartley	Local resident
Jennie Howard	Local resident
Reshma Roomallah	Local resident
Sue Holden	Local resident
Sarah Ayyub	Local resident
Debbie Beavon	Local resident

ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE INQUIRY

- ID1 Appellant list of appearances
- ID2 Appellant opening submissions
- ID3 Opening statement on behalf of SODC
- ID4 Rule 6 Party opening statement
- ID5 Site notice photographs
- ID6 Scott schedule
- ID7 SODC appearances
- ID8 OCC draft conditions
- ID9 South Oxfordshire Developable supply 2029 to 2035
- ID10 Sandhills community presentation slides
- ID11 SODC draft conditions
- ID12 Scheme A Draft s106 Planning Obligation
- ID13 Scheme B Draft s106 Planning Obligation
- ID14 Extract from Better places to live by design: companion guide to planning policy guidance 3
- ID15 Inspector comments on SODC draft conditions
- ID16 Site visit schedule
- ID17 SODC closing submissions
- ID18 Rule 6 Party closing submissions
- ID19 Appellant closing submissions
- ID20 Appellant costs application
- ID21 Court of Appeal decision [2003] EWCA Civ 140; [2003] Env. L.R. 28
- ID22 SODC response to costs application
- ID23 Scheme A s106 Planning Obligation, dated 24 April 2025
- ID24 Scheme B s106 Planning Obligation, dated 24 April 2025
- ID25 Appellant costs rebuttal

ANNEX C: CONDITIONS SCHEDULE FOR APPEAL C

1. Application(s) 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.
2. The development hereby permitted shall take place whichever is the later of the following dates:
 - the expiration of three years from the date of this permission; or,
 - the expiration of one year from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

South Oxfordshire District Council

Reserved matters

3. No development shall take place until details of the appearance, landscaping, layout and scale, thereafter called the "reserved matters", have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.
4. Concurrent with the submission of reserved matters, a site-specific design code shall be submitted to and approved in writing by the Local Planning Authority showing the:
 - scheme layout;
 - the proposed/finished site ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside of the application site;
 - building heights;
 - a landscape and open space masterplan; and,
 - the palette of building materials and elevational designs.

Any subsequent reserved matters approval or variation shall be in accordance with the approved site-specific design code.

5. Concurrent with the submission of reserved matters, a detailed External Lighting Scheme including a programme for its delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.
6. Concurrent with the submission of reserved matters for each phase, updated accurate visual representations for key viewpoints to the north and east of the site showing the location and size of proposal, description of architectural form and use of materials, shall be submitted to and approved in writing by the Local Planning Authority.
7. Concurrent with the submission of reserved matters for each phase, a Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:
 - the planting of live trees and shrubs;
 - locations of trees and tree pits in a crated design;

- the treatment of the access road and hard standings, and the provision of boundary treatment;
- schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities);
- the identification of the existing trees, hedgerows and shrubs on the site to be retained (noting species, location and spread) and root protection areas;
- any earth moving operations and finished levels/contours;
- location/details of play areas;
- details of street furniture (seating, bins, boundary treatments); and,
- an implementation programme.

The Scheme shall be implemented in the first suitable planting season either before or after first occupation or use of the development, or in accordance with a programme submitted as part of the scheme, and thereafter be maintained in accordance with the approved scheme.

In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development phase, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, shall be planted in the first available planting season with species first approved by the Local Planning Authority.

8. Concurrent with the submission of reserved matters for each phase, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include SAP calculations in line with the recognised methodology set by Government, demonstrating how the development will achieve carbon reduction compared with code 2013 Building Regulations, as follows:
 - for the phase begun before 31 March 2026 at least a 40% reduction in carbon emissions;
 - for the phase begun after 31 March 2026 and before 31 March 2030 at least a 50% reduction in carbon emissions; and,
 - for the phase begun after 31 March 2030 a 100% reduction in carbon emissions.

The development of each phase shall thereafter be constructed in accordance with the approved details.

9. Concurrent with the submission of reserved matters for each phase, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The BEP should include:
 - extent and location of proposed works;
 - details of habitat creation and enhancements (this could cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required;
 - sources of habitat materials (e.g. plant stock);
 - details of species enhancements including relevant scale plans and drawings showing the location, elevation, aspect and specification of features to include bat and bird boxes (to be supplied at a minimum rate of

one feature for every two residential units) and hedgehog fencing tunnels within each length of close-boarded fencing forming a plot boundary (arranged so that each plot is connected to at least two separate adjacent plots or to one other plot and open/public space as appropriate);

- method statement for site preparation and establishment of target habitats and species features; and,
- full details (including supporting information and the completed metric) of a biodiversity metric assessment to demonstrate how a biodiversity net gain shall be achieved.

Thereafter the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements shall be delivered prior to the final occupation of the development

10. Concurrent with the submission of reserved matters, a Landscape and Ecology Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - description and evaluation of features to be managed;
 - ecological trends and constraints on site that might influence management;
 - proposals for ecological enhancements for habitats and species;
 - aims and objectives of management;
 - appropriate management options for achieving aims and objectives;
 - prescriptions for management actions;
 - preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period);
 - details of the body or organization responsible for implementation of the LEMP;
 - ongoing monitoring and remedial measures;
 - details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery; and,
 - where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall thereafter be implemented in accordance with the approved details and management prescriptions.

11. Concurrent with the submission of any reserved matters application on land within 15 metres of the northern woodland edge, a Lighting Strategy for Bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate compliance with the following parameters, for external and internal light sources, and where mitigation measures are proposed, shall include details of their ongoing maintenance:
 - the dark corridor would be a minimum of 10 metres in depth, from the edge of the canopy of the northern woodland;

- at 10m from the edge of the canopy, illuminance would be no greater than 0.5lux in the vertical plane;
- at 8m from the edge of the canopy, illuminance would be no greater than 0.4lux in the vertical plane;
- at 7m from the edge of the canopy, illuminance would be no greater than 0.2 lux on the horizontal plane; and,
- light sources shall not exceed 2700 Kelvin colour temperature.

All external and internal lighting, and associated mitigation measures, shall be installed and maintained in accordance with the approved Strategy, and retained as such thereafter.

Pre-commencement

12. Prior to commencement of development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall detail individual development parcels and their sequencing. The development shall be carried out in accordance with the approved Plan, or such updated version as shall be subsequently approved in writing by the Local Planning Authority.
13. Prior to commencement of development, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following matters:
 - the routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman;
 - the site access junction works, including a programme for their provision and a layout plan of the site including measures to prevent the use of the access onto Delbush Avenue during the construction period;
 - the parking of vehicles of site operatives and visitors, and travel initiatives for site related worker vehicles;
 - times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours of 07:30-09:30 or 16:00-18:00;
 - signage for construction traffic, pedestrians and other users of the site;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - hours of working;
 - any temporary lighting;
 - waste management and disposal, and material re use;
 - wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
 - contact details of the Project Manager and / or Site Supervisor;
 - loading and unloading of plant and materials including materials storage and any hazardous material storage and removal;
 - engagement measures with local residents and neighbours;
 - measures to be taken to ensure compliance with the Considerate Contractors Scheme; and,
 - measures to control the emission of noise, vibration, dust and dirt during construction. Including noise limits, piling methods (if employed) and earthworks.

The approved CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

14. Prior to commencement of development within the relevant phase, including vegetation clearance, demolition or ground works, a construction environmental management plan for Biodiversity (CEMP: Biodiversity) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- update ecological surveys for relevant habitats and species, to follow national good practice guidelines;
 - risk assessment of potentially damaging construction activities;
 - identification of “biodiversity protection zones”;
 - practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats (retained onsite and offsite woodland) and protected species (badger and hedgehog, nesting birds, reptiles, and amphibians) during construction;
 - the location and timing of sensitive works to avoid harm to biodiversity features;
 - the times during construction when specialist ecologists need to be present on site to oversee works;
 - responsible persons and lines of communication; and
 - use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

15. Prior to commencement of development within the relevant phase, including demolition and site clearance, an Arboricultural Method Statement (AMS) and accompanying Tree Protection Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The AMS must include the following:
- a specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
 - the specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
 - the definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
 - the means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby;
 - the route and method of installation of drainage or any underground services in the vicinity of retained 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';

- the details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;
- the details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'No Dig' construction method, in accordance with the principles within Arboricultural Association Guidance Note 12. The use of cellular confinement systems near trees and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage;
- provision for the supervision of any works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development, and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority; and,
- a scheme to protect existing hedges on site whilst development operations are in progress.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

16. Prior to commencement of development within the relevant phase, a detailed Sustainable Drainage Scheme for the associated phase, shall have been submitted to and approved in writing by the Local Planning Authority. This shall be based on the Flood Risk Assessment dated 19 December 2023, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The Scheme to be submitted shall include:
- a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
 - full drainage calculations for all events up to and including the 1 in 100yr plus climate change;
 - 0.95 for roof areas and 0.9 for paved areas and the latest FEH input date;
 - fully detailed sustainable surface water drainage layouts;
 - a flood Exceedance Conveyance Plan;
 - proposed site and floor levels;
 - SUDS features and sections;
 - landscape plans with sustainable drainage features integrated and co-ordinated as appropriate;
 - details of child safety measures for any SUDS feature within 30m of a play area;
 - drainage construction details;
 - Maintenance and Management Plan covering all surface water drainage and SUDS features;

- comprehensive infiltration testing across the site to BRE Digest 365 (to include three tests at each location); and,
- details of how water quality will be managed during construction and in perpetuity.

No building shall be occupied until the surface drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

Pre-occupation

17. Prior to first occupation or first use of the development hereby approved a Landscape Management Plan, including management responsibilities and maintenance schedules and timing for pruning to maintain crown clearance at Delbush Avenue access point, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Plan shall be carried out as approved by the Local Planning Authority.
18. Prior to the first occupation within a residential phase, a Residential Travel Plan and template Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority.
19. Prior to the first occupation of the Care Home, a Care Home Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.
20. Prior to the first occupation within a residential phase, a detailed Layout and Management Plan for the children's play space shall be submitted to and approved in writing by the Local Planning Authority, such details to include:
 - landscape treatment, details and age range of proposed play equipment, and any boundary treatment, street furniture including seats, bins etc. and proposed planting;
 - management responsibilities, maintenance schedules including safety inspections and replacement provisions; and,
 - a timetable for the implementation of the play area(s) and the management and maintenance of the area(s) for a minimum period of 20 years from its first provision.

The play space shall be implemented in accordance with the approved details and be maintained as such thereafter.
21. Prior to the first occupation within a residential phase, an Energy Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Report shall identify when the dwellings/apartments blocks, in that phase, were begun and demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Report.
22. Prior to the first occupation the Care Home, an Energy Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Report shall identify when the Care Home was begun and demonstrate

(with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Report.

23. Within 6 months of the first occupation in each phase, a SUDS Compliance report prepared by an appropriately qualified engineer must be submitted to and approved in writing by the Local Planning Authority. This must suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following:
- inclusion of as-built drawings in dwg, pdf and shp format;
 - inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated at each key stage of construction and on completion;
 - details of any remediation works required following the initial inspection,
 - evidence that that remedial works have been completed; and,
 - confirm details of any management company set up to maintain the system.

Oxford City Council

24. Prior to the commencement of the development, details of the construction methods, tree protection mitigation and ongoing maintenance in respect of the Norway Maple tree at the terminus of Delbush Avenue, will be submitted to and approved in writing by the Local Planning Authority, to ensure that any impacts upon the tree are mitigated during construction and on occupation. The construction will be implemented in accordance with the agreed details.

For compliance

25. The development hereby permitted shall be carried out in accordance with the following approved drawings:
- Site Location Plan 478190;
 - Burdell Avenue Proposed Site Access and Bridleway General Arrangement, drawing no. 8240355/6101-2;
 - Delbush Avenue Proposed Site Access and Bridleway General Arrangement Emergency Access – Option 3, drawing no. 8240355/6102-3;
 - Burdell Avenue Proposed Site Access Raised Table Contours and Sections, drawing no. 8240355/6104-2; and,
 - Delbush Avenue Proposed Site Access Raised Table Contours and Sections – Option 3, drawing no. 8240355/6105-3.
26. The total number of dwellings shall not exceed 76, and the total number of bed spaces in the Care Home shall not exceed 80.
27. The mix of market housing for the reserved matters for the development hereby permitted shall be designed to include a mix of dwelling types and sizes to meet the needs of current and future households based on the most up-to-date evidence on housing needs.

28. The development hereby approved shall be carried out in accordance with the findings in the Noise Assessment: South Oxfordshire, Land at Bayswater Farm, dated 3 January 2024, carried out by Noise Consultants Ltd.
29. Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the care home premises shall be used for a Class C2 care home and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

===== END OF SCHEDULE =====

ANNEX D: CONDITIONS SCHEDULE FOR APPEAL D

1. Application(s) 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.
2. The development hereby permitted shall take place whichever is the later of the following dates:
 - the expiration of three years from the date of this permission; or,
 - the expiration of one year from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

South Oxfordshire District Council

Reserved matters

3. No development shall take place until details of the appearance, landscaping, layout and scale, thereafter called the "reserved matters", have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.
4. Concurrent with the submission of reserved matters, a site-specific design code shall be submitted to and approved in writing by the Local Planning Authority showing the:
 - scheme layout;
 - the proposed/finished site ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside of the application site;
 - building heights;
 - a landscape and open space masterplan; and,
 - the palette of building materials and elevational designs.

Any subsequent reserved matters approval or variation shall be in accordance with the approved site-specific design code.

5. Concurrent with the submission of reserved matters, a detailed External Lighting Scheme including a programme for its delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.
6. Concurrent with the submission of reserved matters for each phase, updated accurate visual representations for key viewpoints to the north and east of the site showing the location and size of proposal, description of architectural form and use of materials, shall be submitted to and approved in writing by the Local Planning Authority.
7. Concurrent with the submission of reserved matters for each phase, a Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:
 - the planting of live trees and shrubs;
 - locations of trees and tree pits in a crated design;

- the treatment of the access road and hard standings, and the provision of boundary treatment;
- schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities);
- the identification of the existing trees, hedgerows and shrubs on the site to be retained (noting species, location and spread) and root protection areas;
- any earth moving operations and finished levels/contours;
- location/details of play areas;
- details of street furniture (seating, bins, boundary treatments); and,
- an implementation programme.

The Scheme shall be implemented in the first suitable planting season either before or after first occupation or use of the development, or in accordance with a programme submitted as part of the scheme, and thereafter be maintained in accordance with the approved scheme.

In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development phase, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, shall be planted in the first available planting season with species first approved by the Local Planning Authority.

8. Concurrent with the submission of reserved matters for each phase, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include SAP calculations in line with the recognised methodology set by Government, demonstrating how the development will achieve carbon reduction compared with code 2013 Building Regulations, as follows:
 - for the phase begun before 31 March 2026 at least a 40% reduction in carbon emissions;
 - for the phase begun after 31 March 2026 and before 31 March 2030 at least a 50% reduction in carbon emissions; and,
 - for the phase begun after 31 March 2030 a 100% reduction in carbon emissions.

The development of each phase shall thereafter be constructed in accordance with the approved details.

9. Concurrent with the submission of reserved matters for each phase, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The BEP should include:
 - extent and location of proposed works;
 - details of habitat creation and enhancements (this could cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required;
 - sources of habitat materials (e.g. plant stock);
 - details of species enhancements including relevant scale plans and drawings showing the location, elevation, aspect and specification of features to include bat and bird boxes (to be supplied at a minimum rate of

one feature for every two residential units) and hedgehog fencing tunnels within each length of close-boarded fencing forming a plot boundary (arranged so that each plot is connected to at least two separate adjacent plots or to one other plot and open/public space as appropriate);

- method statement for site preparation and establishment of target habitats and species features; and,
- full details (including supporting information and the completed metric) of a biodiversity metric assessment to demonstrate how a biodiversity net gain shall be achieved.

Thereafter the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements shall be delivered prior to the final occupation of the development

10. Concurrent with the submission of reserved matters, a Landscape and Ecology Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - description and evaluation of features to be managed;
 - ecological trends and constraints on site that might influence management;
 - proposals for ecological enhancements for habitats and species;
 - aims and objectives of management;
 - appropriate management options for achieving aims and objectives;
 - prescriptions for management actions;
 - preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period);
 - details of the body or organization responsible for implementation of the LEMP;
 - ongoing monitoring and remedial measures;
 - details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery; and,
 - where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall thereafter be implemented in accordance with the approved details and management prescriptions.

11. Concurrent with the submission of any reserved matters application on land within 15 metres of the northern woodland edge, a Lighting Strategy for Bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate compliance with the following parameters, for external and internal light sources, and where mitigation measures are proposed, shall include details of their ongoing maintenance:
 - the dark corridor would be a minimum of 10 metres in depth, from the edge of the canopy of the northern woodland;

- at 10m from the edge of the canopy, illuminance would be no greater than 0.5lux in the vertical plane;
- at 8m from the edge of the canopy, illuminance would be no greater than 0.4lux in the vertical plane;
- at 7m from the edge of the canopy, illuminance would be no greater than 0.2 lux on the horizontal plane; and,
- light sources shall not exceed 2700 Kelvin colour temperature.

All external and internal lighting, and associated mitigation measures, shall be installed and maintained in accordance with the approved Strategy, and retained as such thereafter.

Pre-commencement

12. Prior to commencement of development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall detail individual development parcels and their sequencing. The development shall be carried out in accordance with the approved Plan, or such updated version as shall be subsequently approved in writing by the Local Planning Authority.
13. Prior to commencement of development, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following matters:
 - the routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman;
 - the site access junction works, including a programme for their provision and a layout plan of the site including measures to prevent the use of the access onto Delbush Avenue during the construction period;
 - the parking of vehicles of site operatives and visitors, and travel initiatives for site related worker vehicles;
 - times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours of 07:30-09:30 or 16:00-18:00;
 - signage for construction traffic, pedestrians and other users of the site;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - hours of working;
 - any temporary lighting;
 - waste management and disposal, and material re use;
 - wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
 - contact details of the Project Manager and / or Site Supervisor;
 - loading and unloading of plant and materials including materials storage and any hazardous material storage and removal;
 - engagement measures with local residents and neighbours;
 - measures to be taken to ensure compliance with the Considerate Contractors Scheme; and,
 - measures to control the emission of noise, vibration, dust and dirt during construction. Including noise limits, piling methods (if employed) and earthworks.

The approved CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

14. Prior to commencement of development within the relevant phase, including vegetation clearance, demolition or ground works, a construction environmental management plan for Biodiversity (CEMP: Biodiversity) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- update ecological surveys for relevant habitats and species, to follow national good practice guidelines;
 - risk assessment of potentially damaging construction activities;
 - identification of “biodiversity protection zones”;
 - practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats (retained onsite and offsite woodland) and protected species (badger and hedgehog, nesting birds, reptiles, and amphibians) during construction;
 - the location and timing of sensitive works to avoid harm to biodiversity features;
 - the times during construction when specialist ecologists need to be present on site to oversee works;
 - responsible persons and lines of communication; and
 - use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

15. Prior to commencement of development within the relevant phase, including demolition and site clearance, an Arboricultural Method Statement (AMS) and accompanying Tree Protection Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The AMS must include the following:
- a specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
 - the specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
 - the definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
 - the means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby;
 - the route and method of installation of drainage or any underground services in the vicinity of retained 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';

- the details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;
- the details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'No Dig' construction method, in accordance with the principles within Arboricultural Association Guidance Note 12. The use of cellular confinement systems near trees and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage;
- provision for the supervision of any works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development, and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority; and,
- a scheme to protect existing hedges on site whilst development operations are in progress.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

16. Prior to commencement of development within the relevant phase, a detailed Sustainable Drainage Scheme for the associated phase, shall have been submitted to and approved in writing by the Local Planning Authority. This shall be based on the Flood Risk Assessment dated 19 December 2023, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The Scheme to be submitted shall include:
- a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
 - full drainage calculations for all events up to and including the 1 in 100yr plus climate change;
 - 0.95 for roof areas and 0.9 for paved areas and the latest FEH input date;
 - fully detailed sustainable surface water drainage layouts;
 - a flood Exceedance Conveyance Plan;
 - proposed site and floor levels;
 - SUDS features and sections;
 - landscape plans with sustainable drainage features integrated and co-ordinated as appropriate;
 - details of child safety measures for any SUDS feature within 30m of a play area;
 - drainage construction details;
 - Maintenance and Management Plan covering all surface water drainage and SUDS features;

- comprehensive infiltration testing across the site to BRE Digest 365 (to include three tests at each location); and,
- details of how water quality will be managed during construction and in perpetuity.

No building shall be occupied until the surface drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

Pre-occupation

17. Prior to first occupation or first use of the development hereby approved a Landscape Management Plan, including management responsibilities and maintenance schedules and timing for pruning to maintain crown clearance at Delbush Avenue access point, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Plan shall be carried out as approved by the Local Planning Authority.
18. Prior to the first occupation within a residential phase, a Residential Travel Plan and template Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority.
19. Prior to the first occupation of the Care Home, a Care Home Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.
20. Prior to the first occupation within a residential phase, a detailed Layout and Management Plan for the children's play space shall be submitted to and approved in writing by the Local Planning Authority, such details to include:
 - landscape treatment, details and age range of proposed play equipment, and any boundary treatment, street furniture including seats, bins etc. and proposed planting;
 - management responsibilities, maintenance schedules including safety inspections and replacement provisions; and,
 - a timetable for the implementation of the play area(s) and the management and maintenance of the area(s) for a minimum period of 20 years from its first provision.

The play space shall be implemented in accordance with the approved details and be maintained as such thereafter.
21. Prior to the first occupation within a residential phase, an Energy Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Report shall identify when the dwellings/apartments blocks, in that phase, were begun and demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Report.
22. Prior to the first occupation the Care Home, an Energy Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Report shall identify when the Care Home was begun and demonstrate

(with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Report.

23. Within 6 months of the first occupation in each phase, a SUDS Compliance report prepared by an appropriately qualified engineer must be submitted to and approved in writing by the Local Planning Authority. This must suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following:
- inclusion of as-built drawings in dwg, pdf and shp format;
 - inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated at each key stage of construction and on completion;
 - details of any remediation works required following the initial inspection,
 - evidence that that remedial works have been completed; and,
 - confirm details of any management company set up to maintain the system.

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24. Prior to the commencement of the development, details of the construction methods, tree protection mitigation and ongoing maintenance in respect of the Norway Maple tree at the terminus of Delbush Avenue, will be submitted to and approved in writing by the Local Planning Authority, to ensure that any impacts upon the tree are mitigated during construction and on occupation. The construction will be implemented in accordance with the agreed details.

For compliance

25. The development hereby permitted shall be carried out in accordance with the following approved drawings:
- Site Location Plan 478190;
 - Burdell Avenue Proposed Site Access and Bridleway General Arrangement, drawing no. 8240355/6101-2;
 - Delbush Avenue Proposed Site Access and Bridleway General Arrangement Emergency Access – Option 3, drawing no. 8240355/6102-3;
 - Burdell Avenue Proposed Site Access Raised Table Contours and Sections, drawing no. 8240355/6104-2; and,
 - Delbush Avenue Proposed Site Access Raised Table Contours and Sections – Option 3, drawing no. 8240355/6105-3.
26. The total number of dwellings shall not exceed 76, and the total number of bed spaces in the Care Home shall not exceed 80.
27. The mix of market housing for the reserved matters for the development hereby permitted shall be designed to include a mix of dwelling types and sizes to meet the needs of current and future households based on the most up-to-date evidence on housing needs.

28. The development hereby approved shall be carried out in accordance with the findings in the Noise Assessment: South Oxfordshire, Land at Bayswater Farm, dated 3 January 2024, carried out by Noise Consultants Ltd.
29. Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the care home premises shall be used for a Class C2 care home and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

===== END OF SCHEDULE =====