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## Appeal Decision

Inquiry opened on 13 December 2016

Site visit made on 19 December 2016

**by David Prentis BA BPI MRTPI**

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

**Decision date: 13 February 2017**

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**Appeal Ref: APP/D3125/W/16/3148400**

**Land adjacent to Hanborough Station, Long Hanborough OX29 8LA**

- 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 Commercial Estates Group against the decision of West Oxfordshire District Council.
  - The application Ref 15/03797/OUT, dated 25 September 2015, was refused by notice dated 3 March 2016.
  - The development proposed is erection of up to 120 dwellings and provision of a building for Class D1 use together with associated works.
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### Decision

1. The appeal is allowed and outline planning permission is granted for erection of up to 120 dwellings and provision of a building for Class D1 use together with associated works at land adjacent to Hanborough Station, Long Hanborough OX29 8LA in accordance with the terms of the application, Ref 15/03797/OUT, dated 25 September 2015, subject to the conditions set out in the attached schedule.

### Application for costs

2. At the Inquiry an application for costs was made by Commercial Estates Group against West Oxfordshire District Council. This application is the subject of a separate decision.

### Preliminary matters

3. The Inquiry sat for 6 days on 13 – 16, 20 and 21 December 2016. There was an accompanied site visit on 19 December 2016 and I carried out unaccompanied visits to the site and surrounding area before and during the course of the Inquiry.
  4. The application is in outline with only the means of access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters. The plans offered for approval comprise a location plan, a site access drawing, a visibility splay study and 3 parameter plans dealing with land use, density and building heights. In addition, there is an illustrative masterplan and an illustrative plan showing woodland buffer planting.
  5. The description of development on the application form was more extensive than that set out above and included the following:
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*Adjacent land to be retained to facilitate the delivery of up to a 400 space railway station car park and ancillary uses (including a new station building, retail and bus drop off facilities).*

6. However, the land proposed to be retained for station enhancements was not included within the application site boundary. The Council amended the description of development to that set out above, with the agreement of the appellants, and I have approached my decision on that basis.
7. Two Unilateral Undertakings (UU) dated 21 December 2016 were submitted at the Inquiry. A third UU was discussed at the Inquiry but was not signed because it had been subject to amendments at a late stage. I therefore allowed a short period following the Inquiry for it to be signed and submitted. This UU is dated 22 December 2016.
8. The first UU is made to the Council (UU1). It would make provision for 50% of the proposed dwellings to be delivered as affordable housing. It also provides for financial contributions to sports and play facilities and public art. The second UU is made to Oxfordshire County Council (UU2). It makes provision for contributions to bus infrastructure, library services, primary and secondary education, bus service enhancements and travel plan monitoring. The Council confirmed that it was satisfied that UU1 and UU2 had resolved the concerns reflected in the 5<sup>th</sup> reason for refusal.
9. The Council and the County Council provided written evidence<sup>1</sup> of compliance with Regulation 122 and (where relevant) Regulation 123 of the Community Infrastructure Levy Regulations in respect of UU1 and UU2. Further oral evidence was given in answer to my questions at the Inquiry. Whilst the weight to be attached to some of the contributions was not agreed by all parties there was no dispute that the obligations themselves were in accordance with the Regulations. I see no reason to take a different view and have therefore taken UU1 and UU2 into account in reaching my decision. I comment further on some of the individual obligations in the relevant sections of my decision.
10. The third UU is made to the Council (UU3). It provides for the adjacent land referred to above to be offered to Great Western Railway (GWR) for the purposes of providing station car parking and other station facilities. This was a controversial matter which I return to below.
11. Hanborough Parish Council was given Rule 6 status and was represented at the Inquiry.

### **Main issues**

12. The main issues are the effects of the proposals on the character and appearance of the area and on the historic environment.

### **Reasons**

#### ***Background and policy context***

13. The development plan includes the saved policies of the West Oxfordshire Local Plan 2011 (WOLP). There is an emerging local plan, the West Oxfordshire Local Plan 2031 (eWOLP), which contains policies that are potentially relevant to the appeal. These include policies relating to the location of development, design,

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<sup>1</sup> LPA6, LPA7, LPA8

infrastructure, the delivery of housing, affordable housing, landscape and the historic environment. The examination of the eWOLP commenced in 2015 but was subsequently suspended to enable further work to be carried out. It is anticipated that the examination will resume in 2017. At this stage I consider that only limited weight can be given to the eWOLP because there are unresolved objections to it.

14. At this stage of the preparation of the eWOLP the Council and the appellant agree that the Oxfordshire Strategic Housing Market Assessment 2014 provides an appropriate basis for establishing an objectively assessed need for housing in West Oxfordshire. Making due allowance for a shortfall in delivery over the period 2011 to 2016, an apportionment of unmet need from Oxford City and the buffer required by the National Planning Policy Framework (the Framework) the Council and the appellant agreed that there is currently 3.3 years housing land supply.
15. Both parties emphasised that their agreement was solely for the purposes of this appeal. No doubt this matter will be explored further in the context of the eWOLP examination. However, no alternative figure was put in evidence and I have no reason to doubt that the agreed figure is a reasonable one to adopt for present purposes. It follows that paragraphs 14 and 49 of the Framework are engaged and that relevant policies for the supply of housing should not be considered up-to-date.

***Effect on the character and appearance of the area***

16. The appeal site comprises around 5.18ha of agricultural land within two field parcels. It has a frontage to Main Road (A4095). It is not covered by any landscape designations although it is close to the Cotswolds Area of Outstanding Natural Beauty (AONB) which lies to the north. The north eastern boundary of the application site runs parallel with the North Cotswolds railway line. The site boundary cuts across the fields, having been defined by the proposal to reserve a strip of land adjacent to the railway for station enhancements. There is a block of woodland adjacent to the eastern corner of the site and there are further agricultural fields to the south, south west and west.
17. To the north east of the railway are Hanborough Station and a grouping of predominantly industrial and commercial uses, including the Hanborough Business Park, within the triangle formed by the railway, Main Road and Lower Road. To the north of Main Road the land falls steeply towards the valley of the River Evenlode. Beyond the river the land rises to a wooded ridge forming part of the parkland of Blenheim Palace. Blenheim Palace, together with its park, is a World Heritage Site (WHS) and the park is also a Grade I Registered Park and Garden.
18. Long Hanborough originated as a predominantly linear settlement along Main Road and Millwood End. Millwood End is now a Conservation Area and the older buildings there, and those along Main Road, are important to the character and local distinctiveness of the village. During the 20<sup>th</sup> century there was an expansion of residential development, particularly towards the western end of the village. The development of commercial premises around the station also took place in the 20<sup>th</sup> century. Planning permission has recently been granted

on appeal for up to 169 dwellings to the south of Witney Road, at the western end of the village (the Pye Homes scheme)<sup>2</sup>.

*Effect on landscape character*

19. The site is within the National Landscape Character Area *Upper Thames Clay Vales*. However, I consider that the more detailed character areas identified in the West Oxfordshire Landscape Character Assessment are of more help in assessing the appeal proposals. The site is covered by the *Eynsham Vale* character area, which is subdivided into various landscape character types. The site is in the *Semi-Enclosed Rolling Vale Farmland* character type, the characteristics of which include large-scale arable fields with regular field boundaries, some smaller scale pasture, a structure of hedgerows, trees and occasional blocks of woodland and a semi-enclosed character. Together with adjoining land to the south and west, the site is representative of this landscape character type.
20. The Council contended that the site should be regarded as a 'valued landscape', as that term is used in paragraph 109 of the Framework. There is no single definition of the term but the *Guidelines for Landscape and Visual Impact Assessment 3* (GLVIA3) set out some factors that can help in identifying valued landscapes<sup>3</sup>. In my opinion the site is part of a pleasant but unremarkable tract of rural landscape. Whilst it is representative of the *Semi-Enclosed Rolling Vale Farmland* character type, it is of no more than moderate scenic quality. Due to the proximity of the Hanborough Business Park, A4095 and the railway it could not be described as either wild or tranquil.
21. The Council argued that in this case the continuity of the landscape with that of the AONB, the proximity of heritage assets and recreational use are all important considerations. However, I saw that on the ground there is a clear distinction between the landscape character of the Evenlode valley and that of the Eynsham Vale. Moreover, the boundary of the two areas is at Main Road, which runs along a low ridge. Consequently there are only limited opportunities to see the AONB and the Eynsham Vale character area in the same view. Both can be seen from the footway of the A4095 as it crosses the railway. There are also some middle distance views towards the Eynsham Vale character area from points in the vicinity of East End (within the AONB)<sup>4</sup>. The appeal site, which is around 1 – 1.5km from these viewpoints, is hard to distinguish at this distance.
22. For reasons which I expand on below, I do not consider that the role the site plays in the settings of heritage assets should be regarded as an important factor in this case. I note that there is a public footpath leading from Main Road to Pinsley Wood which crosses the site and I take account of the likely recreational use of this path. Even so, my overall assessment is that the appeal site is not a valued landscape for the purposes of the Framework.
23. Nevertheless, I recognise that the appeal scheme would result in a complete change in the character of the site itself. Notwithstanding the urban influences referred to above, the site is predominantly rural. Under the appeal proposals

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<sup>2</sup> APP/D3125/W/15/3129767

<sup>3</sup> Box 5.1

<sup>4</sup> Mr Radmall's viewpoint 3 and Mr Ayton's figure 14

the greater part of the site would be developed with roads and buildings, resulting in a loss of rural character.

*Visual impacts*

24. The visual envelope of the appeal scheme would be localised. Whilst there would be some views from residential properties fronting Main Road, such views would be at an oblique angle. As discussed below, although the scheme would be visible from the vicinity of East End, it would not change the general character of the view. The main visual receptors would be users of Main Road itself and users of the public footpath.
25. The undeveloped nature of the appeal site can be appreciated from a relatively short section of Main Road, with the most extensive view being from the footway of the railway bridge. The frontage development would be readily apparent in such views. The degree of visual impact here would depend on the detailed siting and design of the scheme, which would be determined at reserved matters stage. Subject to an appropriate design being achieved, which would be in the control of the planning authority, there is no reason why this part of the scheme should be out of keeping with the general character of the frontage development further along Main Road. Moreover, whilst the masterplan is illustrative, it shows one way in which the proposed access could create an opportunity to open up a view towards Pinsley Wood from Main Road.
26. The Council expressed concern about the visual impact of new highway infrastructure. To my mind this point was somewhat overstated. The proposal is for a simple priority junction which would not require extensive highway works. The right turn lane on Main Road could be achieved with minimal highway widening. Moreover, the new junction would be seen in the context of the existing A class road which already has various junctions and a range of highway markings.
27. I consider that the most significant visual effects would be those experienced by users of the public footpath. Although there are already buildings in view, using this footpath is essentially a rural experience. That experience would be changed significantly by the appeal scheme which would form a substantial element in views from the north west and from the south. The section of footpath within the site would skirt a housing development rather than passing through an open field as it does now. As above, the degree of visual impact would be dependent on the detailed design, the layout and the landscaping of the scheme and I anticipate that there would be some softening of the impact as landscaping matures.

*Effect on the landscape of the AONB*

28. I have referred above to two viewpoints within the AONB in the vicinity of East End. A further viewpoint within the AONB was identified near Watermeadow Lodge<sup>5</sup>. There was disagreement between the respective landscape witnesses as to whether the appeal scheme would be visible at all from one of the viewpoints near East End<sup>6</sup>. Moreover, the appellant was highly critical of the Council's visual material relating to this viewpoint<sup>7</sup>.

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<sup>5</sup> Mr Ayton's figure 12

<sup>6</sup> Junction of Bolton's Lane and Park Road – Mr Radmall's viewpoint 3

<sup>7</sup> Mr Radmall's viewpoint 3 photograph used a red line (to identify the site) rather than a photomontage of the proposed development. The photomontage was submitted at the Inquiry at the request of the appellant (LPA4)

29. Although the proposed development is hard to see in the photomontage<sup>8</sup>, from my observations on site I believe it would be visible to the naked eye. That said, it would be a very small element in a broad panoramic view. Moreover, it would be seen in the context of other, more prominent, development along Main Road. Thus there would be no change in the general character of the view. My assessment of the effect on the other viewpoint near East End is the same.
30. It is likely that the proposed development on the site frontage could be glimpsed in views from a track near Watermeadow Lodge. However, it would be seen in the context of other development fronting Main Road against the backdrop of a wooded skyline. Again, there would be no change in the general character of the view. I conclude that there would be no material impact on the landscape of the AONB.

#### *Loss of gap*

31. The Council's second reason for refusal refers to the importance of the gap occupied by the appeal site. There are two physically distinct parts of the village. The ribbon of development along Main Road, which extends eastwards from the core of the village, ends to the west of the appeal site. To the east of the railway there are some residential properties fronting Main Road, the station and associated car parks and an extensive area of mixed commercial uses. Development on the appeal site would in effect create a more or less continuous frontage on the south side of Main Road (subject to the potential retention of a view towards Pinsley Wood, as noted above).
32. In assessing the weight to be attached to this point, it is necessary to bear in mind that the gap is not identified in the WOLP or in any other statement of planning policy. Moreover, for the reasons given above, I do not agree that the gap has an important role in linking landscapes to the north and south. For those travelling along the A4095 in vehicles the gap is unlikely to be seen as a strong feature. The length of road affected is quite short and views of the site are limited in any event. It seems to me that most vehicle occupants would be more likely to perceive the beginning (or end) of the village to be to the east of the railway, around the entrance to the Business Park.
33. I have no doubt that the separation between the two parts of the village is experienced as a positive feature by those using the footway to Main Road and by those using the public footpath. Consequently, I consider that the loss of this gap should be regarded as an adverse visual impact and that some weight should be attached to this factor.

#### *Design and density*

34. The second reason for refusal refers to the extent of development '*past the single plot ribbon development*'. Whilst it is right to say that parts of the village comprise single plot ribbon development, it is clear from the submitted plans, photographs and historical studies that much of it does not. There are extensive areas of 20<sup>th</sup> century development which extend far beyond the frontages of the main streets. The Inspector who considered the Pye Homes appeal commented that the estate-type developments of the 20<sup>th</sup> century now

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<sup>8</sup> Inspector's note – when printed at A3

form part and parcel of the structure and character of the village. I agree with that assessment.

35. The Council also raised concerns about building heights and density. However, the application is in outline and all matters of detailed design and layout would be determined at reserved matters stage. I consider that the parameters plans perform a useful function in that they define which parts of the site would be used for the main land uses, where green infrastructure would be located and what the maximum building heights and density would be. However, these are maxima and it would still be necessary for any submission of reserved matters to demonstrate good design within those limits.
36. The Council criticised the proposals on the basis that the design rationale was a response to proposed station enhancements which have yet to materialise in any detail. The station improvements are shown on the masterplan but that is, of course, purely illustrative. There are no detailed proposals in any planning policy document and any plans GWR may have are not in the public domain. That said, it is only the parameter plans which are offered for approval at this outline stage. The principle of locating the higher density development closer to the railway and business park, with lower density development closer to the adjoining fields, seems to me sound whatever form station enhancements may ultimately take.
37. There would be a strip of land between the site boundary and the railway line which would be left unused for the time being. Whilst that would not be an ideal situation, a condition could be imposed requiring appropriate fencing and management of the land until such time as it is needed. I do not think that this is a factor which weighs significantly against the scheme.

*Conclusions on the first main issue*

38. I have found that the appeal scheme would result in a loss of the current rural landscape character of the site. There would also be some adverse visual impacts, principally for users of the public footpath which crosses the site, and the scheme would result in the loss of the gap in the developed frontage on the south side of Main Road. On the other hand there would be no material harm to the landscape of the AONB and the landscape and visual impacts of the scheme would be localised. My overall assessment is that the landscape and visual impacts should attract moderate weight in the planning balance.
39. The proposals would be contrary to WOLP Policy NE1, which seeks to protect the countryside for its own sake, and to Policy NE3 which seeks to protect local landscape character. They would also conflict with Policy BE4 which seeks to protect open spaces within and adjoining settlements<sup>9</sup>. However, these are policies which restrict the supply of housing. They are not to be regarded as up-to-date due to the housing land supply position. I return to the weight to be attached to the conflict with these policies in the conclusion of this decision.
40. The Council also alleges conflict with Policy BE2, which sets out general development standards, and H2 which sets general residential development standards. It seems to me that these are policies which are directed to the quality and design of development. In this case appearance, layout, scale and landscape are reserved matters. I see no reason why an acceptable design and

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<sup>9</sup> That part of the appeal site closest to Main Road appears to me to be an example of a 'paddock and informally grazed small field' which is one of the types of open space the policy seeks to protect

layout could not be achieved within the limits set by the parameter plans. In my view the proposals accord with these policies, insofar as they are able to at this outline stage.

***Effect on heritage assets***

41. The Council and the appellant were in agreement that the two heritage assets of concern in this case are Blenheim Palace, a Grade 1 Registered Park and Garden and a WHS, and the Old Farmhouse, a Grade II listed building. Both assets are physically separated from the appeal site – the point at issue is whether there would be harmful change to the settings of the assets.

*Blenheim Palace*

42. The summary of the Outstanding Universal Value (OUV) of the WHS notes that the site was presented to the First Duke of Marlborough by the nation in recognition of his victory over French and Bavarian troops in 1704. The Palace was built between 1705 and 1722 and is regarded as an outstanding example of the work of John Vanbrugh and Nicholas Hawksmoor. The original landscape was laid out by Vanbrugh and was later modified by Lancelot 'Capability' Brown from 1761 onwards. Brown created two lakes, which are seen as one of the greatest examples of naturalistic landscape design. The Palace and the Park illustrate the beginnings of the English Romantic movement.
43. High Park is the section of the park which is closest to the appeal site. It was once part of a medieval deer forest and now comprises an area of ancient oak woodland on a hill to the west of the lake. The southern side of the hill slopes down to the valley of the River Evenlode. High Park was largely untouched by Capability Brown's works. Due to its wooded nature there are no views out towards the appeal site. There are views of High Park from Main Road and glimpses of it from the public footpath. However, in these views it is seen simply as a densely wooded ridge rather than as a distinct or identifiable element of the WHS. The appeal site contributes little, if anything, to the ability to experience the heritage asset. Thus, whilst it is within the setting, in my view it is not a part of the setting which is important to the significance of the heritage asset.
44. The objectives of the *Blenheim Palace World Heritage Site Management Plan 2006* (WHS MP) include maintaining, conserving and enhancing the Outstanding Universal Value (OUV) of the WHS. The WHS MP has been prepared under the guidance of a steering group representing (amongst others) the Blenheim Estate and English Heritage and English Nature (as they then were). It is an important material consideration. The WHS MP notes that the site is bounded by a park wall which affords a high level of containment and protection. Unlike many other WHS it does not have a buffer zone. However, there are some areas outside the WHS which are identified as needing specific levels of protection. These are shown on Figure 8 which identifies important views into the park from Woodstock and a significant view from the Palace to Bladon Church. Neither of these views would be affected by the appeal scheme.
45. The Council argued that the proposals would be harmful to the setting of the WHS because there would be a loss of an agricultural landscape which forms an important part of the context for the WHS. Moreover, it was suggested that there was a design intention to create views over the appeal site and that the



- development would impinge on views from points close to the boundary of the WHS.
46. Figure 8 of the WHS MP identifies specific areas of inter-visibility between the WHS and surrounding agricultural land where development could have an effect on setting. These are to the west of the park, well away from the appeal site. Figure 8 also identifies the Evenlode valley as agricultural land which significantly contributes to the setting of the WHS. The area identified in Figure 8, which is to the north of Main Road and north east of the railway, is indeed close to the appeal site. However, as explained above, there is a clear change in landscape character at this point and limited inter-visibility between land to the north and south of Main Road, which is on a ridge. So it is unsurprising that the appeal site is not shown with the same notation as the Evenlode valley.
47. The second line of argument relies on a map of 1709, understood to have been drawn by one of Vanbrugh's assistants, which shows a loose grid of tracks or rides within the woodland at High Park. The suggestion advanced was that these were intended to create views out over the surrounding countryside. There are a number of difficulties with this suggestion. First, the Blenheim Park Parkland Management Plan 2014 (PMP) timeline analysis for High Park comments that the 1709 map needs to be treated with some caution as the series of rides is likely to be 'indicative'. There is no evidence that they were ever implemented. Given that they do not feature on the map of 1763, the likelihood is that they were not implemented.
48. In any event, Vanbrugh's work on the parkland was overlain by that of Capability Brown later in the 18<sup>th</sup> century. Brown's work left High Park untouched as a naturalistic setting for his other works. There is no evidence that Brown thought it necessary to create specific views out to the south.
49. Even if the 1709 map were taken at face value, the curving nature of the rides and the lack of any break in the continuous boundary wall do not indicate to me that there was any conscious design decision to create specific views. Moreover, High Park is a Site of Special Scientific Interest because of the veteran trees that it contains. If it were thought desirable (in heritage terms) to create rides in this part of the WHS in the future, in practice that seems unlikely to happen due to the impact on the ecology of the WHS which would result.
50. The Council argued that there may have been times in the past when the tree cover was less dense than it is now, enabling some views out. That may be so but does not alter the position now. There is no reason to think that significant opening out of the woodland is likely in the future. I note that the PMP states that '*other secondary but still important views should be retained or reinstated*'. The PMP itself identifies a number of views, including key views, secondary views and lost views. None of these are near the appeal site. Given that the evidence suggests that the indicative rides on the 1709 plan were not implemented, they could not be reinstated.
51. I turn to the two viewpoints outside the WHS which were put forward by the Council – these were at East End and near Watermeadow Lodge and have been described above. The Council and the appellant disagreed as to the historic importance of the access track at Watermeadow Lodge. However, to my mind little turns on that point. The more important point is that, for the reasons

given above, the general character of the views would be unchanged notwithstanding that some parts of the appeal scheme could be glimpsed from these viewpoints.

52. My overall assessment is that the appeal scheme would have no material impact on the setting or the significance of the WHS. The setting would be preserved and the OUV of the WHS would be unharmed.

#### *The Old Farmhouse*

53. The Old Farmhouse is a mid/late 17<sup>th</sup> century farmhouse (later extended) located some 100m from the nearest part of the appeal site on the south side of Main Road. Some of the associated farmstead buildings survive but these are now in separate ownership. Documentary evidence indicates that land to the south, including the appeal site, was once farmed by the tenant of the farmhouse. The building has architectural and historic interest as a vernacular farmhouse of the period.
54. As seen from Main Road, the farmhouse is contained within a ribbon of predominantly 20<sup>th</sup> century residential development. Whilst the building itself can be appreciated from this side, the setting does not contribute anything to the ability to experience the asset. The appeal site entrance would be at some distance from the farmhouse and the appreciation of the listed building would not be materially affected by the appeal scheme.
55. The Council's concern relates to the impact on views from the footpath which runs to the rear of the farmhouse and crosses the appeal site. The farmhouse can be seen from points on the footpath within the appeal site. These are views which are likely to be lost as a result of the proposals. However, at this distance the listed building is not readily distinguishable from the houses around it. These views do not provide an opportunity to appreciate what it is that is special about the listed building. Walking north west on the footpath, it is only when the viewer draws closer to the farmhouse that its significance as a heritage asset can be appreciated. By this stage the appeal site is behind the viewer and the proposed development would not impinge on the experience of the listed building.
56. Walking south east on the footpath, the rear of the farmhouse is open to view. The relationship of the farmhouse to the farmland it was once associated with has been weakened by the loss of any functional or ownership link and by the formation of a residential curtilage around the farmhouse. Even so, the agricultural land use forms part of the surroundings in which the listed building is experienced and makes a contribution to its overall significance.
57. The appeal site forms part of an agricultural landscape extending southwards to Pinsley Wood. However, it is at an oblique angle to the southerly aspect of the listed building and would have little impact on views from the house itself. Development on the appeal site would be apparent in views eastwards from the footpath in the vicinity of the listed building. The business park is already seen in such views and the effect of the appeal scheme would be to bring built development closer to the viewpoint. However, the ability to see the relationship between the farmhouse and the extensive tract of agricultural land to the south would be retained.

58. My overall assessment is that the ability to experience the listed building would not be materially altered by the appeal scheme. There would be no harm to its significance as a designated asset and its setting would be preserved.

*Conclusions on the second main issue*

59. I conclude that the appeal proposals would not result in material harm to the significance of any designated heritage assets. They would accord with WOLP Policies BE8 and BE11 which seek to protect the settings of listed buildings and historic parks and gardens.

**Other matters**

*Social and economic benefits*

60. The Council and the appellant have agreed that, for the purposes of this appeal, the current housing land supply in West Oxfordshire is 3.3 years. There is no obvious reason why the appeal site should not be developed within 5 years, making a welcome contribution to reducing the current shortfall in supply. Moreover, UU1 would provide for 50% of the units to be affordable. That would be an important additional benefit given the need for affordable housing in the district. It would also be in accordance with WOLP Policy H11 which seeks an element of affordable housing in residential development schemes. The delivery of new housing would bring economic benefits including employment during construction and the generation of additional household expenditure in the local economy. Mindful of the current supply position, I attach significant weight to these social and economic benefits.

*Community facilities and services*

61. Policy H7 of the WOLP identifies 9 settlements as service centres. These comprise the 3 main towns in the district and 6 other settlements including Long Hanborough. The Statement of Common Ground notes that Long Hanborough is a location that is suitable for development of an appropriate scale and type. The Council and the appellant agree that there is a range of services and facilities within walking and cycling distance of the site. These include a primary school, children's nursery, supermarket, post office, doctors' surgery, dentist, village hall and sports ground.
62. The Parish Council expressed concern about primary education. The existing primary school would need to be expanded to accommodate children from the appeal scheme and other planned development at Long Hanborough. A planning obligation made in connection with the Pye Homes scheme makes provision for a new school playing field, thereby enabling the school to be extended within its existing site. UU2 would secure a proportionate contribution from the appeal scheme towards the expansion of the primary school. Nevertheless, the delivery of the school expansion would still be dependent on the implementation of the Pye Homes scheme.
63. At the time of the Inquiry the submission of a reserved matters application for the Pye Homes scheme was under discussion and there did not appear to be any reason why it would not be implemented. However, to address the possibility that it might not come forward, the appellant suggested a condition preventing occupation of the appeal scheme until the playing field land has been transferred to the County Council or some alternative provision for primary education has been made. I agree that it would be appropriate to

impose such a condition. The Parish Council also suggested that the school site would become unduly cramped. However, I have no reason to doubt the appellant's evidence that, with the additional playing field, the site area would meet normal requirements.

64. The Pye Homes scheme would also include a new doctors' surgery. This would have sufficient capacity to accommodate additional patients from the appeal scheme. As with the school playing field, delivery is not assured until the Pye Home scheme commences. However, given that there are alternative GP services within a reasonable distance, it would not be reasonable to impose a Grampian condition in respect of GP facilities.
65. UU1 would provide for contributions to sports and play facilities and UU2 makes provision for contributions to library services and secondary education. Overall, I consider that the proposals would accord with WOLP Policy BE1 which seeks to ensure that adequate services and community infrastructure are available to support development.

#### *Travel and transport*

66. The application was accompanied by a transport assessment which included modelling of various junctions in the local highway network. The Church Road/Main Road roundabout in Long Hanborough is of concern to local residents. It is already operating over capacity in the peak hour and this is likely to get worse with the general growth in traffic, with or without the appeal scheme. However, the amount of additional traffic attributable to the appeal scheme would be small relative to the total volume of traffic passing through the junction. The highway authority is not seeking any physical improvements to this junction. The conclusion of the transport assessment was that there would not be a severe impact on the highway network, either at the Church Road/Main Road roundabout or at any other junction. This conclusion was accepted by the Council and by the County Council as highway authority. I see no reason to take a different view.
67. The proposed site access would be a simple priority junction with a right turn lane for vehicles entering the site. Two uncontrolled pedestrian crossing points are proposed – one either side of the access. These would provide a means of getting to and from the footway and cycleway on the north side of Main Road. The Hanborough Action Group (HAG) and others question the safety of the access arrangements, in particular due to the proximity of the railway bridge. Access is not a reserved matter and the submitted plans show that 2.4m x 90m visibility splays could be achieved in both directions. On my site visit I was able to see that meeting the required standard does not depend on drivers being able to see past the crest of the bridge. That said, when looking from the site access approaching vehicles come into view before they reach the crest of the bridge. The access arrangements have been the subject of a Stage 1 safety audit.
68. Turning to the availability of other modes of transport, the crossing points mentioned above would give access to a continuous footway and cycleway linking to the centre of the village, which is about 1.5km from the site, and to the station which is nearby. The transport assessment concluded that the services and facilities within the village would be within a reasonable walking and cycling distance. That conclusion was challenged by HAG, in particular because there is an uphill slope between the site and the village. I note that

the walking times were calculated by reference to standard techniques. They are recognised as averages and it is inevitable that individual journey times will vary. From what I saw the gradient along Main Road is not so great as to call into question the findings of the transport assessment on this point.

69. HAG and local residents also questioned the safety of the footway over the railway bridge. I saw that there are some bollards on the edge of the footway, some of which had apparently been knocked over at the time of my visit. The bollards appear to have been placed so as to maintain a gap of at least 0.9m to the bridge parapet. Based on the advice of Manual for Streets this is sufficient for a wheelchair to pass. There are pinch points on the footway but I accept the appellant's evidence that at no point is it less than 1.0m (which is regarded as a minimum in Inclusive Mobility) and that the general width is above the 1.2m which enables an adult and child to walk side by side.
70. The bridge is not a particularly attractive environment for pedestrians because of vehicles passing close by. However, the evidence before me shows that it complies with minimum standards. In any event, the footway is part of the existing highway infrastructure and there is no reason to think it is unduly hazardous.
71. There is an hourly bus service between Witney and Woodstock via Long Hanborough which passes the appeal site. UU2 would secure improvements to the bus stops serving the site. In addition, there would be a contribution to service enhancements. The County Council explained that the contribution would be pooled with others from developments along the route in order to improve the frequency of the service to two per hour<sup>10</sup>. The County Council considers that this would significantly enhance the attractiveness of the service.
72. HAG and the Parish Council were sceptical about whether the improvements would materialise and how effective they would be. On the other hand Stagecoach, the bus operator, is supportive of the scheme on the basis that it is beneficial to site new housing in locations where it can readily be reached by bus services. In my view the existence of an established bus route operating without subsidy is an important factor weighing in favour of the appeal. At the Inquiry the County Council confirmed its expectation that sufficient pooled funds would be available to achieve the stated level of improvement. I have no reason to doubt the County Council's evidence on this point and I agree that the suggested increase in frequency would make the service significantly more attractive to potential users.
73. The site is close to Hanborough Station which provides approximately hourly services to Oxford, Reading and London amongst other destinations. At the Inquiry the appellant conceded that Hanborough Station could not really be described as a '*transport hub*' with current service frequencies<sup>11</sup>. Nevertheless, there is a considerable amount of commuting from West Oxfordshire to Oxford City. The proximity of the appeal site to the station would make rail an attractive option for making journeys to Oxford and other employment

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<sup>10</sup> LPA7 – it is envisaged that this would be pump-priming support which would last for 5 years, after which the service would become self-financing

<sup>11</sup> Inspector's note – in cross-examination Mr Tustain accepted that Hanborough did not meet the definition of a hub (which was then set out in CD10 - a consultation document on changes to national planning policy) although he thought it could in the future. Since the close of the Inquiry the Government has indicated that it will not now adopt this definition. However, this does not alter the conclusions I reached on the evidence before the Inquiry.

- destinations. The attractiveness of this option would be increased by committed improvements to seating capacity and journey times.
74. There has been a significant increase in passenger numbers on the railway line in recent years. GWR and the County Council have aspirations for future improvements to service frequencies and journey times and for enhancements to the facilities, car parking and access arrangements at Hanborough Station. Those future improvements provide the underlying rationale for UU3 which would make land available to the train operating company for station car parking and other station facilities. GWR supports the appeal.
75. The Council argued that UU3 is not necessary, not directly related to the development and not fairly and reasonably related in scale. The appellant's primary case was also that the obligation is not necessary to make the proposal acceptable in planning terms. However, the appellant argued in the alternative that weight could be given to UU3 to counter-balance harm to landscape or heritage assets (in the event that such harm was to be identified).
76. In this case I have not identified harm to heritage assets and, as will be seen in my conclusions, the landscape harm that I have identified is outweighed by the social and economic benefits of housing delivery. Accordingly I agree with the Council and the appellant that the obligation is not necessary and have not relied on it in reaching my conclusions. It is not therefore necessary for me to comment further on whether the obligation is directly related to the development and/or fairly and reasonably related in scale.
77. Whilst I note the intentions to achieve significant enhancements to the station and to rail services, at this stage these intentions are aspirational. For the purposes of this appeal I have taken account of the current rail services together with the committed improvements anticipated during 2017/18<sup>12</sup>.
78. Finally, I also take account of the proposed travel plan which would be secured by a condition. UU2 includes funding for travel plan monitoring. These measures would encourage the use of sustainable modes of transport. My overall assessment is that the appeal proposals have taken up the opportunities for sustainable transport modes. Moreover, there would be a safe and suitable means of access to the site and the development would not result in severe residual cumulative impacts on the transport network.

### *Ecology*

79. The application was supported by an ecology report which concluded that no designated sites are likely to be directly affected. The majority of the site comprises arable fields or semi-improved grassland of limited ecological value. Scattered trees and woodland edge habitat would largely be retained. Whilst a section of hedgerow would be lost, this would be offset by new planting. The site provides suitable foraging for badgers and bats and there is a low population of great crested newts approximately 200m from the site.
80. The recommendations of the ecology report include measures to protect retained trees and hedgerows, to maximise the ecological value of new planting and to avoid excessive light-spill. Mitigation measures in relation to bats, badgers and great crested newts are identified. The Council and the appellant agree that the implementation of these measures, which could be secured by a

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<sup>12</sup> See GWR letter of 26 February 2016 at Appendix RS2 to Mr Stacey's proof of evidence

condition, would address the ecological impacts of the scheme<sup>13</sup>. It is also agreed that, given the relatively limited ecology of the site at present, there is potential for a net gain in biodiversity. I see no reason to disagree with these conclusions. Although this potential benefit is unquantified, it should attract some weight in the overall planning balance.

*Other matters raised by Hanborough Parish Council and/or HAG*

81. HAG points out that the site was not identified in the Council's Strategic Housing Land Availability Assessment 2014. Whilst that may be so, it does not prevent the merits of the site being tested through the appeal process. HAG is also concerned that the appellant company has aspirations to develop a much larger area for up to 800 homes. I have considered the appeal before me on its individual merits. If any further proposals were to come forward they would be looked at in the same way.
82. Photographs have been submitted of standing water on Main Road in the vicinity of the site frontage. The application was supported by a flood risk assessment which identified that the site itself is at low risk of flooding. The scheme would include a sustainable drainage system, the details of which could be controlled by a condition. This would ensure that there was no addition to any existing localised surface water drainage problems on the public highway. I note that the highway authority has raised no objection to the application on highway safety grounds. There is no evidence that this is a matter which should carry significant weight in this appeal.

*Public Sector Equality Duty*

83. A local resident argued that the appeal scheme would not be accessible to those with limited mobility, including the elderly, disabled people and young children. Accessibility within the site is something which would be considered at reserved matters stage. There is no reason to think that appropriate standards could not be achieved. In terms of access to and from the site, the scheme includes crossing points to an existing footway and cycleway on the north side of Main Road. The footway and cycleway itself would not be affected by the appeal scheme.
84. For the reasons given above, I do not consider that the slope to the west of the site is such as to undermine the findings of the transport assessment in relation to access to local services. The footway over the railway bridge complies with standards set out in Inclusive Mobility. Consequently, I do not consider that there would be any disproportionate impacts on groups sharing protected characteristics.

**Conclusions**

85. The proposals would conflict with WOLP Policies NE1, NE3 and BE4 which together seek to protect the countryside, local landscape character and open spaces adjoining settlements. They would accord with Policy H11, relating to affordable housing, Policy BE1 relating to services and community infrastructure and Policies BE8 and BE11 relating to listed buildings and historic parks and gardens. Subject to satisfactory design and layout, which could be controlled at the reserved matters stage, they would accord with Policies BE2 and H2. Nevertheless, due to the conflict with Policies NE1, NE3 and BE4 the

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<sup>13</sup> Including the requirements of the Habitats Regulations in relation to great crested newts and bats

- scheme should be regarded as being in conflict with the development plan as a whole.
86. Relevant policies for the supply of housing are not to be regarded as up-to-date due to the housing land supply position. It follows that paragraph 14 of the Framework is engaged. I have not identified material harm in relation to heritage assets and none of the other restrictive policies referred to in footnote 9 are applicable. Accordingly, the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
87. In this case I attach significant weight to the social and economic benefits of housing delivery, including the delivery of 50% of the units as affordable housing. The fact that the scheme would be accessible by sustainable transport modes is also an important consideration. In addition, I attach some weight to the potential for enhancements to biodiversity.
88. Bearing in mind the considerable shortfall in housing land supply in the District, I conclude that only limited weight should be attached to the conflict with Policies NE1, NE3 and BE4. The main adverse impacts would be a loss of the current landscape character of the site, adverse visual impacts, principally for users of the public footpath which crosses the site, and the loss of the gap in the developed frontage on the south side of Main Road. However, the landscape and visual impacts of the scheme would be localised and I have concluded that they should attract only moderate weight.
89. Bringing all this together, I find that the adverse impacts would not be sufficient to significantly and demonstrably outweigh the benefits of the appeal scheme. The proposals would therefore amount to sustainable development as defined in the Framework. Material considerations indicate that permission should be granted notwithstanding the conflict with the development plan. The appeal should therefore be allowed.

### **Conditions**

90. The Council suggested conditions which I have considered in the light of Planning Practice Guidance (the Guidance). The substance of the suggested conditions was not generally controversial although there was some disagreement over detailed wording. In some cases I have adjusted the detailed wording to reflect discussions at the Inquiry and in the light of the Guidance.
91. Conditions 1 to 3 are standard conditions for outline planning permissions. I have reduced the standard time periods to reflect the fact that the ability of the site to contribute to the 5 year housing land supply has been taken into account in this decision. Condition 4 requires development to be in accordance with the access plans and the parameters plans, reflecting the Guidance. A separate limit on building heights is not necessary because this is covered by the parameters plans.
92. Conditions 5 to 8 require details of access roads within the site, car and cycle parking and the surfacing of the existing public right of way to be submitted. These are needed to ensure that the travel needs of the development are met, including safe and suitable access to all buildings and appropriate provision for sustainable modes of transport. A suggested condition requiring further details



- of the site access from Main Road is not needed because it would duplicate UU2. Condition 9 requires submission of a travel plan in order to ensure that the opportunities for sustainable modes of transport are taken up.
93. Condition 10 requires details of the fencing and management of the land set aside for station improvements. This is necessary in the interests of community safety and the character and appearance of the area. Condition 11 seeks details of noise insulation measures in the interests of the living conditions of future occupiers. Condition 12 requires submission of a Construction Management Plan in the interests of highway/railway safety and the living conditions of nearby residents. Condition 13 requires submission of an Ecological Management Plan. This is needed to mitigate impacts on habitats and protected species during construction and to secure enhancements to biodiversity once the development is complete. Conditions 14 to 17 deal with potential contamination in the interests of managing risks of pollution. Conditions 18 and 19 deal with surface and foul water drainage in the interests of managing risks of flooding and pollution.
94. Condition 20 requires details of levels to be submitted in the interests of the character and appearance of the area. Conditions 21 and 22 require submission of schemes of external lighting and tree protection in the interests of protecting the character and appearance of the area and mitigating impacts on biodiversity. Condition 23 requires provision for broadband in the interests of the rural economy. Condition 24 seeks to secure archaeological works in order to protect the archaeological potential of the site.
95. Condition 25 prevents occupation of any dwelling until the school playing field land, which is to be delivered by the Pye Homes scheme, has been transferred to the County Council. The condition allows for alternative ways of meeting the need for primary school places if that transfer has not taken place. The condition is necessary to ensure that the school places needed to serve the development will be made available, whether or not the Pye Homes scheme is implemented. I have considered the possibility that this might (in certain circumstances) have the effect of being a condition which requires a subsequent planning obligation to be entered into, mindful of the advice on this matter in the Guidance<sup>14</sup>. In this case there is a degree of complexity in that meeting the need for primary school places at Long Hanborough is likely to be achieved by inputs from more than one scheme. The Pye Homes scheme would deliver land and the appeal scheme would provide a financial contribution. In these circumstances I consider that it is appropriate to impose condition 25 because this will facilitate housing delivery whilst ensuring that the necessary school places are available.
96. Some conditions require approval of details before development commences. This is necessary for conditions 5 to 7, 11, 18 to 21 and 23 because these conditions may affect the design and/or layout of the development. It is necessary for conditions 10, 12 to 17, 22 and 24 because these conditions relate to matters arising during the construction period.

*David Prentis*

Inspector

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<sup>14</sup> Ref ID 21a-010-20140306

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mark Westmoreland Smith	of Counsel, instructed by the Head of Legal Services, West Oxfordshire District Council
He called	
Peter Radmall	Landscape Architect
MA BPhil CMLI	
Justin Ayton	Conservation Consultant
BA MA	
Catherine Tetlow	Principal Planning Officer, West Oxfordshire District Council
BSc(Hons) MA MRTPI	

### FOR THE APPELLANT:

James Strachan	Queen's Counsel, instructed by Nexus Planning
He called	
Hugh Petter	Director, ADAM Architecture
BA(Hons) DipArch	
RIBA FRSA	
Clare Brockhurst	Partner, Tyler Grange LLP
BSc(Hons) DipLA FLI	
Dr Chris Miele	Partner, Montagu Evans
MRTPI IHBC FRHS FSA	
Richard Stacey	Director, JMP Consultants Ltd
BSc(Hons) MSc(Eng)	
CMILT FCIHT	
Jan Kinsman	Associate Director, EFM Limited
BSc(Eng) CEng MICE	
ACGI	
Roger Tustain	Managing Director, Nexus Planning Limited
BA(Hons) DipTP DMS	
MRTPI	

### FOR HANBOROUGH PARISH COUNCIL – THE RULE 6 PARTY

Niels Chapman	Chairman, Hanborough Parish Council
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### INTERESTED PERSONS:

Penelope Marcus	Hanborough Action Group
Ellen Reese	Local resident

*The following contributed to the discussions on conditions and planning obligations:*

Craig Rossington	Transport Planner, Oxfordshire County Council
Richard Oliver	Planning Department, Oxfordshire County Council
David Walton	Planning Solicitor, acting for CEG

## DOCUMENTS

	<i>Submitted by the appellant:</i>
APP1	Draft unilateral undertaking (District Council - station)
APP2	Draft unilateral undertaking (District Council)
APP3	Draft unilateral undertaking (County Council)
APP4	APP/D3125/W/15/3138076 – Nethercote Road, Tackley
APP5	Opening submissions
APP6	Response to HAG
APP7	Plan for site visit
APP8	Annual Monitoring Report
APP9	2 <sup>nd</sup> draft unilateral undertaking (District Council - station)
APP10	2 <sup>nd</sup> response to HAG
APP11	Suggested conditions – track changes version
APP12	Closing submissions
APP13	Costs application
APP14	<i>Working Title Films Ltd</i> [2016] EWHC 1855 (Admin)
APP15	Unilateral Undertaking dated 21 December 2016 (District Council – UU1)
APP16	Unilateral Undertaking dated 21 December 2016 (County Council – UU2)
APP17	Unilateral Undertaking dated 22 December 2016 (District Council – Station – UU3)

	<i>Submitted by the Council:</i>
LPA1	Appearances
LPA2	Rebuttal by Paul Gibbs (Photomontages)
LPA3	Opening submissions
LPA4	Mr Radmall's VP3 photomontage
LPA5	Mr Radmall's addendum on methodology
LPA6	County Council – CIL compliance statement
LPA7	County Council – response to Inspector's questions
LPA8	District Council – CIL compliance statement
LPA9	Closing submissions
LPA10	Response to costs application

	<i>Submitted by Hanborough Parish Council:</i>
HPC1	Opening submissions
HPC2	Preamble to proof of evidence
HPC3	Closing submissions

	<i>Submitted by Hanborough Action Group:</i>
HAG1	Address to the appeal
HAG2	HAG reply to appellant's response

	<i>Submitted by others:</i>
OD1	Annotated photograph from Colin James
OD2	Statement by Ellen Reese

### **Schedule 1 - Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place 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 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 1 year 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: ST16237-05; ST16237-07; 5847/001; 5847/P001; 5847/P002; 5847/P003
- 5) No development shall commence until details of the access roads within the site, turning areas, vehicular accesses and driveways to dwellings have been submitted to and approved in writing by the local planning authority. The details shall include layout, construction, surfacing, lighting and drainage. No dwelling shall be occupied until the access roads, turning area, vehicular access and driveway required to serve that dwelling have been constructed in accordance with the approved details.
- 6) No development shall commence until details of car parking for the dwellings and other buildings have been submitted to and approved in writing by the local planning authority. No dwellings or other buildings shall be occupied until the car parking spaces required to serve those dwellings or other buildings have been provided in accordance with the approved details. The car parking areas so approved shall thereafter be permanently retained and kept available for vehicle parking and manoeuvring.
- 7) No development shall commence until details of cycle parking for the dwellings and other buildings have been submitted to and approved in writing by the local planning authority. No dwellings or other buildings shall be occupied until the cycle parking spaces required to serve those dwellings or other buildings have been provided in accordance with the approved details. The cycle parking areas so approved shall thereafter be permanently retained and kept available for cycle parking.
- 8) No dwelling hereby approved shall be occupied until details of the surface improvements to that part of public footpath 238/1 which is within the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No dwelling hereby approved shall be occupied until a residential travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall include measures to promote the use of sustainable modes of transport together with arrangements for implementation and monitoring and shall include provision for travel

information packs to be provided to every resident on first occupation. The residential travel plan shall thereafter be implemented as approved.

- 10) No development shall commence until a management plan for the land shown on drawing 5847/P001 as retained for station improvements has been submitted to and approved in writing by the local planning authority. The management plan shall include details of access, means of enclosure and maintenance. The management plan shall thereafter be implemented as approved.
- 11) No development shall commence until details of noise attenuation measures have been submitted to and approved in writing by the local planning authority. Measures shall be identified for any dwelling affected by noise from the A4095 or railway such that it would not conform with the desirable daytime and night time levels set out in BS8233/2014 of internal noise levels in living rooms of 35dB LAeq 16-hour (0700 to 2300hrs) and in bedrooms of 30 dB LAeq 8-hour (2300 – 0700hrs). The noise attenuation measures shall have regard to the findings of the noise assessment by Brookbanks Consulting Ltd (dated 28 August 2015). No dwelling shall be occupied until any measures relevant to it have been carried out as approved.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii. delivery, demolition and construction working hours
  - ix. measures to ensure the safe operation of the adjoining railway during construction

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) No development shall commence until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The Ecological Management Plan shall be in general accordance with the recommendations of the Ecology Report by Baker Consultants (dated 23 September 2015) and plan 2406/P20c and shall include a timetable for implementation. Development shall be carried out in accordance with the approved Ecological Management Plan and shall thereafter be permanently retained as such.
- 14) No development shall commence until an assessment of the nature and extent of any contamination has been submitted to and approved in

writing by the local planning authority. This assessment shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination
  - ii) a conceptual model of the potential pollutant linkages with an assessment of the potential risks to:
    - human health
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
    - adjoining land
    - ground waters and surface waters
    - ecological systems
- 15) No development shall take place where (following the assessment referred to in condition 14) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria and a description and programme of the works to be undertaken including a verification plan. The remediation scheme must ensure that upon completion the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.
- 16) The remediation scheme approved pursuant to condition 15 shall be carried out as approved before the first occupation of the development. Upon completion of the works a verification Report shall be submitted to the local planning authority including results of sampling and monitoring to demonstrate that the site remediation criteria have been met. It shall also include a Long Term Monitoring and Maintenance Plan for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action. No dwelling shall be occupied until the Verification Report has been approved in writing by the local planning authority. Thereafter, the Long Term Monitoring and Maintenance Plan shall be implemented as approved.
- 17) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed.
- 18) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and shall include an assessment of the hydrological and hydro-geological context of the development. It shall also include:
- i. discharge rates and volumes
  - ii. attenuation volumes

- iii. results of infiltration tests
- iv. network drainage calculations
- v. arrangements for maintenance and management
- vi. drainage layout and sustainable drainage features
- vii. phasing plans

Development shall be carried out in accordance with the approved surface water drainage scheme.

- 19) No development shall commence until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved foul water drainage scheme.
- 20) No development shall commence until details of existing and proposed ground levels and finished floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 21) No development shall commence until an external lighting scheme has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved external lighting scheme and shall thereafter be permanently retained as such.
- 22) No development shall commence until a tree protection plan has been submitted to and approved in writing by the local planning authority. The plan shall be generally in accordance with the Findings of BS5837 Tree Quality Survey and Development Implications by Tyler Grange (dated 21 September 2015) including retention of trees in accordance with drawing 2406/P15. The approved tree protection plan shall be adhered to throughout the construction period.
- 23) No development shall commence until a scheme to facilitate super-fast broadband for future occupiers of the site has been submitted to and approved in writing by the local planning authority. The scheme shall seek to ensure that either a landline or ducting to facilitate the provision of a super-fast broadband service of at least 24mbs is in place for each dwelling as part of the initial highway works upon occupation of that dwelling. Development shall be carried out in accordance with the approved scheme. This requirement shall not apply if evidence that technological advances are such that below ground infrastructure will not be needed to deliver super-fast broadband to occupiers of the site has first been submitted to and approved in writing by the local planning authority.
- 24) No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. The written scheme of investigation shall include a staged programme of archaeological evaluation and mitigation and all processing, research and analysis necessary to produce an archive and a full report for publication which shall be submitted to the local planning authority in accordance with the approved programme.

- 25) No dwelling hereby approved shall be occupied unless and until the local planning authority has confirmed that either (a) the playing field land to be transferred to the County Council under the terms of the planning obligation dated 15 February 2016 between The Oxfordshire County Council, Vanburgh Trustees Limited and Vanburgh Trustees No.2 Limited and others relating to land south of Witney Road, Long Hanborough (Application No 14/1234/P/OP) has been transferred or (b) it is satisfied, in the event of that transfer not having taken place, that an alternative proposal can be undertaken to enable the expansion of Hanborough Manor Church of England School to accommodate the pupils generated by the development hereby permitted or (c) that other provision can be made for the primary education demand arising from the proposed development to be met.

Richborough Estates