



Appeal Decision

Inquiry opened on 26 January 2016

Accompanied site visit made on 29 January 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 21 March 2016

Appeal Ref: APP/Q3115/W/15/3032691

Land west of Reading Road, Wallingford, Oxfordshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Wates Developments Limited against South Oxfordshire District Council.
 - The application Ref: P15/S0191/FUL, is dated 28 January 2015.
 - The development proposed is the erection of 85 new homes and creation of new access onto Reading Road following demolition of 2 Reading Road. The development includes new roads, car parking, footpaths, communal orchard, public open space, landscaping, ecological enhancement areas and associated infrastructure.
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Preliminary Matters

1. The address of the site above is taken from the application and appeal forms. However, the site is more accurately described as being to the west of Winterbrook. Winterbrook is a section of road which connects the northern and southern legs of Reading Road as it leads into and out of Wallingford. It is also the name of the small settlement which grew up here.
 2. At the inquiry the Appellant provided revised drawings relating to the provision and configuration of affordable housing on the appeal site. These revisions deal with the location and mix of the affordable housing in the overall scheme. There would be no material change to external matters, all the proposed revisions being internal and minor. On the basis that these changes had been agreed with the Council, are minor, would not affect any consideration raised by third parties, and have not been the subject of any criticism it seems to me that there would be no prejudice to anyone by my accepting those changes. Accordingly I ruled at the inquiry that the revised drawings would be accepted and considered as part of the scheme before me. The agreed list of plans/drawings is that at Document 17.
 3. The appeal site is largely the same as has been the subject of previous applications and appeal decisions. The first (APP/Q3115/A/09/2113256) was for 106 dwellings, was decided on appeal in March 2010 and had a different point of access to the land. The second (APP/Q3115/A/11/2145037) was for 98 dwellings, was decided in June 2011 and included an access in a similar position to that before me. These are material considerations in this case and I deal with them as necessary below.
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4. Since those previous appeal decisions the Winterbrook Conservation Area (WCA) has been designated. That part of the appeal site which includes Plot 1, the proposed access, and a small part of the proposed open space lies within the WCA. The majority of the appeal site lies outside and to the west of the WCA, but adjoins it alongside much of its eastern boundary.
5. Also post dating the previous appeal decisions is planning permission for the demolition of the existing dwelling and the erection of a replacement five bedroom dwelling at No 2 Winterbrook, permitted in November 2013. This too is a material consideration which I deal with later. There is no dispute that this permission has been implemented by the partial construction of the means of access.

Decision

6. The appeal is allowed and planning permission is granted for the erection of 85 new homes and creation of new access onto Reading Road following demolition of 2 Reading Road. The development includes new roads, car parking, footpaths, communal orchard, public open space, landscaping, ecological enhancement areas and associated infrastructure at land west of Reading Road, Wallingford, Oxfordshire in accordance with the terms of the application, Ref: P15/S0191/FUL, dated 28 January 2015, and the plans submitted with it, as amended, subject to the conditions set out in the attached schedule.

Main Issues

7. The main issues in the appeal are:
 - (a) Whether the Council can demonstrate a 5 year supply of deliverable housing sites and how this relates to its adopted spatial strategy;
 - (b) The impact of the proposed development on heritage assets;
 - (c) Whether the proposed housing mix is appropriate;
 - (d) The planning balance - whether the proposed development is sustainable and should be permitted in the light of conclusions relating to housing land supply and other issues, and of the weight attaching to policies of the development plan and to the advice of paragraph 14 of the National Planning Policy Framework (NPPF).

Reasons

Background to Housing Issue

8. The Development Plan comprises the South Oxfordshire Core Strategy (CS) of December 2012 and the saved policies of the South Oxfordshire Local Plan 2011 (LP) adopted in 2006. One of the principal objectives of the CS is to bring forward significant development around Didcot as set out in CS Policy CSS1, whilst at the same time supporting the roles of other settlements, including Wallingford. In order to take that strategy forward there is an allocation of housing set out in Table 7.1 of the CS, for Didcot at 6300, and for the rest of the district (RoD) of 5187 in the period between 2006 and 2027. The CS explains that the housing allocated to Didcot will be 'ring fenced' as the level of housing growth is closely linked to planned economic growth (including the Science Vale initiative) and infrastructure provision.
9. Planned housing provision in the RoD is set out in CS Table 7.3. This includes 555 dwellings at Wallingford Greenfield Neighbourhood to the west of the town.

CS Policy CSH1 indicates that planning permission will be granted for the requirements set out in Table 7.3 (and Table 7.2 which addresses Didcot). The policies and their housing requirements and allocations were properly considered as part of the CS examination process. That process resulted in a finding that the CS was sound, but there is a clear pointer in paragraph 4 of the Inspector's report that a (then) projected new Strategic Housing Market Assessment (SHMA) would bring greater clarity about whether early reviews to the CS would be necessary. The Inspector also supported the 'ring fencing' of the housing for Didcot. As he stated – "*...I consider it appropriate to treat it as such. Success in the long held aspiration for comprehensive transformation of Didcot will continue to need long-term certainty, determination and commitment, all of which would be undermined if some part of the growth were to be siphoned off elsewhere.*" None of these matters is in dispute.

10. The dispute between the parties essentially centres around 3 points. First, whether ring fencing the Didcot housing supply should be treated as a separate factor in the calculations of the 5 year deliverable supply scenario – the question of 'disaggregation'. Secondly, whether the delivery of housing is meeting the needs of the district, and therefore whether further housing provision on windfall sites such as the appeal site should be supported.
11. The SHMA which was forecast in the CS Inspector's report was published in April 2014. That suggests that housing supply in South Oxfordshire will need to be increased. As also foreseen in the CS Inspector's report, this is being considered through a review of the CS, now to be a Local Plan. This process towards this emerging Local Plan (eLP) has been started, but there is the third area of disagreement here. That is whether the appeal site should be released for housing now, in advance of the eLP being finalised.
12. With that background in mind I turn to the main part of the housing issue.

Housing Land Supply and Spatial Strategy

13. I deal first with the matter of disaggregation. In short, the Council treats Didcot as a separate area for housing supply purposes because it is ring fenced in order to support the growth necessary to support the overall spatial strategy of the CS. This is a matter which has exercised Inspectors in this and other locations, and I set out my assessment below.
14. The Council confirmed at the inquiry that Didcot is not treated as a separate housing market area (HMA) and that the ring fencing of its housing supply is a policy imperative. I see nothing wrong with that approach as a policy matter, but it seems to slightly miss the point in relation to the provision of 5 years of deliverable housing sites. The NPPF does not preclude disaggregation – it is not considered there – but it does require the Council to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area. The expectation must be that housing land supply should be linked to the area of the identified HMA. The Council has not sought to show that for the purposes of calculating housing requirement and supply in its area it should promote anything other than the HMA considered in the SHMA of April 2014 for the Oxfordshire districts. The SHMA considers the Oxfordshire sub region, but also individual districts as sub markets. For South Oxfordshire the sub market includes Didcot, Thame, Wallingford, Henley-on-Thames and Rural Areas as a whole. As a result I consider that the South Oxfordshire housing requirement and supply

calculations should be carried out on that basis, with no separate disaggregation for any settlement or area. It is my judgement that this is the only logical outcome which can result from the policy set out in the NPPF and the work of the SHMA to identify the HMA and sub markets.

15. That position does not mean that the ring fencing of the Didcot supply becomes unimportant – far from it. What it means is that when development proposals come forward in other parts of the district they must be assessed for conformity with the adopted policy which includes the spatial strategy of ring fencing Didcot. In my judgement this is a coherent position which recognises both the policy of ring fencing, allows weight to be attached to it, but recognises that there is no cap on supply elsewhere. The latter point, that there is no cap on supply in the RoD, was accepted by the Council at the inquiry. It also follows logically that the spatial policies attaching to the RoD can be addressed in any development within that area. There is no question that dealing with the district as a whole for supply purposes would signal that housing can be decanted from Didcot to other parts of the district. The impact of individual proposals must be considered against the spatial policy of ring fencing for Didcot. I am therefore firmly of the view that housing supply should be considered on a district wide basis in this instance because there is no substantive evidence which points to anything else in terms of the HMA as a whole, or the identified submarket.
16. I turn then to the third area of disagreement (leaving the position 'on the ground' until later). This is the matter of the appropriate housing requirement.
17. At present the housing requirement in the CS is as described above in the background paragraphs. The derivation of the requirement is the now revoked South East Plan (SEP). The Appellants contend that this no longer represents the objectively assessed need for the area. I have sympathy with that view. On the other hand I also acknowledge that the objectively assessed need for any area should be just that – objectively assessed. The letter of 19 December 2014 from the Minister of State for Housing and Planning to the Chief Executive of the Planning Inspectorate¹ makes clear that the production of a SHMA is important new evidence which should be actively considered by councils over time. The letter also indicates that the SHMA outcome should not automatically be seen as a proxy for final housing requirement in Local Plans as it is untested.
18. In this case the eLP is under way, but is still some way from examination and adoption. In fact the eLP is likely to be some 3 years on from the production of the SHMA before adoption. There will therefore be a significant gap before any figures stemming from the SHMA are adopted formally. That said, the Council has not criticised the methodology of the SHMA, and it is notable (though not decisive in this case) that other Councils in Oxfordshire are progressing on the basis of the housing need assessed therein. At the inquiry the Council accepted that it was likely that the eLP would include a requirement within the range identified within the SHMA (just over 700 dwellings per annum to just over 800 dwellings per annum) but of course this cannot be assured until the eLP has been tested at examination.
19. It is not my role to seek to suggest what an appropriate requirement would be for South Oxfordshire, but what seems clear is that the figure resulting from

¹ Core Document 1.3

the eventual outcome of the eLP seems more likely than not to rise quite significantly from the current aged figures derived from the SEP (547 dwellings per annum). Taking the derivation of both the adopted requirement in the CS and the range identified in the SHMA into account it seems to me that the SHMA figures are significantly more likely to represent a reliable reflection of the objectively assessed need for the area. They are figures based on the most recent forecast of demographic and household trends. I therefore give more weight to the SHMA figures, albeit untested, than I do to the increasingly elderly requirement of the CS.

20. With this in mind I turn to the position as it stands today with the 5 year housing land supply. In this regard I am grateful for the comparative tables appended to the Additional Statement of Common Ground². Before considering more detail it is worth pointing out that I do not find it useful to try to be too precise in dealing with housing supply figures as they are inevitably best estimates based on professional skill and judgement (as noted at the inquiry).
21. I have already decided above that it is more logical to consider the supply scenario on a district wide basis. In that regard the Council and the Appellant agree that taking the CS requirement there is a need for just over 8000 homes in the remaining period of the CS to 2027. The 5 year requirement with the backlog spread over the plan period (Liverpool method) would be 3363 homes, and with the backlog spread over the first 5 years (Sedgefield method) this would be 4242. These figures are agreed and exclude any buffer.
22. So far as the use of the Liverpool or Sedgefield method is concerned it is clear that Planning Policy Guidance (PPG) expresses a preference for Sedgefield. But that is not to say that Liverpool is wrong. The slower approach of the Liverpool method was accepted in the CS examination as it was recognised that moving forward at Didcot would take time and that cutting the backlog in 5 years would be an unrealistic aim. I am conscious also that despite the underlying aim of the NPPF to boost significantly the supply of housing the situation in South Oxfordshire is complicated by the spatial strategy of expansion in and around Didcot. It seems to me that such a major strategic initiative would of necessity take time to gain traction, and in such circumstances a rigid adherence to dealing with the backlog in the first 5 years of any period might well be too ambitious. It is to be hoped that the pace of delivery in Didcot will increase as the Council anticipate but there must be at least some doubt about the actual likely pace of delivery. In such circumstances, and following the approach of the CS Inspector, I will adopt the Liverpool approach. This results in a 5 year requirement (based on CS numbers) of about 4000 dwellings when the appropriate buffer of 20% is included. This buffer reflects past under delivery in the district as a whole, notwithstanding that areas apart from Didcot have seen delivery at or around CS rates.
23. The supply side of the equation is a further area where the Council and Appellant diverge in their evidence. It is the Appellant's contention that there are about 3000 homes in the pipeline in the next 5 years which can be considered deliverable using the definition in the NPPF. The Council believes it to be almost 4000 homes (and therefore just at the 5 year supply point).
24. The evidence on this matter is one of the most difficult areas to assess. As the Appellant pointed out, it is simply a forecast which is based on the best

² Inquiry Document 13

- evidence at a point in time. However, it is possible to glean some assistance from the reliability of previous forecasts. In this regard the overall trend is for the supply forecast of the Council to be somewhat optimistic. The housing trajectory spreadsheets provided show a consistent pattern across most disputed sites of slower delivery than forecast. I am not confident that the expectation that all will now be well and that delivery will follow the Council's anticipated trajectory can be relied upon. It would only take a small level of underperformance for the district wide 5 year supply on the Council's trajectory to fall below the requirement.
25. In my judgement the trajectory of the Appellant's witness is to be preferred. It seems to me to reflect a more realistic assessment of the likely delivery of housing on the various sites in South Oxfordshire. I bear in mind particularly the difficulties being encountered in relation to the major development at Didcot, where transport objections have been received from the County Council, and the lack of progress on the Wallingford Greenfield neighbourhood. Although I have no doubt the latter will come forward I do not share the Council's optimism that there will be 70 or more dwellings per annum delivered there from 2017/18.
26. Taking all of the above factors into account I am not satisfied that the Council is in a position to demonstrate a 5 year supply of deliverable housing sites even on the adopted CS requirement figures. In my judgement, on CS requirements, the supply is likely to be in the region of 4 years and in this I agree with the Appellant. If the range of the SHMA is accepted (as I believe to be more appropriate) even at its lowest level then the supply position becomes worse. The lack of a 5 year housing land supply weighs significantly in favour of the development in the final balance. Following the advice of paragraph 49 of the NPPF relevant policies for the supply of housing cannot be considered to be up to date. If the development is sustainable this in turn invokes paragraph 14 of the NPPF.
27. Policies relevant to the supply of housing which must be regarded as out of date include CS Policy CSH1, and CS Policy CSWAL1. That does not mean that the policies are to be ignored, but that the weight attaching to them is reduced. I briefly mention here LP Policies G2 and G4. In their saved form they do no more than express the objective of protecting undeveloped rural areas from harmful development in a considered way. They do not seem to me to be policies directed at housing supply. In my judgement they follow the thrust of the NPPF in relation to rural locations and the requirement at paragraph 17 to recognise the intrinsic character and beauty of the countryside and I therefore do not regard those policies as being inconsistent with the NPPF.
28. But that is not the end of the housing matters. There remains the question of whether a development of this size would, if permitted, be harmful to the spatial strategy set out in the CS. In other words, would the building of 85 dwellings make it less likely that the spatial objectives of ring fencing the Didcot supply and providing major infrastructure there would be achieved?
29. At the inquiry the Council answered that question negatively. It conceded that there would not be likely to be any harmful impact on the CS spatial strategy. However, concern was expressed in relation to cumulative impact of more development. I acknowledge that concern, and there might be a time when windfall developments on a cumulative basis were in danger of skewing the

spatial strategy of the district. But these individual proposals would have to be considered on their own merits in the light of the identified housing need at that time.

30. In this instance, with this proposal, no such adverse effect is anticipated. As such I do not find conflict with CS Policy CSS 1, which sets the overall spatial strategy for the district.
31. In relation to Wallingford, Policy CSWAL1 seeks to ensure that development is consistent with the strategy for the town, which includes supporting town centre functions and allowing housing on suitable infill and redevelopment sites. The preamble to the policy also specifically notes the high level of need for affordable housing and that is also a matter which the strategy seeks to address. This is a high order policy which follows on from the overall spatial strategy. Although the lack of a 5 year housing supply reduces its weight it still retains considerable importance as a vehicle for moving the spatial strategy forward.
32. I accept that the development would be likely to support the town centre in that its residents would be likely to use the facilities there. To that extent the development would accord with Policy CSWAL1. But the site cannot be regarded as an infill site as defined in the glossary to the CS. It would neither fill a small gap in an otherwise built up frontage and nor is it a site which is closely surrounded by buildings. As such the site would not normally be considered as being in conformity with that part of Policy CSWAL1. However, the CS has a contingency approach where sites do not come forward at the rate expected, as here. This allows for other sites to come forward through the provision of alternative sites as set out in Policy CSC1. This allows for the identification of alternative deliverable sites through a plan or other mechanism in general accordance with the distributions strategy set out in tables 7.1 to 7.3. It seems to me that use of contingency measures here are not without merit given that the Wallingford Greenfield site is not delivering as planned. The appeal proposal therefore gains some support from, and is in accordance with, CS Policy CSC1 if the site itself is found to be acceptable in all other respects. As this is a contingency policy which addresses the situation of slow delivery it deserves to retain considerable weight even if it would be otherwise regarded as being out of date by reason of being relevant to the supply of housing.
33. To sum up on this issue I find the following:
 - The housing land supply for the district should logically be determined at district wide level;
 - The spatial strategy of the CS is nevertheless an important material consideration in the determination of planning proposals;
 - In this case there it has not been shown that there is a 5 year supply of deliverable sites. This is a significant material consideration and renders policies relevant to the supply of housing out of date;
 - The proposed development would not harm the objectives of the CS spatial strategy;
 - There is no conflict with CS Policy CSS1;

- Although there is limited accord with Policy CSWAL1 (which retains significant weight) this is balanced in the opposite direction by the fact that the site does not fall within the definition of infilling. However, there is support from Policy CSC1 which allows contingency sites to come forward if identified sites do not materialise in line with the predicted trajectory.

Heritage

34. I have already noted that the appeal site lies adjacent to and partially within the WCA (paragraph 4 above). My duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. The statutory duty set out does not extend to the setting of a conservation area, but it is common ground between the parties that this is a material consideration in play in this appeal. Indeed the impact on the setting of the WCA is a major area of disagreement.
35. The WCA has within it a number of listed buildings. By common consent between the parties if any of them, or their settings, were to be affected by the development it would be Winterbrook Close. I agree with that. The Council does not allege any harm to this asset and its expert witness followed that lead. The Appellant's expert witness briefly addresses the point, concludes that there would be no harm, but reserves the position should it be necessary to submit rebuttal evidence. Despite hearing at the inquiry that the expert witness for SAW does allege harm to the setting of Winterbrook Close no rebuttal has been submitted. I deal with the setting of Winterbrook Close in due course.
36. The boundaries of the WCA are drawn primarily around the curtilages of the properties which front onto Winterbrook, the street of that name. I heard much evidence about the historical development of Winterbrook (the small settlement) to the south of Bradford's Brook, as an outlier within the parish of Cholsey. However, I do not agree that Winterbrook is now capable of being 'read' as a separate hamlet as some have suggested. It has been subsumed into the urban area of Wallingford, and indeed the urban area now also extends beyond the southern part of Winterbrook and the WCA. No doubt this played a part in the recent parish boundary changes which brought Winterbrook into the parish of Wallingford from the parish of Cholsey.
37. The key characteristics of the WCA were largely described at the inquiry as being centred on its enclosed and linear nature. This is also evident from the Winterbrook Character Assessment of September 2012. The north to south axis of the road is flanked by walls, buildings and vegetation for much of the length within its boundaries. This does indeed impart a linear, almost tunnel like feeling when passing through. There are a good number of access points along the route but (with the notable exception of The Murren) these do not register as compromising the enclosed and linear character. The Murren is in any event specifically excluded from the WCA because of its discordant impact resulting from the wide bellmouth and grass verges which are seen there.
38. The walls and vegetation alongside the road form the boundaries of a variety of dwellings styles. There are 5 listed buildings, terraced dwellings, cottages and more modern properties. Some lie in spacious grounds, others have small curtilages. As noted in the Character Assessment the buildings generally form a coherent and legible phase in the development of Wallingford, much of it

during the 19th century. Many of the buildings are identified as being of local merit. The Character Assessment also notes the open fields to the east and west as providing an attractive setting but these are not included within the WCA itself. In my judgement the significance of the WCA lies primarily in its linear and enclosed form at the southern entrance to Wallingford.

39. I deal first with that part of the site which lies within the WCA. This relatively small parcel of land abuts Bradford's Brook to the north and currently has a dwelling set back some distance into the site with a large garage between it and the road. I heard much criticism of the Appellant at the inquiry relating to the treatment of this property, where a boundary wall and trees have been removed, and the property itself partially boarded up. However there is no allegation that any actions carried out were unlawful, and I have recorded earlier the fact that planning permission exists to demolish the dwelling and replace it with another. Consequently whilst I am aware of the concerns expressed by local residents about the actions of the Appellant, they can carry no weight in this appeal.
40. The replacement dwelling can rightly be regarded as a fallback position for this part of the appeal site. I have little doubt that the Appellant would build the dwelling as permitted with or without this appeal succeeding. If the appeal succeeds it would form plot 1; if the appeal fails it would be a stand alone permission. There are no perceivable differences between the design and location of the dwelling in either scenario.
41. Of great significance is the fact that the permitted new dwelling (or plot 1 dwelling) would be set some distance closer to the road than the one it would replace. This would have 2 effects. First, it would highlight the perception of built development creating enclosure and linearity. The building would come into view sooner than that existing when travelling either north or south, and hence would perceptibly increase the sense of enclosure at this point. Having said that I accept that enclosure was formerly present in the form of a low wall and vegetation, but I must deal with the current situation. I note, however, that the permission for the replacement dwelling includes a condition requiring details of a front boundary wall to be approved and implemented, and this could also apply to any permission granted on appeal. I am therefore satisfied that over time the replacement dwelling (either from this scheme or the stand alone permission) would be likely to increase the characteristics of linearity and enclosure.
42. The second effect of the replacement dwelling positioning is that the gap between it and No 24 Reading Road (to the north) would be perceived as being less open. This is the corollary of the increase in enclosure. At present the gap is seen as quite wide because of the setback of the existing dwelling, but this would change with the dwelling being further forward.
43. But there remains the question of the access point itself, which for the permitted replacement dwelling would be some 4.1m wide and for the appeal scheme would be about 5m (increasing to 6m within the site) with a 2m footway, and a 0.75m verge. The access radii would also be greater in the appeal scheme. The 2m footway would curve to the north and include a new section alongside Winterbrook/Reading Road which does not presently exist. The net result would clearly be that the access to a housing scheme would be seen as being wider and more urban than that for a single dwelling. That said I

do not put much store by the argument that the give way lines at the junction would cause any material difference to the locality as these would be short and at ground level.

44. In my judgement it is the access from the main road which would have the greatest direct impact on the WCA. In the 2011 appeal decision the Inspector concluded (prior to WCA designation) that "*there would be an element of harm to the significance of the non designated asset comprising the linear nature and sense of enclosure of Winterbrook...*". That is a fair assessment but I also concur with his conclusion that the form of the access itself would be sensitive to its location and would incorporate the use of suitable surfacing materials. The landscaping alongside Bradford's Brook as proposed in the scheme before me would soften the impact of the access to a degree, but it could not lessen the impact of its use. Albeit that there might be something below one car per minute during peak hours, the simple fact of vehicles entering and leaving would draw attention to the actuality that an estate road was present here. Any glimpses of the buildings forming the appeal scheme (apart from plot 1) are likely to be fleeting, but would add something to the overall visual impact.
45. Taking these matters in the round it is my judgement that there would be some direct harm to the character and appearance of the WCA here as a result of the introduction of a new access road, albeit in a restrained form, and from the use of that road. The impact would be significantly different to the perception of other access points in the WCA, even if Winterbrook Lane is included, since the others are narrow and for the most part lack formal radii and footpaths. The bringing forward of the dwelling on plot 1 and proposed landscaping would not entirely mitigate that impact. In essence the significant characteristic of the WCA which stems from the enclosure and linearity would be diluted to a small degree. In terms of paragraph 134 of the NPPF I assess the impact as less than substantial. Nonetheless the resultant limited harm carries considerable importance and weight in the planning balance.
46. I turn now to the impact on setting. This relates only to the western environs of the WCA. There is no statutory duty here in respect of the WCA, but the NPPF at paragraph 132 makes it plain that the setting of any heritage asset can be material.
47. The western edge of the WCA runs alongside the site boundary at which point it is made up of undeveloped fields which I was told are periodically used for grazing. They are unremarkable fields, relatively flat and featureless, with only remnants of vegetation and the former orchard present. There is no sense on the ground of any ridge and furrow or other historic features. From this direction on the appeal site it is difficult in isolation to understand the WCA as a heritage asset, and its significance. Properties within the WCA are for the most part fairly well concealed and contained within their curtilages. There is no sense at all of the linear and enclosed nature which lends so much to the significance of the area. In fact it seems to me that the fields are little more than a pleasant edge to the urban area in physical terms, and offer no great 'on the ground' understanding of the WCA as a whole.
48. However, I heard much evidence relating to the 'intellectual' understanding of the WCA which stems from the history of the appeal site as part of the land worked by the probable occupants of the buildings within the WCA. That evidence is entirely convincing, and the link between the buildings and

surrounding fields is readily understood by reference to the ancient and more modern mapping introduced in evidence.

49. But the historical linkages have been all but lost (with the exception I deal with below). As I have indicated there is not much on the ground to impart any significance to the WCA by reference to the fields to the west. The Conservation Area Assessment itself refers to them as an attractive setting but does not draw any significance from them in heritage terms. The Assessment describes the significance as being associated with the features I have described at length – linearity and enclosure – and the positive contribution of the buildings themselves. Although farm buildings and former common land are noted, no reference to any significance being imparted by the land to the west is expressed. In short the significance is defined largely by reference to the buildings and their curtilages.
50. I agree with the evidence given on behalf of the Appellant that the land to the west has interest largely insofar as it can be shown to have changed and developed over time in combination with the land encompassed by the WCA, and that interest will remain in the form of documentation associated with it. But in reality there is little on the ground to impart any further significance to the relationship between the appeal site and the WCA. Although the site cannot be anything other than land which forms part of the setting of the WCA it contributes little to its significance and there would be minimal harm to the setting if the land were to be developed. In terms of the NPPF it would be less than substantial harm.
51. I should note that the Inspector's Report on the examination of the CS deals with similar matters in relation to the consideration of housing sites for the town. The Inspector noted previous appeal decisions, as do I. However, his conclusions on the heritage aspects of the sites he was considering could not have taken account of the specifics of the evidence before me. In any event the Inspector relies heavily on the findings of the previous (2011) appeal decision which I have addressed and dealt with in this appeal. As such I do not consider that the CS Inspector's Report adds anything to the matters in play here.
52. At this point I address the matter of Winterbrook Close. It is an integral part of the WCA and is listed Grade II. Nothing in the list entry identifies any links with the land to the west (the appeal site) and I noted at my accompanied site inspection that the common boundary with the land comprises a high brick wall. This is pierced by an arched gateway clearly designed to give access to the west. The house itself is also plainly visible from the appeal site above the wall. I therefore find it difficult to accept that there was not a functional link between the house and the land of some sort. Furthermore it seems clear that that link would logically lead to at least some of the appeal site being correctly regarded as being within its setting. The expert witness for SAW regards it as such.
53. Previous appeal decisions relating to proposals on this land do not assist a great deal. The first (APP/Q3115/A/09/2113256) does not identify Winterbrook Close as a listed building, though it does consider 2 others in the vicinity of the then proposed access. The second (APP/Q3115/A/11/2145037) does not address listed buildings at all. Matters of heritage were not specifically raised as main issues in that decision.

54. Returning to the impact on the setting of Winterbrook Close I have a duty under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. There is intervisibility between the appeal site and the building, and some indication of a functional link (I can put it no higher than that and the arched gateway between the two may have served any number of unknown functions).
55. I have considered the evidence in relation to this matter. However in my judgement the appeal proposals are bound to have an impact on the setting of Winterbrook Close. There is a physical link between the two and it defies logic to suggest that the site does not lie within its setting to a degree at least. The open field could be accessed from Winterbrook Close and it must have at least some significance to it as, at the very least, access for the purposes of repairing the boundary wall. The building of a housing estate, even allowing for the open space proposed for that area, would change the relationship between the open land and Winterbrook Close. Whilst the contribution of the land to the significance of the listed building may be small the development would be harmful to it by introducing built development in a location which was previously an open part of the setting. However, again following the advice of paragraph 134 of the NPPF, any harm would be less than substantial.
56. To conclude on heritage matters I find the following:
- There would be less than substantial harm to the Winterbrook Conservation Area;
 - There would be less than substantial harm to the setting of the Conservation Area;
 - There would be less than substantial harm to the setting of Grade II listed Winterbrook Close.
57. CS Policy CSEN3 seeks to conserve and enhance the historic environment. There is an implicit requirement to assess proposals which come forward and specific reference to the guidance of the NPPF. I therefore consider that the policy should attract full weight. The proposed development in causing less than substantial harm to heritage assets would conflict with this policy. Saved LP Policy CON7 seeks to protect conservation areas and their settings. I agree with the Council's planning witness that this policy carries reduced weight in light of its lack of requirement for a balancing approach. Nonetheless the proposal would be in conflict with this policy.

Housing Mix

58. This is a matter which can be dealt with relatively quickly. The Council's residual concern is that the mix of market housing proposed would not meet the terms of CS Policy CSH4, which requires a mix of dwelling types and sizes to meet the needs of current and future households.
59. The latest iteration of market housing mix³ for the scheme proposes 10 x 2 bed dwellings (20% of the total) 19 x 3 bed dwellings (37%) and 22 with 4 or more beds (43%). Although Policy CSH4 is not specific the Council suggest that this

³ As shown in the agreed table at Document 17

mix is weighted too heavily towards larger dwellings. The basis for the Council's concern is found in the SHMA, which suggests a mix for South Oxfordshire of about 6% 1bed, 27% 2 bed, 43% 3 bed and 24% 4+ bed. The identified mix is also given Oxfordshire wide in the SHMA and that shows similar proportions.

60. However, the SHMA comments that "*...we do not strongly believe that such prescriptive figures should be included in the plan making process and that the 'market' is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time.*" That seems to me to be eminently pragmatic. Clearly the market, in this case the developer, has an important role to play in determining what type of property is likely to sell, and what the overall scheme can support. The SHMA also comments that the figures it sets out can be used as a monitoring tool to avoid unbalanced provision in the area. The thrust of the report seems to suggest that the proportions set out are relevant in a wider context than individual sites.
61. The actual provision on any site must also pay heed to the context in which the development is proposed. In this case Winterbrook is not an existing high density location and the Appellant has reasonably assessed what might be built there. The mix on another site, Wallingford Greenfield for example, might be expected to be different and more attuned to greater proportions of smaller dwellings.
62. Taking this matter in the round I am satisfied that the proposed development provide an acceptable mix of market housing in its context. There is no conflict with CS Policy CSH4.

Other Material Considerations

63. I deal next with other matters raised prior to turning to the planning balance.

Impact on the Countryside

64. The appeal site is, as noted earlier, largely made up of undeveloped agricultural land on the edge of Wallingford. There is some development to the north, east and south and the land forms a roughly rectangular shaped indent into the urban area. There are no landscape designations attaching to the land. The 2 previous appeal decisions, neither of which covered exactly the same site area, dealt with countryside impact.
65. The first appeal decision (in 2010) concluded that the development then proposed would not be harmful to the character or appearance of the area when viewed from the west. This point was further considered in the second appeal (in 2011) and similar conclusions reached. In each case reference was made to the proposed landscaping in the appeal schemes creating a satisfactory edge to the urban area. Such landscaping is also a matter in the appeal before me, and I see no reason to disagree with the previous Inspectors that the development of the site would not be unacceptably harmful to the countryside setting of Wallingford. There is therefore no conflict with saved LP Policies G2 and G4.

Impact on Winterbrook Lane

66. Winterbrook Lane runs alongside the small paddock which forms the southern extremity of the appeal site and is a narrow thoroughfare giving access to a

number of dwellings before becoming a public right of way. It has previously been described as being semi-rural in character. That is a fair assessment. The proposals would not involve taking any vehicular access from the lane, but 2 pairs of semi detached houses would front onto the lane within the area of the current paddock.

67. This would change the configuration of dwellings along the lane, but not to a significant degree. The gap formed by the paddock would be partially enclosed but landscaping would be retained alongside the lane itself. The degree of urbanisation would therefore be mitigated. Overall I do not consider that the character of Winterbrook Lane would be materially changed.
68. It is worth noting here that Winterbrook Lane is part of the Agatha Christie trail which encompasses Wallingford and Cholsey. Agatha Christie was resident in Winterbrook House for much of her life. That property lies to the east of Winterbrook and there is no suggestion that it would be affected by the development. The trail would pass by the access to the appeal site and the minor part of the development fronting Winterbrook Lane. But there would be no impact on the users of the trail in my judgement. This is not a matter which carries weight in the overall balance.

Highways and Transportation

69. Many of those attending the inquiry expressed concern about the highway implications of the proposal in relation to safety. At my site visits, both that accompanied and on the several other unaccompanied trips I made to the area, I saw for myself that traffic on Reading Road/Winterbrook does not always flow freely. This is largely because of the permitted parking along the road which acts as a brake to flow since it permits only one way traffic in places. However, even during my visits in peak periods I did not observe anything which could be described as severe congestion.
70. Facilities for pedestrians are located on one side of the road or the other only for much of its length, with the crossing point between the 2 being close to the site entrance. In this respect the stretch of 2m footway which would loop out of the site and run northwards would benefit both existing highway users and those resident at the appeal scheme. The footway would necessitate the narrowing of the carriageway, but the highway authority has not raised issue with that.
71. The evidence submitted indicates that traffic flows resulting from the development would be less than one vehicle per minute, even at peak times (as briefly noted earlier). This has not caused either the highway authority or the Council to express concerns. Given my own observations of the traffic and highway situation in the vicinity of the appeal site I am also satisfied that the highway network could absorb the extra traffic. There is certainly no evidence that the residual cumulative impact on traffic and transport would be severe as described in paragraph 32 of the NPPF, and hence there is no justification for preventing development on these grounds.
72. One further point is worth adding. The concerns expressed about the difficulty of crossing the medical centre/hospital entrance on foot would be addressed by the provision of a pedestrian refuge at that point. This would be assured by planning obligation, which I deal with later. As such this would add a further beneficial element into the local pedestrian environment.

73. Taken overall there are no grounds for dismissing the appeal in relation to highways and transportation matters.

Living Conditions

74. The access road to the site would run between 2 Winterbrook (Plot 1) and No 24 Reading Road. No 24 is located on an island where Bradford's Brook splits. It is at a slightly lower level than the appeal site overall, and the northern part of the curtilage of 2 Winterbrook slopes down towards the Brook.
75. The garden of No 24 is made up of the island on which it sits. It therefore has strong boundaries which are already quite well vegetated. At my site visit I could see into that property, but not to any significant degree. The appeal scheme includes further proposals for landscaping along the northern boundary, and it would therefore be possible to reinforce planting to ensure that there was no undue loss of privacy at No 24.
76. There would also be traffic associated with the development, and this would run roughly parallel to the southern boundary of No 24, but gradually easing away from it. The distance involved combined with the landscaping which could be provided leads me to the conclusion that the impact of traffic on the occupants of No 24 would not be unduly harmful. Similarly I consider that pedestrians entering the site could readily be segregated from the locality immediately adjoining No 24 by judicious planting.
77. There has been concern expressed that traffic leaving the site at night would lead to disturbance in properties to the east side of Winterbrook because of headlight glare. I could not rule out such disturbance on occasion but I do not consider that it would amount to sufficient harm to weigh against the proposal.
78. On this matter I therefore conclude that any impacts on living conditions for nearby residents would be minor and/or capable of being mitigated, and not sufficient to conclude that the appeal should be dismissed for that reason.

Flooding

79. I heard evidence that Bradford's Brook has flooded in the past, and that flood risk mapping in the area has been changed and lowers the apparent risk from the Brook. There is concern that the development might exacerbate the situation and result in future flooding.
80. However, I have no evidence to substantiate those fears. The Appellant has commissioned a flood risk assessment (FRA) and this has been accepted as satisfactory by the relevant authority. Flooding is not a matter contested by the Council. In short, I consider that the matter of flooding has been properly considered by the Appellant, has demonstrated that the site is capable of being developed in this respect, and that this is not a matter which weighs against the proposal.

Design

81. This final matter is not at issue. It is worth recording though that no party has criticised the intrinsic design of the dwellings which would be provided. Any design issue, so far as it exists, relates to the access provision and its impact on the area which I have dealt with above.

The Balancing Exercise

82. The Appellant rightly indicated that there are a number of the individual judgements to be made, each of which is based on a balance of various factors, prior to the overarching balance being determined.
83. First, in relation to the main issues my judgements are:
- Housing land supply should be dealt with at district wide level and in this respect I find that there is no demonstrable 5 year supply of deliverable sites. This renders housing supply policies out of date. The spatial strategy of the CS is an important consideration, but in this case the development would not cause harm to that strategy. There is no conflict with CS Policy CSS1. The development plan pulls in 2 directions in relation to the strategy for Wallingford, and on balance, in light of the contingency elements of the CS and the reduced weight attaching to supply policies I consider that the development would be in general accordance with that strategy.
 - There would be less than substantial harm to the Winterbrook Conservation Area (S72 duty) and its setting, and less than substantial harm to the setting of Winterbrook Close (S66 duty). The limited harm identified must carry substantial importance and weight. The proposal would be in conflict with CS Policy CSEN3 and saved LP Policy CON7 (though the latter carries reduced weight).
 - The housing mix proposed would be acceptable and I find no conflict with CS Policy CSH4.
84. In order for NPPF paragraph 14 to be engaged the development must be capable of being defined as sustainable. This has 3 dimensions as set out in NPPF paragraph 7. They are economic, social and environmental. I deal with each in turn.
85. Economic. There has been no suggestion that the development would not bring economic benefit. Apart from the direct investment in labour and materials there would be benefit to the Wallingford area in the support of local services. Other economic benefits include the new homes bonus.
86. Social. The supply of housing, and in particular affordable housing, would address a significant shortfall of provision. Local services, including public transport, are highly accessible and available and the development would assist in sustaining the community's needs for health, cultural and social well being.
87. Environmental. The main point of disagreement between the parties here is the impact of the proposal on heritage assets. There is some harm as I have pointed out, but this is less than substantial as assessed in the terms of the NPPF. There would be no identified material harm in other respects such as to landscape, ecology, biodiversity or flooding.
88. Footnote 9 of the NPPF is clear that the policy set out at paragraph 134 (which applies in this case) is to be treated as a restrictive policy. This does not mean that planning permission should necessarily be refused but it is necessary to balance the great weight of less than substantial harm to heritage assets against the benefits of the scheme. Footnote 9 is also clear that the enhanced weight afforded by paragraph 14 would not apply where less than substantial

harm to heritage assets is identified as a result of carrying out the test within paragraphs 132 to 134. As such I cannot apply that enhanced weight in the overall balancing exercise.

89. Even so, taking these three dimensions of sustainability as set out in the NPPF it is my judgement that the less than substantial harm in heritage terms does not significantly detract from the overall sustainable credentials of the site. I agree with the Appellant that a holistic approach should be taken in this respect which embraces all three strands of sustainability. In this light I am satisfied that it is right to define the development as being sustainable. But as noted, the restrictive element of paragraph 134 means that the enhanced weight of paragraph 14 cannot apply. A straightforward planning balance must therefore be carried out.
90. So far as benefits are concerned there is no dispute between the Council and the Appellant that the provision of affordable housing is to be welcomed. This is a clear benefit of the scheme in an area which has a high demand for such provision. In addition the development would go some way to addressing the need set out in the NPPF to boost significantly the supply of housing in a wider sense. That the site is deliverable in the relatively short term is also of benefit. There is further benefit flowing from the support the occupants of the dwellings would be able to offer to Wallingford itself.
91. There is no clear conflict with the development plan when taken as a whole. The scheme is both in accordance with and in conflict with different policies. There is less than substantial harm to heritage assets. In making a final balance of the factors in play I give substantial weight to the provision of housing and affordable housing, and the fact that it can be delivered quickly in an area which has seen a significant house building deficit. These factors are sufficient to outweigh the considerable importance and weight which attaches to the less than substantial harm to heritage assets. My overall judgement, therefore, is that the development should be permitted.
92. In reaching this conclusion I differentiate it from previous appeal decisions because of the compelling need and weight attaching to the provision of housing and affordable housing, and the lack of a demonstrable 5 year supply of deliverable sites. This, added to the introduction of the NPPF with its exhortation to boost significantly the supply of housing, means that the background to the appeals has changed significantly in the intervening period.

S106 Obligations

93. At the inquiry I was presented with 2 planning obligations pursuant to S106 of the 1990 Act. The obligations are essentially the same, with one being dependent upon my agreement to accept the revised drawings which I dealt with at the start of this decision. In this section I refer only to one obligation but the comments would equally apply to both. I have evidence from both the District Council and County Council which deals with the need for the provisions within the obligation and compliance with the Community Infrastructure Levy (CIL) Regulations. I can therefore deal with this matter relatively briefly. There is as yet no CIL charging schedule in place for South Oxfordshire.
94. First, the Obligation makes provision for the provision of affordable housing. There is no dispute that this is necessary, is directly related to the development

- and is fairly and reasonably related to it. The tests of the CIL Regulations are met.
95. Secondly the Obligation makes provision for public open space and its management to be provided on site, and retained as such. This also meets the tests of the CIL Regulations.
96. Thirdly the Obligation requires the developer not to commence development until agreement has been reached in relation to the provision of access to the site and to abide by a travel plan (to be agreed pursuant to a planning condition). Again these matters are not in dispute and meet the tests of the CIL Regulations.
97. The Obligation also requires the payment of a number of contributions to the District Council. These are for the following facilities:
- Artificial Grass Pitch at Wallingford Sports Park
 - Community Facilities for works to adapt the Regal Centre, Wallingford
 - Football contribution to contribute to extended changing rooms at Crowmarsh Paddock
 - Indoor Sports at Abbey Sports Centre
 - Multi Use Games Area (MUGA) contribution towards a MUGA at Bullcroft
 - Pavilion contribution for changing rooms at Wallingford Sports Park
 - Play facilities or health and fitness stations at Bullcroft or any site identified by the Town Council
 - Public art and public art maintenance on or in the vicinity of the site
 - Recycling towards the provision of recycling and waste bins for the site
 - Rugby contribution towards improved provision at Wallingford Sports Park
 - Street naming towards the naming and numbering within the development
98. The information before me⁴ indicates that the relevant contributions have been calculated by reference to overall costs for each project and the increase in Wallingford's population expected to arise from the development. This information also includes written evidence that these projects have fewer than 5 existing contributions in each case. I am therefore satisfied that the District Council contributions meet the tests of the CIL Regulations.
99. In relation to County Council contributions these would address:
- Bus infrastructure and services contributions
 - Cycle Infrastructure contribution
 - Library contribution to facilitate expanded capacity
 - Primary and Secondary education contributions to facilitate expanded capacity
 - Travel plan monitoring contribution
 - Traffic Regulation Order contribution
100. The contributions have been assessed by reference to population increase resulting from the development. I heard oral evidence and have written confirmation of the calculations⁵. The Appellant confirmed at the inquiry that it was content that the contributions were CIL Regulations compliant. I have no reason to disagree.

⁴ Document 9

⁵ Document 17

101. Separately there is provision in the Obligation for the payment of administration and monitoring fees to both District and County Councils. Whilst these do not involve major sums I was invited to consider whether these payments are CIL compliant. The County Council produced support from Counsel, but the High Court judgement⁶ of Mrs Justice Lang as referred to at the inquiry effectively makes compliance (or otherwise) a matter of planning judgement. Any complex and 'multi-layered' obligation which requires what might be regarded as unusual responsibilities for administration and monitoring might well be regarded as necessary to make the development acceptable.
102. I acknowledge that the Obligation in this case involves a number of matters, and some of these require payments at different times. However, none seems to me to be particularly complicated or out of the ordinary, and I note that the County Council in particular employs a team of officers to deal with obligations. Given that this is a relatively small project which might be expected to come forward and be completed in a relatively short period it seems to me that any administration and monitoring, important as it is, would for the most part also be over a relatively short period. In this instance it is my judgement that the provisions of the Obligation are not so complicated that payment towards monitoring or administration would be necessary to make the development acceptable. Hence that part of the Obligations does not meet the tests of the CIL Regulations.

Conditions

103. An agreed list of conditions was submitted as part of the Additional Statement of Common Ground. These were discussed at the inquiry. I have reached the conclusion that conditions are reasonable and necessary in order to ensure a satisfactory development in respect of the appearance of the development and its surroundings, highway safety, the amenity of nearby residents, ecology, biodiversity, flood prevention, archaeology, air quality and pollution prevention. Where necessary I have amended the wording of the suggested conditions for clarity. I have also added a condition requiring a travel plan as otherwise the submitted S106 Agreement would make no sense in that regard.
104. The Council also suggested a condition dealing with lifetimes homes standards. However, those standards have been replaced by national technical standards. In light of this I see no need to impose such a condition.

Overall Conclusion

105. For the reasons set out in the preceding sections I conclude that the appeal should be allowed.

Philip Major

INSPECTOR

⁶ Oxfordshire County Council v SoS for CLG and others [2015] EWCH 186 (Admin)

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details shown on the following approved plans, as cited in the Additional Statement of Common Ground, and as amended at the inquiry and shown in Inquiry Document 18, except as controlled or modified by conditions of this permission.

14090 – S101c (Site Location Plan @1:1250
14090 – C101e (Coloured Site Layout) @1:500
14090 – C103c (Site Layout showing Affordable Locations) @1:500
14090 – P101L (Site Plan Ground Level) @1:500
14090 – P102Q (Site Plan Roof Level) @ 1:500
14090 – S102 (Existing Site Survey) @ 1:500
14090 – P110 (Plot 1) Plans @ 1:100
14090 – P111 (Plot 1) Elevations @ 1:100
14090 – P112a (Plots 2-3) Plans and Elevations @1:100
14090 – P113b (Plot 4) Plans and Elevations @1:100
14090 – P114b (Plots 5-6) Plans and Elevations @1:100
14090 – P115b (Plots 7-8) Plans and Elevations @1:100
14090 – P116c (Plots 9-10) Plans and Elevations @1:100
14090 – P117a (Plots 11-12) Plans and Elevations @1:100
14090 – P118b (Plot 13) Plans and Elevations @1:100
14090 – P119a (Plots 14-15) Plans and Elevations @1:100
14090 – P120a (Plots 16-17) Plans and Elevations @1:100
14090 – P121d (Plot 18) Plans and Elevations @1:100
14090 – P122b (Plots 19-21) Plans and Elevations @1:100
14090 – P123b (Plots 22-23) Plans and Elevations @1:100
14090 – P124b (Plot 24) Plans and Elevations @1:100
14090 – P125c (Plots 25-31) Plans @1:100
14090 – P126a (Plots 25-31) Elevations @1:100
14090 – P127c (Plots 32-36) Plans @1:100
14090 – P128d (Plots 32-36) Elevations @1:100
14090 – P129a (Plots 37-38) Plans and Elevations @1:100
14090 – P130c (Plots 39-40) Plans and Elevations @1:100
14090 – P131 (Plots 41-42) Plans and Elevations @1:100
14090 – P132 (Plots 43-44) Plans and Elevations @1:100
14090 – P133a (Plots 45-46) Plans and Elevations @1:100
14090 – P134a (Plots 47-49) Plans and Elevations @1:100
14090 – P135c (Plots 50-66) Plans @1:100
14090 – P136b (Plots 50-66) Plans @1:100
14090 – P137a (Plots 50-66) Elevations @1:100
14090 – P138a (Plots 67-71) Plans @1:100
14090 – P139a (Plots 67-71) Elevations @1:100
14090 – P140a (Plot 72) Plans and Elevations @1:100
14090 – P141b (Plot 73) Plans and Elevations @1:100
14090 – P142b (Plot 74) Plans and Elevations @1:100
14090 – P143 (Plot 75) Plans and Elevations @1:100
14090 – P144 (Plot 76) Plans and Elevations @1:100
14090 – P145b (Plots 77-78) Plans and Elevations @1:100
14090 – P146b (Plots 79-83) Plans and Elevations @1:100

- 14090 – P147a (Plots 84-85) Plans and Elevations @1:100
14090 – P148b (Garages) Plans and Elevations @1:100
14090 – P149b (Garages) Plans and Elevations @1:100
14090 – P150b (Garages) Plans and Elevations @1:100
- 3) Details of all boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development. All such approved means of enclosure shall be erected prior to the first occupation of the development.
 - 4) Prior to the commencement of the development hereby approved samples of the materials and finishes to be used for the external walls and roofs shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
 - 5) Prior to the commencement of development details of the vehicular and pedestrian accesses to the site shall be submitted to and approved in writing by the local planning authority. Such details shall include visibility splays for the vehicular access measuring 2.4 x 43 metres in both directions. The access and visibility splays shall be provided prior to the occupation or use of the new development and thereafter maintained free from obstruction to vision.
 - 6) No dwelling shall be occupied until the roads serving the whole of that part of the development under construction (apart from the wearing course and kerbing) have been constructed in accordance with the specification in Oxfordshire County Council's Residential Road Design Guide.
 - 7) Prior to commencement of development, a written scheme of archaeological investigation shall be submitted to and approved in writing by the local planning authority. Following the approval of the written scheme of investigation a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved written scheme of investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority.
 - 8) A Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved CMP shall be implemented, complied with and retained throughout the construction period and shall include details of the following:
 - a) Vehicle parking for construction workers, other site operatives and visitors;
 - b) Site office and other temporary buildings;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials;
 - e) Wheel washing facilities;
 - f) Measures to control the emission of dust and dirt;
 - g) A scheme for recycling and disposing of waste materials;
 - h) Installation and maintenance of security fencing.

- 9) Prior to the commencement of development a scheme for the landscaping of the site, including the retention of and planting of live trees and shrubs together with information on underground services, and the provision of boundary fencing, screen walling and hard surfaced areas, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development and thereafter be maintained in accordance with the approved management scheme (condition 10). 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, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of species first approved by the local planning authority, shall be planted and properly maintained in a position or positions first approved in writing by the local planning authority.
- 10) Concurrent with the submission of comprehensive details of the proposed landscape works, a landscape management plan (LMP) for the maintenance of the soft and hard landscaping works shall be submitted to and approved in writing by the local planning authority. Thereafter the LMP shall be implemented as approved.
- 11) Prior to the use or occupation of individual dwellings, the car parking spaces and turning area provisions to serve such dwelling shall be constructed, surfaced and marked out. The parking spaces shall be constructed to prevent surface water discharging onto the highway. Thereafter, the parking spaces shall be kept permanently free of any obstruction to such use.
- 12) Prior to the use or occupation of individual dwellings details of a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented as approved.
- 13) Prior to the commencement of any site works or operations relating to the development hereby permitted, an arboricultural method statement to ensure the satisfactory protection of retained trees during the construction period shall be submitted to and approved in writing by the local planning authority. Written approval must be obtained prior to commencement of any site works including demolition. The matters to be encompassed within the arboricultural method statement shall include the following:
 - a) A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities;
 - b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection;
 - c) 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;
 - d) The means of demolition of any existing site structures, and of the reinstatement of the area currently occupied thereby;

- e) The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees;
- f) The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;
- g) The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the root protection area, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage;
- h) Provision for the supervision of any works within the root protection areas 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.

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.

- 14) No development shall take place until details of the provisions for the following species have been submitted to and approved in writing by the Council:
 - a) Design and location for three permanent artificial swift nesting boxes/sites adjacent to Bradford's Brook;
 - b) Design and location for five permanent crevice roosting sites for bats;
 - c) Design and location of one bat loft to be created above one garage adjacent to Bradford's Brook;
 - d) Specification of the lighting scheme for areas along the Bradford's Brook designed to minimise the impacts on protected species such as bats and otters.The approved works shall be implemented prior to first residential occupation of 30 dwellings.
- 15) In connection with the implementation of this permission no construction works shall take place outside the hours of 7:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. Works shall not take place at all on Sundays, Public or Bank Holidays.
- 16) Prior to the commencement of the development a detailed environmental management plan (EMP) shall be submitted to and approved in writing by the local planning authority. The EMP should cover the area of land between the development and the Bradford's Brook, and the proposed orchard area. The EMP shall include:
 - a) Plans showing the extent and layout of a (minimum) 8m buffer zone alongside Bradford's Brook. The buffer zone shall be free from built development including lighting and domestic gardens. (the buffer zone shall be measured from the top of the bank of the watercourse,

defined as the point at which the bank meets the level of the surrounding land.)

- b) Details demonstrating how the buffer zone and orchard will be protected during development;
- c) Description and evaluation of the features to be managed;
- d) Ecological trends and constraints on site that may influence management;
- e) Aims and objectives of management;
- f) Appropriate management options for achieving aims and objectives;
- g) Prescriptions for management actions for a 20 year period;
- h) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
- i) Personnel responsible for implementation of the plan;
- j) Monitoring and remedial/contingency measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise amended and approved in writing by the Local Planning Authority.

- 17) Prior to the commencement of development details and location of 'rapid charge' electric vehicle charging points for parking spaces shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 18) Prior to commencement of development details of surface water drainage works shall be 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 in accordance with the principles set out in the submitted documents (FRA ref 131087 – R2(5), RSK January 2015 and the flood risk update statement) 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 the following:
 - a) Information about the design storm period and intensity with reference to Spring 2014 groundwater levels, 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;
 - b) A timetable for its implementation;
 - c) A management and maintenance plan for the lifetime of the development – ie arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the system throughout its lifetime;

The development shall not be occupied until the approved surface water drainage works have been implemented.

- 19) Prior to commencement of development details of the mitigation measures proposed in Table 21 of the air quality assessment (ref 33975R2 – REC 18 December 2014) and those on page 32 of the assessment as well as a timetable for implementation, shall be submitted for approval in writing by the local planning authority. The details shall

be implemented in accordance with the timetable and maintained thereafter.

- 20) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref 131087-R2(5)-FRA (RSK, January 2015) and Flood Risk Assessment Update Statement (RSK), and the following mitigation measure detailed within the FRA Update Statement: Provision of 127.19m³ of compensatory flood storage up to the 1 in 100 year plus an allowance for climate change flood level of 45.66mAOD, as detailed within Figure 8 rev 5 (RSK). The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 21) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- 22) If, during development or as part of any further investigation, contamination not previously identified is found to be present at the site then no further development of the contaminated part of the site (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval for the strategy from the local planning authority. The remediation strategy shall be implemented as approved.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Westmoreland Smith He called	Of Counsel
Mr Nicholas Worlledge BSc PGDipArchCons MRTPI IHBC	Worlledge Associates
Mrs Philippa Jarvis BSc(Hons) DipTP MRTPI	Philippa Jarvis Planning Consultancy Ltd

FOR THE APPELLANT:

Mr Sasha White He/She called	Queen's Counsel
Dr Chris Miele MRTPI IHBC	Senior Partner, Montagu Evans
Mr Mark Hewett Mr Asher Ross BTP MLandEcon MRTPI	Intelligent Land (for round table housing session) Director, Boyer Planning Ltd

FOR SAVE WINTERBROOK (SAW):

Mr Trevor Davies He/She called	Founder Member, Save Winterbrook
Mr Adam Jones Mr Martin Andrew MA MPhil MRTPI IHBC	Opening submissions on behalf of SAW Witchert Heritage Consultancy Ltd
Mr Trevor Davies	Gave evidence on his own behalf and presented closing submissions
Mr Andrew Millar	Local Resident
Mr Graham Wren	Local Resident
Dr Samantha Potter	Local Resident
Mr Arnold Grayson	Local Resident
Mr Simon Josephs	Local Resident
Mrs Vanessa Jameson	Local Resident
Mr Justin Donnan	Local Resident
Mr Robin Sladden	Local Resident
Mr James Robinson	Local Resident
Mr David Griffin	Local Resident

OTHER INTERESTED PERSONS:

Mr Adrian Lloyd Prof Richard Harding	Wallingford Town Councillor Chairman, Council for the Protection of Rural England, Wallingford
Mr Alan Pope	Oxfordshire County Council

DOCUMENTS HANDED IN AT THE INQUIRY

From the Local Planning Authority

- DOC 1 Opening Statement by Mr Westmoreland Smith
- DOC 2 Winterbrook Conservation Area Designation Consultation Responses
- DOC 3 Selected Historic Maps
- DOC 4 Wallingford Housing Completions
- DOC 5 Housing delivery update
- DOC 6 Secretary of State Decision – APP/Q3115/A/14/2221828
- DOC 7 High Court Judgement – *Bloor Homes East Midlands Ltd* – March 2014
- DOC 8 Position statement on housing land supply following the Shiplake decision
- Doc 9 Community Infrastructure Levy compliance note
- DOC 10 Closing Statement by Mr Westmoreland Smith

From the Appellant

- DOC 11 Opening Submissions by Mr White
- DOC 12 Statement of Common Ground between the Appellant and the Council
- DOC 13 Additional Statement of Common Ground
- DOC 14 Agreed Statement on transport matters between the Appellant and Oxfordshire County Council
- DOC 15 Additional evidence of Mr Hewett on housing land supply
- DOC 16 Detail of parish boundary changes
- DOC 17 Corrected version of justification for the County Council planning obligation requirements
- DOC 18 Agreed lists of application drawings and accommodation as amended
- DOC 19 Housing trajectory comparison table
- DOC 20 Closing submissions of Mr White

From Save Winterbrook

- DOC 21 Opening statement by Mr Jones
- DOC 22 Statement of Mr Davies
- DOC 23 Statement of Mr Millar
- DOC 24 Statement of Mr Wren
- DOC 25 Statement of Dr Potter
- DOC 26 Statement of Mr Grayson
- DOC 27 Statement of Mr Josephs
- DOC 28 Statement of Mrs Jameson
- DOC 29 Statement of Mr Donnan
- DOC 30 Statement of Mr Sladden
- DOC 31 Statement of Mr Robinson
- DOC 32 Statement of Mr Griffin
- DOC 33 Closing Statement by Mr Davies

From Other Parties

- DOC 34 Submissions from Prof Harding, CPRE
- DOC 35 Community Infrastructure Compliance notes from Oxfordshire County Council
- DOC 36 Table of contribution calculations from the County Council

Documents received after the inquiry

DOC 37 Statement from Cllr Lloyd

Other Documents

DOC 38 Planning Obligation – Scheme A

DOC 39 Planning Obligation – Scheme B

REVISED PLANS SUBMITTED AT THE INQUIRY

14090/C101E	Coloured site layout
14090/C103C	Site layout showing affordable locations
14090 P101 L	Proposed site layout (ground floor level)
14090 P102 Q	Proposed site layout (roof level)
14090 P125 C	Proposed floor plans plots 25 - 31
14090 P130 C	Proposed plans and elevations plots 39 - 40
14090 P135 C	Proposed floor plans plots 50 – 66 (ground and first)
14090 P136 B	Proposed floor plans plots 50 – 66 (second and roof)
14090 P145 B	Proposed plans and elevations plots 77 - 78
14090 P146 B	Proposed floor plans and elevations plots 79 - 83

Richborough Estates