



Appeal Decision

Inquiry held on 16 – 19 February 2016

Site visits made on 15 and 18 February 2016

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 23 March 2016

Appeal Ref: APP/Q3115/W/15/3097666

Land North of Lower Icknield Way, Chinnor, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P15/S0154/O, dated 26 January 2015, was refused by notice dated 28 April 2015.
 - The development proposed is the erection of up to 89 dwellings with public open space and landscaping, vehicular access and footpath links.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 89 dwellings with public open space and landscaping, vehicular access and footpath links at Land North of Lower Icknield Way, Chinnor, Oxfordshire, in accordance with the terms of the application Ref P15/S0154/O, dated 26 January 2015, subject to the conditions contained in the Schedule to this decision.

Preliminary Matters

2. The application was made in outline with all matters other than access reserved for later determination. I have considered the appeal scheme on this basis and have treated the submitted Illustrative Masterplan drawings as indicative.
3. The Council confirmed at the Inquiry that, following the submission of a Unilateral Undertaking by the appellant, it would no longer be defending its reasons for refusal in relation to local infrastructure and affordable housing. It also confirmed that the submission of a Great Crested Newt survey had overcome its reason for refusal in relation to this protected species.
4. As well as visiting the site itself, I walked around the viewpoints set out in the appellant's Landscape and Visual Impact Assessment (LVIA)¹, visiting some twice, and walked from the site into the centre of Chinnor and back on two occasions, including during the evening peak traffic period.

Main Issues

5. The main issue is whether, having regard to the requirements of local and national planning policy for the delivery of housing, and the effect of the

¹ Agreed by the Council as being suitably representative views.

proposed development on the character and appearance of the area, the appeal site is a sustainable location for the development proposed.

6. To assist the reader and to aid clarity, I have considered this main issue under a number of headings and concluded upon it in the main Conclusion section.

Reasons

The basis on which to consider the Council's Five-Year Housing Land Supply

7. To date, the Council's housing land supply calculations have been based upon the South Oxfordshire Core Strategy (the Core Strategy) housing requirement. This is set out in Core Strategy policy CSH1, which plans for at least 6300 houses in Didcot and 5187 houses in the rest of the District, with at least 500 of these to be provided in the larger villages. This disaggregated approach to the housing split forms the basis for the Council's five-year land supply calculations, with one supply figure for Didcot and one for the Rest of the District area. The aggregated annual target delivery figure for the whole District is 547 dwellings.
8. The Core Strategy housing requirement is derived from the, now revoked, South East Plan (SEP) housing requirement for South Oxfordshire (extended by a year to ensure a 15-year plan period). It is common ground that the SEP requirement was not based upon a full objective assessment of housing need (OAN), as now required by the National Planning Policy Framework (the Framework). Indeed, it is explicitly recognised in the SEP² that the level of housing set by it was significantly below the forecast population growth of households. Logic would dictate, therefore, that the Core Strategy housing requirement is not based upon an OAN. This was agreed by the Council³.
9. Since the Core Strategy's adoption, the need for housing requirements in local plans to be generated from an OAN has been highlighted in a number of court judgments, which were put before me by the appellant⁴. None were disputed by the Council. Perhaps the most pertinent is that which states that local planning authorities must ensure that they '*meet the full, objectively assessed needs for market and affordable housing in the housing market [sic], as far as is consistent with the policies set out in the NPPF, even when considering development control decisions*'.⁵
10. These factors do not, in my judgment, automatically render the Core Strategy out-of-date. The Core Strategy examining Inspector clearly undertook a robust assessment of the evidence presented to him and came to a considered view as to the most appropriate housing requirement figure for the District on the basis of that evidence. Indeed, in his report he states that, '*no clear evidence to justify any particular level of higher provision emerged from the examination*'.⁶ In the absence of any clear evidence to the contrary, the Inspector came to the view, having considered the requirements of the (admittedly then very new)

² Paragraph 7.6

³ Ms Langford XX

⁴ Stratford DC v DCLG and JS Bloor [2013] EWHC 2074; Hunston Properties Ltd v St Albans CDC and DCLG [2013] EWCA Civ 1610; South Northants v DCLG and Barwood Land & Estates Ltd [2014] EWHC 573; Gallagher Homes Ltd v Solihull MBC [2014] EWHC 1283

⁵ Gallagher Homes Ltd v Solihull MBC [2014] EWHC 1283

⁶ Core Strategy inspector's Report page 4 paragraph 4

Framework, that the SEP figure remained appropriate. He found the overall housing provision to be soundly based⁷.

11. However, he also notes that, *'the county authorities are said to be moving towards commissioning an updated [Strategic Housing Market Assessment] SHMA for Oxfordshire in late 2012 and the output from that work will bring greater clarity about whether or not early reviews of Local Plans in the county need to be commenced'*. This SHMA was published in April 2014.
12. In its *Position Statement on Implementation of Strategic Housing Market Assessment Findings*⁸, the Council acknowledges that the 2014 SHMA provides an overall assessment of housing need for the county and for South Oxfordshire. The Council has not sought to challenge the SHMA and, in the Statement of Common Ground, accepts that it identifies an objectively assessed need of between 725 and 825 dwellings per annum for the District.
13. Turning to the Planning Practice Guidance (the Guidance), this states⁹ that:
'considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.'
14. The Council accepted at the Inquiry that the SHMA represented significant new evidence¹⁰, which was not available to the Inspector examining the Core Strategy in 2012. Indeed, the Council suspended work on its Site Allocations Development Plan Document (SADPD), and rolled it into the production of a new Local Plan, on the basis that it would not address the housing need now evidenced by the SHMA¹¹.
15. The Guidance goes on to state that:
'where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.'
16. Taking these points in order, it is common ground that the emerging Local Plan is at too early a stage to be given anything but limited weight. I have no reason to disagree with this view. In relation to the SHMA, the Council is of the view that it has not been tested or moderated and, as such, the Core Strategy housing requirement figure remains the most appropriate for the purposes of calculating a five-year supply of deliverable housing sites.
17. In further support of this argument, the Council drew my attention to two documents. The first of these was another appeal decision¹² relating to a site at Goats Gambol in the District, wherein the Inspector concluded that:

⁷ Core Strategy Inspector's report page 4 paragraph 5

⁸ Appellant's CD13.3

⁹ Paragraph: 030 Reference ID: 3-030-20140306

¹⁰ Ms Langford's response to Inspector's question

¹¹ Ms Langford's response to Inspector's question and extract from the Council's Local Development Scheme 2014, as cited in Mr Johnson's Proof paragraph 2.11

¹² 2223330

'although the new SHMA figures suggest that the full objectively assessed need is likely to exceed the CS provisions, the SHMA itself is as yet untested and unmoderated; essentially, it is only the first stage in the process towards formulating a new housing strategy, as part of the District's intended new local plan'.

18. He went on to conclude that in the light of advice contained in the Guidance and a, then recent, Ministerial letter (which I consider below) that *'the Council is justified in carrying out its 5-year supply calculations based on the adopted CS provisions, rather than the SHMA figures.'* On this basis, and having regard to the Council's argument that the regeneration of Didcot would be undermined by the siphoning off of housing to other parts of the District, he found the Council to have a five-year supply of deliverable housing sites when the disaggregated Core Strategy figures were used.

19. On 19 December 2014, the Minister of State for Housing and Planning published a letter that stated:

Many councils have now completed Strategic Housing Market Assessments either for their own area or jointly with their neighbours. The publication of a locally agreed assessment provides important new evidence and where appropriate will prompt councils to consider revising their housing requirements in their Local Plans. We would expect councils to actively consider this new evidence over time and, where over a reasonable period they do not, Inspectors could justifiably question the approach to housing land supply.

However, the outcome of a Strategic Housing Market Assessment is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans.

20. Both the decision and the letter are material considerations, the latter being a significant one. However, although the letter may indicate the approach that Council's should seek to take when completing a SHMA it does not mark an explicit change in Government policy with regard to considerations of housing land supply as set out in the Framework. Nor does it seek to gainsay the case law referred to above. As such, it remains a matter of established planning policy and of planning judgment as to whether the figures in a SHMA are a more appropriate basis for the calculation of five-year land supply than those in an extant local plan.

21. Turning to the reasoning of the Inspector in the Goats Gambol decision, it is clear that his decision to favour the Core Strategy figures turned to a large degree on the evidence presented to him, which suggested that the SHMA was *'... as yet untested and unmoderated...'*. Since that time, however, events have moved on and the SHMA has been tested at two Local Plan examinations in Oxfordshire, at Cherwell and West Oxfordshire. The Cherwell Inspector's report¹³ considers the SHMA in some detail and concludes that:

¹³ Appellant's CD13.5 p.12 (published 9 June 2015)

'In common with all the relevant councils¹⁴ at the hearings, I am fully satisfied that the methods used in, and the scenario outcomes arising from, the 2014 SHMA are consistent with the requirements of the NPPF and the PPG'.

He goes on to conclude that the Council's housing requirement, derived from the SHMA's OAN figures, is appropriate.

22. The preliminary findings¹⁵ of the Inspector considering the West Oxfordshire Local Plan are also pertinent. It is clear from his letter that the SHMA was scrutinised in some detail during the first week of hearings and that it was explicitly acknowledged by all the of councils party to it (which include South Oxfordshire) that its mid-point recommendation was accepted as the basis for the progression of their local plans. The examination of the West Oxfordshire Local Plan was suspended, at West Oxfordshire's request, following the Inspector's view that the housing requirement proposed by West Oxfordshire, which departed from the SHMA mid-point, was not justified. The Council confirmed that it had objected to West Oxfordshire's departure from the OAN as set out in the SHMA¹⁶.
23. To conclude, therefore, I consider that the SHMA represents significant new evidence since the adoption of the Core Strategy. It is the most up-to-date, indeed only, evidence of an OAN for the District. While I accept that the SHMA may not have been tested in relation to South Oxfordshire specifically, this does not, in my judgment, negate its conclusions. It has been agreed as being robust by all of the local planning authorities that are party to it; its mid-point figure has been accepted by the Council as being an appropriate OAN figure for progressing its Local Plan; and it has been fully tested at one Local Plan examination and considered in detail at another. At no point has the Council sought to distance itself from the SHMA.
24. It may be that the mid-point OAN will be 'moderated' through the emerging Local Plan insofar as a housing requirement based on a constrained figure is generated. That, however, is outwith the remit of a S78 Inquiry and the Council has not sought to suggest that the SHMA's mid-point is an inappropriate unconstrained housing needs figure that requires moderation of itself.
25. This being so, on the basis of the evidence presented to me in the context of this Inquiry, I consider that the SHMA's mid-point OAN figure of 775 dwellings per annum is the most appropriate figure against which to assess the District's five-year supply of deliverable housing sites.

Whether the Council can demonstrate a five-year supply of deliverable housing sites

26. I was presented with a number of different housing land supply scenarios¹⁷ based upon the Core Strategy, SHMA mid-point and SHMA 'economic growth' figures. Also fed into them were the 'Sedgefield' and 'Liverpool' approaches to meeting under-supply; different approaches as to when a buffer should be applied; and different conclusions in relation to the supply side.

¹⁴ Including South Oxfordshire – Ms Langford 5YHLS roundtable discussion

¹⁵ Appellant's CD13.6 (published 15 December 2015)

¹⁶ Ms Langford 5YHLS roundtable discussion

¹⁷ Inquiry Document 9

27. The application of these finer details to the base scenarios is, however, moot and I do not consider them further here. This is because, on the basis of my finding that the SHMA mid-point figure is the most appropriate for assessing housing land supply in the District, even using the Council's 'best case' scenario¹⁸ (in which it agreed that disaggregation was not appropriate) it is unable to demonstrate a five-year supply of deliverable housing sites using the agreed April 2015 base date.

The implications of the Council's lack of a five-year supply of deliverable housing sites

28. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites, paragraph 49 of the Framework, which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date.
29. This does not, however, lead to an automatic assumption that permission should be granted. Rather, paragraph 49 aims to ensure that in situations where, as here, the existing development plan policies have failed to secure a sufficient supply of deliverable housing sites, the 'presumption in favour of sustainable development' is duly applied.
30. The mechanism for applying that presumption is set out in paragraph 14 of the Framework. This explains that where relevant policies are out-of-date then (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
31. This, clearly, does not equate to a blanket approval for residential development in locations that would otherwise have conflicted with Local Plan policies. If the adverse impacts of the proposal (such as harm to the intrinsic character and beauty of the countryside) significantly and demonstrably outweigh the benefits, then planning permission should still be refused. This is the decision making process that I have followed here.

South Oxfordshire Core Strategy policy in relation to housing in Chinnor

32. Chinnor is designated as a 'larger village' in the Core Strategy. Policy CSS1 sets out an overall strategy for the District, which seeks, among other things, to support and enhance the larger villages as local service centres, while focusing 'major new development' at Didcot and supporting the roles of Henley, Thame and Wallingford.
33. Policy CSR1 indicates that housing provision in the villages will be achieved through allocations, infill development and rural exception sites for affordable housing. The Core Strategy does not set development boundaries for Chinnor. Nonetheless, it is common ground that the appeal site lies beyond the built-up limits of the village. Thus, the appeal scheme would not meet any of the above criteria and, as such, the appellant accepted that it would, on its face, conflict with policy CSR1¹⁹.

¹⁸ 'Liverpool' method; buffer applied after the shortfall; and the SHMA figure applied only from 2014.

¹⁹ Ms Richardson in response to Inspector's question

34. The Council did not dispute, however, that policy CSR1, in seeking to restrict residential development in Chinnor in line with the criteria set out above, is relevant to the supply of housing. This being so, as I have determined for the purposes of this Inquiry that the Council is unable to demonstrate a five-year supply of deliverable housing sites, I consider that this policy is out-of-date by reference to paragraph 49 of the Framework. This necessarily reduces the weight to be attributed to it and to its offence at the principle of residential development beyond the built-up limits of Chinnor.
35. The Council also raised concerns that the appeal scheme would undermine the Core Strategy's overall strategy for the distribution of development, as set out in policy CSS1, notably that it would harm the development plan's ambitions for Didcot. My attention was again drawn to the Goats Gambol decision in this regard.
36. Here, the Inspector reached the view that he could:
- '...see considerable force in the Council's argument, that if some of the housing planned for Didcot were siphoned off to other parts of the District, there is a danger that the much-needed regeneration would be fatally undermined'.*
37. I recognise that the Council has longstanding and clearly articulated ambitions for Didcot. I also accept that it is difficult, if not impossible, to prove any direct impact upon them from the appeal scheme alone. It is possible, however, that incremental levels of unplanned development could affect Didcot. Nonetheless, even if looked at more strategically, no evidence was presented to suggest that development in Didcot was stalling due to the grant of planning permissions for residential development in the Rest of the District area. Indeed, the Council was bullish in its assessment of the projected progress of the major residential sites in Didcot, providing evidence that sought to support its contention that they were coming forward, albeit not immediately. Ms Langford's proof also references 'new' sites coming forward in the town in addition to those originally identified.
38. The Council suggested that Chinnor was becoming a 'honeypot' for unplanned development, which meant that it was taking more than its 'fair share' of housing among the Larger Villages. The Core Strategy, however, does not set out what an appropriate level of development for each village may be. Nor is it for me to determine. However, on the basis of the evidence before me, given the lack of specificity in relation to the disaggregation of residential development between the Larger Villages, the lack of evidence that Chinnor is any less 'sustainable' than the other Larger Villages (or, indeed, that their vitality is suffering from a lack of development), any clear indication that its specific local housing needs have been met, and taking the lack of a five-year supply of deliverable housing sites into account, I cannot find any inherent conflict between the appeal proposal and Core Strategy policies CSS1 and CSH1.
39. The former sets out a strategy for the District, which includes supporting and enhancing the Larger Villages, and the latter gives a target of 1154 dwellings to be delivered in the Rest of the District area. Admittedly, the policy states that these are to be 'allocated', but with site allocations, whether in a local plan or neighbourhood plan, still some way off and a lack of a five-year supply of deliverable housing sites, this caveat necessarily carries less weight. In

addition, the Council confirmed that the 1154 figure was not a cap on development.

40. Furthermore, although the planning system is plan-led, this is subject to paragraph 49 of the Framework, which, as noted above, is a significant material consideration. The Government's policy is that where the plan-led system is not delivering the required levels of housing, housing should be permitted, even if contrary to the plan's spatial strategy, unless the real world land use planning impacts of doing so significantly and demonstrably outweigh the benefits that housing may deliver.
41. Although not an explicit reason for refusal, the Council also sought to advance the argument that allowing the appeal scheme would have an adverse impact upon the Council's ability to make considered plans for infrastructure delivery. This point is not without merit. However, Core Strategy policy CSI1, cited by the Council, seeks only to ensure that new development is served and supported by appropriate on and off site infrastructure and services. This is to be secured by planning obligations, conditions, levy or other undertaking. At the Inquiry, I was presented with a signed Unilateral Undertaking. The Council confirmed that this addressed its infrastructure concerns and that, as such, CSI1 was not compromised by the appeal scheme.
42. It may be that there are cumulative infrastructure impacts as a result of unplanned development but no evidence was presented to support this contention or to suggest that there are specific pieces of infrastructure the delivery of which is particularly reliant upon development coming forward on a 'by allocation' only basis.

Character and Appearance

43. The appeal site is approximately 4.09ha of an open field currently in agricultural use. It forms part of the wider open landscape that surrounds Chinnor to the north east.
44. Lower Icknield Way, with residential development to the south of the road, runs along the site's south eastern boundary, with residential development (chiefly garden land) at the edge of Chinnor along much of the site's southwestern boundary. The small holding of Willow Ponds Paddock lies immediately to the north east, beyond what appeared to be a sunken land drain or small stream, flowing alongside a hedgerow interspersed with trees, which forms the site's northeastern boundary. The site's northwestern boundary is currently open and undefined on the ground but the indicative layout shows it defined by a deep, planted landscape buffer.
45. Although there was some debate at the Inquiry about the methodology employed in the appellant's LVIA, it was agreed that the different conclusions drawn by the Council and the appellant were, in fact, down to matters of judgment²⁰.
46. For the purposes of the South Oxfordshire Landscape Character Assessment (SOLCA) 2008, the site lies within the Clay Vales Landscape Character Area (CVLCA). This is described by the SOLCA as being remarkably unvarying and dominated by gently rolling or undulating landform upon which lies a typical

²⁰ Ms Farmer XX

- pattern of medium to large-scale fields bounded by regular hedgerows, typical of the planned agricultural landscape of the parliamentary enclosures.
47. The site is not unattractive, being part of the open countryside setting to Chinnor. It is, however, unremarkable in, and indistinct from, both its local and wider landscape context. The site falls away slightly to the northeast and there is a ditch/stream to one boundary.
 48. Even so, this gently rolling topography is, as the SOLCA indicates, typical of this CVLCA and the site does not, in my judgment, possess any topographical feature, or perform any topographical function, that sets it apart from the wider landscape of which it is a part. Indeed, the most notable 'rise' in the vicinity is the neighbouring field to the northeast, which runs up to the edge of Henton, and which provides a marked and distinctive break between Chinnor and Henton.
 49. Similarly, the ditch/stream is imperceptible other than when one is almost upon it. As such, it is not an especially distinctive feature of the site either locally or in its wider context. The Council sought to characterise it as running from the escarpment out into the open countryside and, thus, providing a clear landscape link to the escarpment. No substantive evidence was provided in support of this assertion, however, and it is evident from maps and observations on the ground, that no such link exists. It is certainly not marked on any map as one of the area's characteristic springs, which gave rise to the establishment of the so-called 'spring line' villages, of which Chinnor is one, at the foot of the escarpment.
 50. In contrast to some other fields on the immediate edge of Chinnor, the field in which the appeal site sits appears to have retained its historic boundaries and open, undivided character²¹. However, the subdivision of larger fields elsewhere seems to me to be an inevitable result of the incremental growth of a village out into the landscape around it. There is no evidence that the field is alone in retaining its boundaries, when considered within the wider landscape, such that its 'value' is any greater than that of the other fields stretching out around Chinnor. Nor was it suggested that its partial development would result in the loss of a unique, historic local feature.
 51. The site has not been earmarked as a potential allocation in the nascent Chinnor Neighbourhood Plan. Nor, however, have a number of other potential residential development sites considered by the Neighbourhood Plan Steering Group and local residents. I am not persuaded that the expression of a preference for different sites as potential housing allocations is demonstrative of the appeal site being *de facto* 'valued' by the community on its standalone, individual merits, whatever they may be.
 52. No public rights of way cross the site, but it is visible from that which runs north across the neighbouring field to Henton. The appeal scheme would be visible from this footpath, albeit that it would be filtered by the proposed enhanced landscape buffer. Notwithstanding that there is no 'gap' or 'wedge' policy protecting the land between Chinnor and Henton, and that the edge of Chinnor is already readily apparent in views from the footpath, the size and topography of this field is such that the sense of separation between the two settlements would not be compromised by the appeal scheme advancing the

²¹ Appendices to Ms Farmer's Proof

northeastern edge of Chinnor towards Henton. Given the distances and topography involved, there would not be any appreciable impact upon the outlook from properties looking west and southwest from Henton.

53. The new development would also be apparent from Lower Icknield Way. It was evident from the condition of the verge on the southern side of the road, and the presence of pedestrians that I observed using it on my site visits, that this road is used by walkers, as well as by vehicles. The scheme would have some 'urbanising' influence on this section of Lower Icknield Way and, thus, a visual impact upon its users, chiefly from the access, lighting, new bus stops and new houses themselves.
54. At this point, however, one is already entering Chinnor. Houses on both sides of the road are apparent, those on the northern side more so, and the road is characterised by speed bumps, road signs and street lighting. The indicative layout shows that dwellings could be set well back from the road, behind a hedge and new planting, with a substantial green buffer to the southeastern corner of the site, which would go some way to retaining a soft approach to the village. As such, the scheme, once the planting has matured, would not appear as a particularly incongruous presence.
55. The northern side of Chinnor is very visible from the footpaths running into the village from the northwest. The lack of any significant landscaping to much of the village, and the stark materials used for many of the dwellings, means that buildings appear prominently when approaching. The appeal site is visible, but only if one is looking for it, and it is viewed through existing intervening hedgerows and treed boundaries. Future impact would be further softened by the proposed landscape buffer and would be seen in the context of the extensive existing 'hard edge' to much of the settlement.
56. The appeal site is not within the Chiltern Hills Area of Outstanding Natural Beauty (the AONB). Nonetheless, the appellant agreed that Chinnor, and thus the appeal site, is within the AONB's setting²². On the basis of my own observations, I have no reason to disagree with this. I have, therefore, carefully considered the potential impact of the appeal scheme upon the AONB, and its setting, having regard to the AONB's purpose of conserving and enhancing the natural beauty of the area.
57. The site can be viewed from the open space on the escarpment rising up beyond Chinnor to the southeast, which is within the AONB. There are a number of benches and it appeared to be a popular viewpoint. From here there are panoramic and far reaching views across the lower lying land below. Such 'fine long views' are identified as one of the special qualities of the AONB.²³
58. Chinnor appears prominently in the foreground when looking out from this spot and the appeal site would be evident on the edge of Chinnor. It is suggested that, due to the ribbon nature of development at the eastern end of Lower Icknield Way, the more intensive block of development that would arise from the appeal scheme would be harmful in views from the AONB.
59. When considered solely in plan form on a map, the appeal scheme would appear to be divorced from the 'centre' of Chinnor. It would certainly not

²² Mr Rech XX

²³ Chiltern Hills AONB Management Plan p19

follow the pattern of development in its immediate vicinity and the bulk of Chinnor's built form is to the west of the appeal site. However, in reality, development stretching back from the northern side of Lower Icknield Way is clearly visible from this viewpoint on the escarpment. The northwestern boundary of the appeal scheme would not 'roll out' into the countryside but would be approximately in line with the northern extent of Chinnor, as defined by the dwellings being developed on the former garden centre site and the extant development of Elderdene. Given the use of appropriate materials and the proposed landscaping, I see no reason why the proposed development, although it may be more dense than that immediately to its southwest, would be viewed as anything more than another part of Chinnor, in its context as a large village within an expansive open landscape.

60. Given my assessment above, in my judgment the development of the site would not introduce a distinct new built form into a setting where none currently exists and Chinnor would not encroach further towards the AONB as a result of it. Thus, I agree with the appellant that any impact upon the AONB, in relation to views from it, would be negligible and there would be no impact upon users' enjoyment of it. In reaching this judgment, I am also mindful that the AONB Conservation Board did not object to the appeal proposal.
61. My attention was drawn to the *Landscape Capacity Assessment for Sites on the Edge of the Larger Villages in South Oxfordshire* (2014) (the Assessment). This was produced for the Council to assist its housing allocation decision making process through the emerging Local Plan. The appeal site features in this document, albeit as part of a much larger site CHI13. The Assessment concludes that this site is 'generally divorced from the settlement' and has 'potential for harm to landscape setting as a result of settlement expansion north east of Chinnor' and 'potential adverse visual impact upon the AONB'.
62. Given that the site being assessed is considerably larger than the appeal site, extending well beyond Chinnor to the northeast, these are not unreasonable conclusions. Indeed, the appellant acknowledged that CHI13 was 'a different kettle of fish' and that its complete development would be likely to be harmful²⁴. However, the appeal site does not encompass the full CHI13 site that was assessed and, as such, these conclusions cannot automatically be applied to it.
63. Other sites in the Assessment were recommended for further consideration if they were scaled down in size. This was not the case for the appeal site. It may be, therefore, that the consultants undertaking the Assessment regarded all of the land within the CHI13 site as unsuitable for development no matter what. However, this conclusion is not made explicitly and the appellant's LVIA provides a more focussed assessment of the impact of development on the reduced site, which was not an exercise carried out in the Assessment.
64. Given the change in the site's appearance, really only when viewed from close quarters, some harm would arise to the 'rural' character of the site itself. This is a factor to be weighed in the planning balance. However, considering the site's wider context, outlined above, although the built development on the site would result in an extension of development beyond the established built confines of the village, it would not appear as a significantly detrimental

²⁴ Mr Rech ReX

- incursion into the open countryside or give rise to harm to the AONB or to its setting.
65. Although illustrative, the submitted Illustrative Masterplan demonstrates that the hedgerows that form much of the site's boundaries can be largely retained and would be enhanced by additional planting to ensure the retention of a robust settlement edge. There would also be a substantial planted buffer forming the site's northeastern boundary and the site would also be seen against the backdrop of existing, surrounding development. These factors, combined with the proposed open spaces, would ensure an acceptable transition to the countryside beyond.
66. I accept that there are examples of poorly designed developments in Chinnor, where inappropriate materials, generic house types and a lack of landscaping have meant that they have failed to assimilate well with the village or with the landscape around it. There has, therefore, been an adverse impact upon character and appearance. I also failed to observe any 2.5 storey dwellings, which the Design and Access Statement suggests may be appropriate, and agree with the views of local residents that dwellings of such a scale may well appear incongruous. That, however, can be addressed by a detailed scheme at reserved matters stage.
67. I also observed, however, examples of new dwellings where attention had clearly been paid to the local vernacular and the use of local building materials (in the form of red brick, flint and timber, with the use of brick tumbling and other detailing). I see no reason why a well-designed and landscaped scheme, with buildings reflecting the historic local style (which is also addressed in the Design and Access Statement), could not deliver a high quality residential development that would preserve the character and appearance of the village.
68. This being so, I conclude that the proposed scheme would not conflict with Core Strategy policies CSR1, CSEN1 and CSQ3, which seek, among other things, to ensure that the district's distinct landscape character and key features will be protected against inappropriate development; to grant planning permission only for new development that is of a high quality and inclusive design; and to ensure new development responds positively to and respects the character of the site and its surroundings, enhances local distinctiveness, and is of a scale, type and density appropriate to its site and setting.
69. I also conclude that it would not conflict with South Oxfordshire Local Plan policies G2, G4, C4 and D1, which seek to ensure that the District's countryside, settlements and environmental resources are protected from adverse developments; recognition is given to the need to protect the countryside for its own sake as an important consideration when assessing proposals for development; that the attractive landscape setting of settlements is not damaged; and that the principles of good design and the protection and reinforcement of local distinctiveness should be taken into account in all new development.

Other Matters

70. The appellant also sought to argue that relevant policies in the Core Strategy were out-of-date for reasons other than a lack of a five-year housing land supply. As I have found there to be no five-year supply of deliverable housing sites, and thus relevant policies for the supply of housing should not be

considered up-to-date, there is no need for me to consider these arguments further.

71. A neighbourhood plan for Chinnor is currently in production and the appeal site does not feature as an allocation within it. Even so, this plan is still at an early stage and has yet to be examined or go out for referendum. As such, I can give it little weight.
72. A detailed Transport Assessment was submitted with the planning application and the County Council as the local Highways Authority has raised no concerns with it from either a safety or efficiency view. There is no technical evidence before me to rebut this judgment and I have no reason to depart from it.
73. In order to reach the village centre from the appeal site, one must cross Lower Icknield Way three times. While one may occasionally have to wait for traffic to pass by before one can cross, the road did not appear to me to be especially heavily trafficked, even during the early evening, and there are numerous points where dropped kerbs facilitate crossing. Visibility is good in both directions all of the way along the road, which is straight and, with one notable exception (which I address below), relatively level. The road appeared to be dominated by cars and light goods vehicles, rather than vehicles of more intimidating size, and the 30mph speed limit and the presence of 'speed bumps' also served to restrict vehicle speeds.
74. Particular concerns were raised at the Inquiry by Mr Haxworth about visibility at the point outside 40A Lower Icknield Way where the road descends towards the village centre. Having observed the road from this point, I do not consider it to be a particularly sensitive location, with sightlines up and down the road being clear and oncoming traffic visible for some distance in both directions. I am also mindful that Mr Haxworth's daughter was knocked down when crossing the road some years ago and I am very sympathetic to this matter. I am not aware of the particular circumstances that gave rise to the incident, however, and there is no evidence before me to suggest that Lower Icknield Way is an accident blackspot of any kind.
75. The appeal site is on the edge of the village. The appeal scheme would, however, provide a footway to link from the site to the existing footway network. The route to the centre is lit, direct and straightforward, along Lower Icknield Way. Although the pavements narrow in places, and do not reflect modern footway widths, there are no fundamental obstructions that would render them unsuitable for pedestrians, even walking with children.
76. The Unilateral Undertaking addresses concerns in relation to the impact of the appeal scheme upon local schools, the library and sports facilities. It may be that the scheme gives rise to additional use of the doctors' surgery, but no representation was received from this facility that would lead me to the conclusion that this would create capacity issues.
77. The Ecological Appraisal submitted with the application, and the subsequent Great Crested Newt Survey, concluded that the site is intensively managed arable land of negligible ecological value. I have no reason to doubt the representations of some local residents that a range of wildlife has been observed on and around the site, but there is nothing before me to suggest that the site itself is of any significant, inherent ecological value. In addition, ecological mitigation and enhancement can be secured by condition.

78. Turning to flooding/drainage matters, this is an issue that can be addressed by condition.
79. Concerns were raised in relation to the impacts of additional noise and air pollution. The Council's Environmental Health Officer raised no objections in this regard and no evidence has been presented to support the contention that there would be adverse effects upon health from the scheme. There would be an increase in noise during construction but this would be temporary and hours of operation can be addressed by the proposed Construction Management Plant condition. I see no reason why noise levels from the finished and occupied development would be any higher or more intrusive than one might reasonably expect from a rural residential scheme.
80. It was claimed that the appeal site is not on a regular bus route. However, the Unilateral Undertaking makes provision for upgrades to the bus service, including both service provision and additional stopping points. I have no reason to doubt the County Council's evidence²⁵ that such funding would be effective in securing an increased level of service.
81. Specific concerns were raised by the occupiers of 101, 103 and 105 Lower Icknield Way in relation to the potential impact of the scheme upon their living conditions, with regard to noise, outlook and privacy. I have addressed noise above.
82. There would, clearly, be a considerable change in outlook from the rear of these dwellings. The view would change from one of a farmed field to a housing development. However, with the exception of 105 Lower Icknield Way (which I consider further below), these houses have very extensive rear gardens, such that the immediate outlook from the houses would remain 'green' and open and loss of privacy to the dwellings would be unlikely. There would be some harm to views from the rear gardens themselves, notably towards the end of them, and any detailed scheme would need to ensure that new dwellings were positioned so as to avoid them being overbearing upon, or directly overlooking, the gardens.
83. I do have some concerns, which I raised at the Inquiry, about the potential impacts in terms of outlook and privacy upon No 105, which is closest to the appeal site. Indeed, given this proximity, the obvious gaps in the boundary hedge to the garden and the position of some of the first floor windows, very particular attention would need to be paid to the juxtaposition between No 105 and any new buildings on the appeal site. I am satisfied, however, that there is sufficient flexibility within the indicative scheme that matters of outlook and privacy, both for the occupiers of No 105 and for any future occupiers of new dwellings on the site, could be satisfactorily addressed at reserved matters stage.
84. The outlook from the front of some of the dwellings to the south of Lower Icknield Way would also change. However, they are set well back from the road and have mature planting to their front boundaries. No significant harm would arise from the change in their outlook.
85. It was suggested that the appeal scheme would devalue the price of property around the appeal site. No evidence has been presented in support of this.

²⁵ Mr Pope during the planning obligations session

86. It was further suggested that allowing the appeal scheme would 'open the floodgates' to more development. However, my decision in this appeal should not be interpreted as a finding that Chinnor has an infinite capacity for new residential development. This will be, largely, a matter of judgment if/when other sites come forward. Any future proposals would need to be assessed, among other things, on their own site-specific merits, in the context of any development plan and national policies then in place. While I have concluded that the appeal scheme is acceptable, given the site context and housing land supply situation, the fact that an additional (up to) 89 dwellings have been allowed on appeal in Chinnor would be a consideration to be weighed in the balance when considering any future development proposals.

Conditions

87. An agreed list of planning conditions was discussed in some detail at the Inquiry. I have made amendments in the light of those discussions. This is to improve precision, clarity and enforceability, as well as to avoid overlap. Additional conditions were considered during the discussion and I have included these, as agreed, as appropriate.
88. The standard conditions specifying the reserved matters and the time limits for submission of reserved matters and commencement of development are necessary to ensure legal compliance and to provide certainty. I have imposed conditions requiring compliance with the approved plans and defining the number of dwellings permitted also to provide certainty. Highways conditions, being those relating to the site access and offsite highways works are necessary to ensure highway and pedestrian safety. A Green Travel Plan condition is necessary to ensure that use of sustainable transport modes to and from the site is maximised. Conditions relating to drainage are required to ensure that the site is properly drained and to prevent flooding. A Construction Management Plan (CMP) condition is necessary to ensure that there is no adverse impact upon the living conditions of the occupiers of surrounding dwellings, or upon the local highway network, during construction. An ecological condition is necessary to ensure appropriate ecological mitigation and enhancement as identified in the Ecological Appraisal and Great Crested Newts Survey is implemented. That relating to an archaeological scheme of investigation is necessary in the light of the potential for historic remains being encountered on the site. The condition requiring the creation of a construction job training scheme is necessary to secure some of the employment benefits put forward by the appellant. The condition requiring provision of site levels is necessary, given the topography of the site, to ensure that the effects of the development upon the wider area and neighbouring properties can be properly addressed by any reserved matters application.
89. Conditions relating to construction noise, dust and hours of operation are superfluous in light of the condition requiring the agreement and implementation of a CMP. The requested condition relating to provision of fire hydrants is a matter that could be addressed at reserved matters stage in relation to site layout. I have not imposed the condition requested by Thames Water relating to a study of water supply infrastructure as I am not persuaded, on the basis of the evidence that I heard at the Inquiry, that this work is in a developer's gift rather than that of Thames Water itself.

90. There was dispute between the appellant and the County Council as to whether a condition was a satisfactory means of securing the off-site highway works required. The Guidance²⁶ is clear that:

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990. In such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation.

91. Based on all that I have read and heard, I am not persuaded that this matter cannot be addressed satisfactorily by the condition imposed.

Planning Obligations

92. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations contained in S106 Agreements are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
93. The Unilateral Undertaking sets out obligations in relation to the provision and management of open space, including a Locally Equipped Area of Play; public art; recycling; local library provision; street naming; sports facilities; travel plan monitoring and implementation; bus service enhancement for Chinnor, including bus stop provision; primary, secondary and special needs education; and affordable housing.
94. Evidence of the necessity, relevance and proportionality of these obligations is set out in detailed submissions from both the District and County Councils²⁷, which were considered at the Inquiry. They demonstrate the basis for the obligations, how they relate to the development proposed and set out how any financial contributions have been calculated. In my judgment these provide convincing (and undisputed) evidence that the above obligations meet the tests set out in the Regulations.
95. In addition, the District and County Councils both sought obligations to meet their costs in monitoring the other obligations set out in the Unilateral Undertaking. These 'general' monitoring obligations were disputed by the appellant.
96. In support of their position, the Councils presented me with two written advice notes from Mr Ian Dove QC, dated 30 January 2014 and 7 May 2014, as well as detailed information about how the County Council administers S106 agreements and information about how each authority calculates its monitoring costs.
97. Mr Dove's first advice note states that, '*So far as I am aware there is no direct legal authority on whether administration, management and monitoring costs can be said to be 'necessary to make the development acceptable in planning terms'*'. However, this advice was provided some time before the judgment in

²⁶ Paragraph: 011 Reference ID: 21a-011-20140306

²⁷ Inquiry Documents 18 and 19; Oxfordshire County Council Statement dated 22 August 2015 and South Oxfordshire District Council Compliance with Community Infrastructure Regulations (2010) as amended statement dated received 9 February 2015.

Oxfordshire County Council v Secretary of State for Communities and Local Government [2015] EWHC 186 (Admin).

98. In this judgment Mrs Justice Lang is clear that there is nothing in statute, regulation or guidance, *'which suggests that authorities could or should claim administration and monitoring fees as part of planning obligations'*²⁸ and that *'it is significant that he [the Secretary of State] has decided not to make provision for the payment of fees for the administration and monitoring of section 106 Agreements'*²⁹.
99. She goes on to state that the Inspector in the case before her was entitled to consider that such fees would be met from a Council's core budget. She notes that the application was *'routine'*, for a *'relatively small development'*³⁰, and that no individualised assessment of special costs liable to be incurred had been provided by the Council.
100. *'Moreover'*, she states, *'Just because [the Council's] administration and monitoring role related to matters to which the developer was required to contribute, it did not follow that the Inspector had to reach the same conclusion in respect of the administration and monitoring costs'*.³¹ This was an exercise in planning judgment.
101. This judgment is, arguably, not definitive given its reference to the exercise of 'planning judgment'. Nonetheless, it appears to consider the legal authorities referred to by Mr Dove and the matters of principle that he raises. The planning application in question is also comparable in type and scale to that before me and the calculation of monitoring fees appears to have been made in a like manner.
102. Other recent appeal decisions were drawn to my attention wherein Inspectors have accepted planning fees as meeting the tests. There is, however, no evidence to suggest that they were aware of the judgment referred to above. Following the close of the Inquiry, I was presented with a link to the Council's draft S106 Planning Obligations Supplementary Planning Document. However, as this is just a draft, and does not appear to come into effect for some time, I give it little weight.
103. I appreciate that the Councils will find variance in approach to this matter frustrating, but on the basis of the evidence before me at this time I consider that the Councils' monitoring fees cannot reasonably be regarded as meeting the CIL Regulation tests. The application before me does not give rise to any unusual or 'special' obligations that require a bespoke means of monitoring. The fees sought, while derived from tables rather than being a set rate, are not an individualised assessment of special costs incurred by the Councils in monitoring these agreements.
104. Planning obligations were initially requested by Thames Valley Police, but the requests were withdrawn prior to the opening of the Inquiry.

²⁸ Paragraph 45

²⁹ Paragraph 46

³⁰ Up to 85 dwellings

³¹ Paragraph 55

Conclusion

105. I have found that the appeal scheme would conflict with the development plan, insofar as it does not meet with the CSR1 policy criteria against which proposals for development beyond the built-up limits of the Larger Village are assessed. However, the weight to be given to this conflict is necessarily limited by the Council's inability to demonstrate a five-year supply of deliverable housing sites. In addition, the appeal scheme would broadly conform to the Core Strategy's overall strategy and its ambitions for the Larger Villages, as articulated by CSS1 and CSH1.
106. I have also found that the scheme would not conflict with the cited Core Strategy or South Oxfordshire Local Plan policies relating to countryside, character and design.
107. Thus, in relation to the main issue, I conclude that, having regard to the requirements of local and national planning policy for the delivery of housing, and the effect of the proposed development on the character and appearance of the area, the appeal site is a sustainable location for the development proposed. This weighs in favour of the appeal scheme.
108. I am mindful that the Council's SHMA based land supply figure is around 4.6 years. The Council's argument that this is not a 'significant' undersupply is not without merit. Nonetheless, the Council accepted that a 'step change' in housing delivery was necessary if it was to meet even its Core Strategy housing requirement. It is also evident that supply from the sites in Didcot, which are anticipated to contribute to that step change, will not commence in earnest in the near future.
109. This being so, and bearing in mind the Framework's aim '*to boost significantly the supply of housing...*'³², I consider that the lack of a five-year supply of deliverable housing sites, even if 'only' 4.6 years, to be a matter of significant weight. That the appeal scheme would offer social benefits in the form of additional market and affordable housing must, therefore, be a material consideration of significant weight.
110. In environmental terms, the scheme offers opportunities for habitat creation and enhancement, which is a matter to which I afford moderate weight. Against this, I have found that the scheme would cause some harm to the 'rural' character of the site itself. However, given my wider assessment of matters of character and appearance, and my conclusion that the appeal scheme would not be inappropriate development in relation to the relevant countryside, design and character policies of the Core Strategy and Local Plan, I afford this harm limited weight.
111. The development would result in the loss of farmland. However, some loss will be inevitable in order to secure the delivery of the levels of housing required in South Oxfordshire over the plan period. In addition, given the very substantial area of the District that is covered by protected landscapes or Green Belt, the opportunity to provide new dwellings on a suitable site that is unaffected by these designations weighs significantly in favour of the appeal scheme.

³² Paragraph 47

112. Turning to the economic dimension of sustainability, the Government has made clear its view that house building plays an important role in promoting economic growth. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy and some Council tax receipts. Moderate weight should be afforded to this benefit.
113. The development would also generate New Homes Bonus (NHB) receipts for the Council. As this is an incentive for local planning authorities to provide housing on suitable sites, and no direct beneficial link between the spend of the NHB and Chinnor has been established, I do not consider that it attracts weight as a benefit in the planning balance.
114. Thus, placing all of the relevant material considerations in the balance, I find that the limited adverse impacts would not significantly and demonstrably outweigh the benefits of the appeal scheme. In the circumstances I conclude that the proposal would represent a sustainable form of development and, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Richard Schofield

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Cain Ormondroyd of Counsel

Instructed by South Oxfordshire
District Council

He called:

Ms Alison Farmer BA MLD CMLI
Ms Kim Langford LLB (Hons) PGCert
(Legal Practice)

Alison Farmer Associates
South Oxfordshire District Council

FOR THE APPELLANT:

Mr Giles Cannock of Counsel

Instructed by Gladman Developments
Ltd

He called:

Mr Phil Rech BA BPhil LD CMLI
Mr Mark Johnson BSC MRICS MRTPI
Ms Diana Richardson MA BA(Hons) MRTPI

FPCR
Johnson Brook
Gladman Developments Ltd

Mr Alan Pope (Oxfordshire County Council) and Mr Peter Brampton (South Oxfordshire District Council) took part in the discussions on conditions and planning obligations.

INTERESTED PARTIES:

Mrs Pat Haywood – Chinnor Parish Council
Mr Peter Brook – Chinnor Neighbourhood Plan Steering Group
Mr Bill Haxworth – local resident
Mr James Gaskin – local resident
Mr Michael Bellamy – local resident
Mr Neil Flint – local resident and Parish Councillor

DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Letter from DCLG to Gladman Developments Ltd confirming that a proposal for the erection of up to 89 residential dwellings with associated means of access, public open space and associated infrastructure on the appeal site is not EIA development.
2. St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government [2013] EWCA Civ 1610
3. Opening Submission of the Appellant
4. Statement of Mr Bill Haxworth
5. Statement of Mrs P Haywood
6. Statement of Mr P Brook
7. Extract from notes of Chinnor Neighbourhood Plan Steering Group Meeting 16 December 2015
8. Statement by Mr J Gaskin
9. Agreed Five Year Housing Land Supply Scenarios
10. Partial update of SODC five year housing land supply trajectory, February 2016
11. Agreed positions in relation to housing supply from five sites in South Oxfordshire, February 2016
12. Emails from developers/agents with regard to the sites at 11 above
13. Emails from developers/agents with regard to the sites at 10 above
14. Draft Unilateral Undertaking
15. Draft Agreed Conditions
16. Chinnor Neighbourhood Plan Pre-Submission version, February 2016
17. Oxfordshire County Council v Secretary of State for Communities and Local Government [2015] EWHC 186 (Admin)
18. Oxfordshire County Council CIL Compliance Statement
19. Oxfordshire County Council S106 contributions comparison chart
20. Draft SODC CIL Charging Schedule Regulation 123 list
21. SODC Statement Supporting S106 Monitoring Fees
22. SODC breakdown of S106 monitoring fees
23. Oxfordshire County Council position on securing highway works
24. Closing Submissions on behalf of SODC
25. Closing Submissions on behalf of the Appellant
26. Completed Unilateral Undertaking

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

27. OS map showing the location of two development sites on Thame Road and Lower Icknield Way, Chinnor
28. Email from SODC with a link to the council's draft S106 Planning Obligations Supplementary Planning Document

Schedule of Conditions

- 1) Details of the appearance, landscaping (including detailed measures for the protection of all trees to be retained and detailed proposals for the extensive landscape buffers and site boundary treatments in accordance with the submitted Illustrative Masterplan and Design and Access Statement), layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: 6497-L-03 Rev D (Location Plan) and C14605-011 Rev C (Site Access Plan).
- 5) The total number of dwellings authorised by this permission shall not exceed 89.
- 6) Any application for the approval of reserved matters shall be accompanied by a full site survey showing the datum used to calibrate the site levels including levels along all site boundaries; across the site at regular intervals; of floors of adjoining buildings; and of finished floors of all buildings and hard surfaces, for that part of the site. Development shall thereafter be carried out in accordance with the approved details.
- 7) Prior to the first occupation of any dwelling hereby permitted the approved vision splays shall be provided to each side of the approved site access and shall thereafter be kept free of obstruction by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
- 8) Prior to the first occupation of the development hereby permitted a Green Travel Plan, to include proposals to encourage travel by modes other than the private car for journeys to and from the completed development, shall be submitted to and approved in writing by the local planning authority. The Green Travel Plan shall thereafter be implemented as approved.
- 9) Prior to the first occupation of the development hereby permitted surface water drainage works for the site shall be implemented in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the local planning authority. Before the drainage scheme is submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment shall be submitted to the local planning authority. Where

a sustainable drainage system is to be provided, the submitted scheme shall include:

- information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, and measures taken to prevent pollution of the receiving groundwater and/or surface watercourses;
 - a timetable for its implementation; and
 - a management and maintenance plan for the lifetime of the development including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the system throughout its lifetime.
- 10) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be complied with throughout the construction period and shall include details of:
- vehicle parking facilities for construction workers, other site operatives and visitors;
 - site offices and other temporary buildings;
 - loading and unloading of plant and materials;
 - storage of plant and materials used during construction;
 - vehicle wheel washing facilities;
 - measures to control the emission of dust, dirt and noise;
 - a scheme for recycling and/or disposing of waste materials arising from the demolition and construction works;
 - installation and maintenance of security hoarding/fencing;
 - routing of construction traffic; and
 - hours of construction.
- 11) No development shall commence until an Archaeological Written Scheme of Investigation (the Scheme), relating to the application site area, has been submitted to the local planning authority by a professional archaeological organisation acceptable to the local planning authority. Once the Scheme has been approved in writing by the local planning authority development shall only take place in accordance with the approved Scheme, which shall thereafter be implemented in accordance with its terms and shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication that shall be submitted to the Local Planning Authority on completion of its implementation.
- 12) No development shall commence until a scheme for the creation of construction job training opportunities has been submitted to and approved in writing by the local planning authority. The scheme will promote training opportunities for local residents at all stages of the development and shall be implemented as approved.
- 13) No development shall commence until an ecological mitigation and enhancement scheme (the Scheme) for the site, to include details of ongoing management and maintenance as required, has been submitted to and approved in writing by the local planning authority. The Scheme shall be in

accordance with the with the mitigation and enhancement measures detailed in the Ecological Appraisal (January 2015) and Great Crested Newt Survey (June 2015) for the site produced by FPCR. The Scheme shall thereafter be carried out and managed as approved.

- 14) No development shall commence until a scheme for off-site highway works, to include a timetable for their implementation and details of their ongoing management and maintenance, has been submitted to and agreed in writing by the local planning authority. The submitted scheme shall include two pedestrian crossing points on Lower Icknield Way, including tactile paving, appropriate signage and lining measures as indicated on the approved Site Access drawing no. C14605-011 Rev C. The approved works shall be implemented in full before the first occupation of any dwelling hereby approved.
- 15) No development shall commence until a detailed scheme for the disposal of foul water from the development hereby permitted has been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in full before the first occupation of the dwellings hereby permitted.

Richborough Estates