



Appeal Decision

Hearing held on 5 July 2022

Site visit made on 5 July 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2022

Appeal Ref: APP/Q3115/W/22/3297007

Land to the rear of Crossways, Reading Road, Shiplake, Oxfordshire, RG9 4AA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Westbourne Homes Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P21/S4616/FUL, dated 22 October 2021, was refused by notice dated 7 April 2022.
 - The development proposed is the erection of 11 dwellings with associated access, landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 11 dwellings with associated access, landscaping and parking, at the land to the rear of Crossways, Shiplake, Oxfordshire RG9 4AA, in accordance with the terms of the application Ref P21/S4616/FUL, dated 22 October 2021, subject to the conditions in the attached schedule.

Procedural Matter

2. Following the hearing event on 5 July, the Council submitted further evidence on the 29 July relating to the issue of housing land supply, being the South Oxfordshire Housing Land Supply Report for 2022. Considering comments from all parties on this matter and following careful consideration of what would be the most appropriate way forward procedurally, it has been concluded that the evidence submitted by the Council should not be accepted. Though the report was not published until after the hearing date it is not clear why the Council could not have relayed much of this evidence contained within this report at the hearing itself. In my view, any available information contained subsequently in the report should have been presented at the hearing so it could be scrutinised in that forum. There was the opportunity for the Council to provide more up-to-date evidence at the hearing on the matter of housing land supply, to counter the evidence from the appellant, but did not do so at the time.
3. The appeal decision is therefore based on the housing land supply information presented at the hearing and not submitted afterwards.

Main Issues

4. The main issues are:

- The principle of the proposed residential development, including a consideration of the current status of housing land supply.
- How the mix of housing proposed would meet with local demand.
- The effect on the character and appearance of the area.
- Whether the proposed development would contribute sufficiently towards affordable housing and other forms of facilities and infrastructure which could be necessary to make the development acceptable in planning terms.

Reasons

Principle of Development

5. The proposed development consists of 11 dwellings on what is currently a small field. To the east of the site is Reading Road (A4155) and the core area of Lower Shiplake village beyond. To the south of the site is the eastern section of Woodlands Road, which is lined with large detached dwellings which are spaced out in a verdant setting. To the west is open land with woodland beyond, some of which appears to be the grounds/paddocks of the houses along Woodlands Road. To the north is a site (known as Thames Farm) where a major housing development has been approved, with outline permission allowed at appeal reference APP/Q3115/W/16/3161733. This adjacent development has commenced although there are no dwellings yet built.
6. Within the South Oxfordshire District Council Local Plan 2035 (the LP) policy H1 considers the delivery of new homes within the District. In this case, the village of Lower Shiplake is considered a 'Smaller Village' in the settlement hierarchy. This policy allows for residential development on non-allocated sites in certain circumstances. This includes where it is infilling within Smaller Villages. Furthermore, policy H8 (Housing in the Smaller Villages) allows for some housing development in Smaller Villages including where proposals are in accordance with LP policy H16.
7. LP policy H16 (Backland and Infill Development and Redevelopment) restricts housing to infill sites and on previously developed land within Smaller Villages.
8. Considering the above policies it is first important to ascertain whether the site is 'within' a Smaller Village, as is stipulated by the policies. There is no defined settlement boundary and so it is down to a consideration of the current site and its setting, along with its relationship with the village.
9. In this case, the site is adjacent to the houses of Woodlands Road, and across the Reading Road from residential areas of the village. I also acknowledge that there is the development at Thames Farm. The building of housing had not started at the time of the site visit, and I am aware of drainage problems there, but it is clear from the Council at the hearing that there is an expectation of a residential development at this site at some time, with it noted that the approved housing scheme has 'commenced'. Overall, it is reasonable to expect a major residential development at this location to the north of the appeal site. It is therefore apparent that the land to the west of Reading Road is evolving to a more residential area.

10. The houses at the eastern end of Woodlands Road and any development at Thames Farm would be, in my view, part of the village of Lower Shiplake. They are/would be on the periphery of Lower Shiplake, but given that these are dwellings so close to other residential areas of Lower Shiplake I would regard them as being part of the village. They are on the western side of Reading Road, with the core of the village to the east of this, but in my view the village also extends to the west of this road, albeit at a lower density.
11. The houses of the Thames Farm development as approved would have a significant setback from Reading Road, but they would still be likely be apparent from this road and from other houses of the village. Likewise, Woodlands Road is of a low density and verdant nature, but this is common on the edge of villages and does not mean the houses (especially those near the junction with Station Road and the A4155) are not within the village.
12. Following the logic of the above conclusions, a residential development on a site between the eastern side of Woodlands Road, the western side of Reading Road, and to the south of the Thames Farm development, would also be within the village of Lower Shiplake. The proposed houses would be in close proximity to the houses across Reading Road and they would be seen as being part of the village. Furthermore, the modest scale of the proposed development means it would not encroach further west than the current built up area limits. Neither would it materially result in greater coalescence between adjacent villages due to this modest scale.
13. The Inspector for the Thames Farm development described the western side of Reading Road as 'developed countryside'. However, with the substantial development of Thames Farm as approved the area to the west of Reading Road is clearly evolving and taking on more of an edge of village/residential character. I would consider the site as being on the fringes of the village but within this settlement.
14. The second criterion is whether the proposed development would be infill in some respect. Point 2 of policy H16 allows for infill development of a small gap in an otherwise built up frontage. Whilst greater than a small gap, Point 2 of H16 also allows for infill "on other sites within settlements where it is closely surrounded by buildings". The development would be close to buildings (other houses), with those existing at Woodlands Road and adjacent to Reading Road. Although not constructed yet, the Thames Farm development has commenced and looks likely to be implemented in some form or another, as the Council acknowledged in the hearing. These dwellings would further surround the site.
15. Although not fully surrounded on all sides, the close proximity of both existing and approved dwellings around much of the site is sufficient in my view for it to be considered as in accordance with policy H16.
16. There have been other appeal cases brought to my attention with similar issues relating to policy H16 for example, but all these cases differ from that before me in some ways. As such, I have considered this proposal on its merits, especially in considering whether the site is within the built up area of the village and also whether it would constitute a form of infilling.
17. Considering its location at Lower Shiplake, which is a sizable village, this development would also be an appropriate scale for its location, being only 11 dwellings proposed.

18. Overall, it is my judgement based on the evidence and my observations on site that the proposed development would be both within the village and a form of development which would broadly accord with policies H8 and H16 of the Local Plan. The principle of developing this site for housing is not contrary to these LP policies, nor policies STRAT1 and H1 of the LP, which includes supporting Smaller and Other Villages by allowing for limited amounts of housing.
19. I note that there is a Neighbourhood Plan for Henley and Harpsden which is emerging but not yet 'made'. The site would be within the area of this Neighbourhood Plan. I understand that the site will not be allocated within this NP in its current form, though the NP is still emerging at this stage. This is also the same for the Lower Shiplake Neighbourhood Plan, which is also not yet 'made'. The site would not come within the boundaries of this Neighbourhood Plan also.
20. There is also the issue of housing land supply, though I shall address this under the later Planning Balance section.

Housing Mix

21. The proposal includes both market and affordable houses. The Council have confirmed that they have no objections to the affordable housing mix and tenure proposed. However, the issue is the lack of smaller market houses (1 and 2 bedroom houses). The market housing would be all 4 or 5 bedroom houses except for 2 three bedroom semi-detached houses. There would be no market houses within the development smaller than 3-bedroom size.
22. Policy H11 (Housing Mix) of the LP requires that a development should provide a mix of dwelling types and sizes to meet the needs of current and future households. Furthermore, the mix of housing should have regard to the Council's latest evidence for the relevant area. The latest evidence includes the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA). This indicates a need for 1 and 2 bedroom dwellings, particularly those with 2 bedrooms. This is further evidenced by the Community Survey Report (2021) as submitted by the Council. The responses indicated a need for smaller homes, with many indicating a need for a 2-bedroom house. There was also a strong response for housing for sale at a cheaper price, which would likely be the case if a dwelling was smaller with less bedrooms. Although not clear if those surveyed would be interested in the site at Lower Shiplake, it is further evidence that there is a need for smaller housing in the wider area which could be addressed to some small extent by the proposed housing development.
23. It is acknowledged that provision of larger houses could result in smaller dwellings being available for purchase elsewhere, though that is not necessarily the case. It could be that people are moving from one larger house to another for example. It could also be that people would move to the site from outside of the area, which would not help address the need for smaller dwellings in this part of Oxfordshire.
24. The surrounding area is characterised by low density large dwellings set often within extensive plots. However, the provision of a small number of smaller dwellings within the development would not necessarily have a material adverse effect on the prevailing character and layout of this part of the village (depending on design and layout for example).

25. Overall, policy H11 and the supporting evidence does not contain set ratios for a housing mix. Nonetheless, whilst this allows for flexibility the provision of no dwellings with less than 3-bedrooms and for the provision of predominantly large 4 and 5 bedroom houses would not meet the H11 policy requirement of providing an appropriate housing mix for this area. The proposal therefore conflicts with policy H11 on this matter. It also fails to accord with policy DES1, which requires that proposals include a wide range of house types and tenures

Landscape Impact

26. The site is a rectangular shaped field/paddock to the west of the A4155. The site is currently undeveloped. It has other open fields/paddocks to the west. To the north is the site being developed for housing (Thames Farm) with the housing along the northern side of Woodlands Road to the south. The site in its undeveloped form creates an attractive rural space for the village on its periphery. The undeveloped site also allows for views across towards wider countryside areas and woodland (including Harpsden Wood) to the west from the A4155. The character areas, to which the site is located, includes woodland as an important feature.
27. The development would substantially alter the site by introducing residential development with large plots, estate roads and parking for example, with an urbanising effect. There would also be less views available through the site to the countryside and woodland beyond, which is currently a positive feature of the site.
28. However, the site development as proposed would be largely contained by the boundary screening, with proposals for enhanced landscaping in what would be a low density housing layout. Furthermore, the limited views from the west would likely see any new housing against the backdrop of existing village housing to the eastern side of the A4155. There would be a new access off the A4155, but there are already several accesses off this highway and so this would not be an unusual or harmful visual feature.
29. The Council considers the site to be a transitional space between the existing residential areas of Shiplake and the countryside to the west. Whilst I agree to an extent that the site has these qualities, the proposed development would be low density and retain a verdant quality. As such, it could still provide such a transitional character between the village core and the countryside beyond.
30. Overall, the harm of developing this site would be largely localised and would be seen against the backdrop of the existing housing. However, there would be the clear change in character of the site from undeveloped and open to residential, which would be evident especially from the A4155. Even if the visual impacts are mitigated and localised there would still be harmful impacts, even if not to a significant degree, through urbanising this site and the consequential erosion of its open and undeveloped qualities.
31. As such the proposal is contrary to policies DES1 and ENV1 of the South Oxfordshire Local Plan, which requires that development respects existing landscape character and protects the landscape, countryside and rural areas from harmful development, amongst other things.

House Design

32. The proposed dwellings have a variety of designs. The affordable housing proposed is of a good design and scale, with suitable detailing and appearance to reflect the setting. The market housing, particularly the detached dwellings, are large with extensive footprints. A result of this is that the roof heights have been limited with the use of central flat roof sections.
33. These type of roof forms are not common in Lower Shiplake from my observations, but there is a variety of house types and designs with no clear uniform vernacular to follow. Furthermore, due to the height of these flat sections of the truncated roofs they would not be readily discernible from a more typical ridgeline when viewed from ground level. There are also numerous other large houses within the village which are not dissimilar to the size and massing of the houses proposed.
34. Overall, the houses as proposed would be of a sufficiently good standard of design and appropriate scale, in accordance with policies DES1 and ENV1 of the South Oxfordshire Local Plan and the South Oxfordshire Design Guide. These policies require that development respects the local context, amongst other things.

Affordable Housing and Infrastructure

35. The National Planning Policy Framework (the Framework) (paragraph 57) indicates that planning obligations must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) be fairly and reasonably related in scale and kind to the development.
36. The s106 Agreement secures a number of planning obligations that are required to make the appeal proposal acceptable in planning terms. They include: A 40% affordable housing contribution (including on site provision and also an off-site contribution); A "Street Naming Contribution"; A waste and recycling contribution towards provision of bins, for example; the provision of open space including a local area of play, and for landscaping and sustainable drainage schemes; and a bus stop contribution for Station Road and a public transport services contribution, to enhance sustainable transport options.
37. The CIL Compliance Statement sets out the terms of the planning obligations (including the costs) and the planning policies underpinning them. It then assesses the requirements against the CIL tests for planning obligations set out in Regulation 122 of the CIL Regulations and provides a detailed justification for each obligation.
38. In my view, all of the obligations in the s106 Agreement are necessary to make the development acceptable in planning terms; are directly related to the development; and fairly and reasonably related in scale and kind to the development. The obligations are supported by adopted planning policy. Therefore, they all meet the tests within the Framework and Regulation 122 of the CIL Regulations. As such I have taken them into account in the decision.
39. With the provision of the signed and agreed S106 legal agreement then reasons for refusal numbers 4 and 5 of the Council Decision Notice have been suitably addressed. The proposal accords with policies H9, H11, INF1 and CF5 of the South Oxfordshire Local Plan 2035, which relate to the need to provide

towards affordable housing, infrastructure and open space where necessary, amongst other things.

Other Matters

40. The proposal includes a new access off the Reading Road. Although a busy road the evidence before me suggests that an appropriate vision splay can be achieved. I have no substantive reasons to conclude that the proposal would result in highway safety issues. Furthermore, a development of the scale proposed would not likely result in congestion problems within the village or on the wider road network or result in harmful air pollution.
41. The proposed dwellings would be in close proximity to some other dwellings, such as those along Woodlands Road. However, there would be sufficient separation distance to ensure that the proposals would not have an unacceptable direct impact to the living conditions of neighbours to the site. There would be noise and disruption from the construction phase, but this would be temporary. A lighting condition can be imposed to control external lighting
42. Whilst I acknowledge issues with drainage that exist at the 'Thames Farm' site, I have no substantive evidence to show that this would be the same situation at this site. Conditions can be imposed to require that drainage details are submitted to the Council for their approval prior to any drainage works, which I would regard as sufficient to address this issue.
43. This is a relatively small development and has the services and facilities of Shiplake and nearby Henley to serve future occupants. I have no substantive evidence that the proposal would put undue pressure on such services and facilities.
44. I have considered all issues that have been raised by local residents and the relevant Parish/Town Councils, though none constitute reasons to dismiss the appeal in my judgement.

Planning Balance

45. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. In respect of paragraph 11 d) of the Framework with regard to decision-making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including applications involving housing where the Council cannot demonstrate a five year housing land supply), permission should be granted unless one of two criteria apply.
46. The first criterion is Framework paragraph 11 d) i, but this is not applicable in this instance as there are no policies in the Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development. Criterion 11 d) ii requires the decision-maker to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

47. The Council at the hearing contended that they could demonstrate 5.33 years housing land supply based on the 2021 Housing Land Supply Statement which covered the period from the 1 April 2021 to 31 March 2022.
48. The appellant has raised a recent appeal decision for a site at 'Lady Grove' in Didcot (APP/Q3115/W/21/3272377), where the Inspector concluded that, following a detailed assessment, "the Council is not in a position to demonstrate that it has a 5 year supply of deliverable housing land. In reality it is likely to be somewhat short of the, roughly, 4.8 years I have indicated above, but not as low as the 4.18 years calculated by the Appellant." (Para 18)
49. The appellant has also undertaken their own analysis, particularly with regard to the deliverability of sites. It concluded that many of the dwellings in the Council assessment should be discounted as they are not deliverable, resulting in a housing land supply of 4.16 years.
50. The Council did not provide any substantive evidence to counter either the conclusions of the Lady Grove appeal nor the appellant's evidence regarding deliverability. Whilst there may have been more up-to-date evidence available since the Lady Grove appeal or that which has been relied upon by the appellant in their assessment, it was not presented to me in detail at the hearing. I can only conclude that the Council cannot demonstrate a 5 year housing land supply with there being a shortfall, possibly being at the level the appellant suggests, based on the evidence I have. Therefore, paragraph 11 d) ii is engaged, though it is noted that the shortfall does not appear to be substantial.
51. There are also benefits, such as modest contributions to the local economy during the construction phase and thereafter through the use of local businesses in the area by its future occupants. In social terms, the proposal would make a positive contribution towards the council's housing land supply, albeit by a small amount. I also note that the site is adjacent to bus stops and not a substantial distance from the village centre and its railway station. The proposed dwellings would therefore be in an accessible location.
52. A substantial benefit would be the affordable housing provision. Although not a large number to be provided, there is a need for affordable housing. There would also be a financial contribution for off-site affordable housing.
53. Overall, I give substantial weight to the benefits, particularly the affordable housing in an accessible location. For the reasons set out above, whilst the development would not provide an appropriate housing mix (with a lack of smaller units) and would have some adverse visual impact through developing this green field site, the total harm is limited in my view. There are no adverse impacts which would significantly and demonstrably outweigh the benefits. Therefore, the proposal benefits from the presumption in favour of sustainable development and should be allowed.

Conditions

54. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.

55. There are several conditions which require submissions of detail prior to commencement of development. I am satisfied that there is exceptional justification for imposing these pre-commencement conditions. The appellant has also agreed to these conditions being 'pre-commencement'.
56. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
57. In the interests of local ecology safeguards and enhancements, I have imposed conditions relating to implementation of the 'Conclusions and Recommendations' section of the supporting Ecological Letter Report; the need for a biodiversity metric assessment and Biodiversity Offsetting Scheme; and a scheme of biodiversity enhancements.
58. I have imposed a condition requiring an Arboricultural Method Statement, to safeguard on-site trees through the process of construction. Furthermore, there are conditions relating to landscaping provision, to ensure a suitable visual impact of the development within its setting.
59. In the interests of highway safety and sustainable transport options there are conditions requiring electric vehicle charging points; the provision in perpetuity of vision splays and the formal access into the development; cycle and car parking provision; provision of estate roads and footpaths; a Construction Traffic Management Plan, and the provision of a Travel Information Pack for future residents.
60. In the interests of visual amenities of the development, conditions requiring details of site levels; details of the pumping station; and external lighting in this edge of village location, are all imposed.
61. In the interests of existing and future residents living conditions, conditions are imposed requiring details of broadband connections; and a construction management plan relating to noise, dust and hours of construction work.
62. In the interests of safeguarding archaeological value there are conditions relating to the need for an Archaeological Written Scheme of Investigation and a staged programme of archaeological evaluation and mitigation.
63. To ensure provision of a suitable drainage strategy and to ensure against flood risk conditions requiring details of a sustainable drainage scheme and a foul drainage scheme have been imposed, together with a condition requiring details of porous paved road construction. A SUDS Compliance report is also required prior to 75% occupation of the development.
64. To ensure that the development suitably takes into account ground conditions and possible contamination conditions requiring a phased risk assessment, comprehensive intrusive investigation and remediation strategy requirements have been imposed.
65. In the interests of ensuring sustainable design the carbon reduction energy efficiency measures in accordance with the Energy Statement and a Verification Report are required by condition.
66. A condition was recommended by the Council requiring that the developer submit details of a design approach to the housing to mitigate ground

movement over dissolution features, together with details of plot specific investigation and design. This appears to mainly relate to foundations and to the Geotechnical Report, which does state that "a raft foundation is considered appropriate for the proposed structures, due to the presence of dissolution features on site". It does appear from the evidence that there could be some issues with potential dissolution features. It is therefore necessary and reasonable for a condition to be imposed requiring details of design mitigation against movement over dissolution features, even if this condition was not imposed on other nearby sites. However, this will be an altered and simplified version of that recommended by the Council. A condition is also imposed relating to the potential for sidewall spalling.

67. The Council recommended a condition to protect the dwellings from the external noise environment of the area, such as from the A4155. However, the dwellings as proposed are set back from this highway and there is no substantive evidence that there would be any significant issue with noise affecting the future occupants' living conditions.

Conclusion

68. For the reasons given I conclude that the appeal should succeed.

Mr S Rennie

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr D Bond MRTPI – Principle at WoolfBond
Mr G Richie MRTPI – Associate at WoolfBond

FOR THE LOCAL PLANNING AUTHORITY:

Ms T Smith - MRTPI – Principal Appeals Officer – South Oxfordshire District Council
Ms K Pearce MRTPI – Case Officer - South Oxfordshire District Council

INTERESTED PARTIES:

Councillor R Curtis – Shiplake Parish Council
Councillor K George – Harpsden Parish Council
Ms J Rhymes – Henley on Thames Town Council
Councillor J Stone – Shiplake Parish Council
Mr P Boros – Local Resident

Schedule – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 19-J3120-LP01

Proposed Site Layout 19-J3120-101-D

Proposed Site Layout with Visibility Splays 19-J3120-201-D

Access Drive Long Section & Plan 19-J3120-AP01

Tree Protection Plan OP1001 Rev G - Feb 2022

Elevation & Floor & Roof Plans Plot 6 Carport 19-J3120-109

Elevation & Floor & Roof Plans Plots 10-11 Carport 19-J3120-110

Elevation & Floor Plans Plot 5 Proposed 19-J3120-103

Elevation & Floor Plans Plot 6 Proposed 19-J3120-104

Elevation & Floor Plans Plot 7 Proposed 19-J3120-105

Elevation & Floor Plans Plot 8 Proposed 19-J3120-106

Elevation & Floor Plans Plot 9 Proposed 19-J3120-107

Elevation & Floor Plans Plots 1-4 Proposed 19-J3120-102

Elevation & Floor Plans Plots 10-11 Proposed 19-J3120-108

except where controlled or modified by other conditions of this permission.

- 3) The development hereby approved shall be implemented strictly in accordance with all of the ecological avoidance and mitigation measures stated in the "Conclusions and Recommendations" section of the supporting Ecological Letter Report (AA Environmental Ltd, 28/09/2021, Ref: 203093/JDT).
- 4) In order to demonstrate a suitable design approach to mitigate ground movement over dissolution features where necessary, details of plot specific investigation and the design approach to reflect these details shall be provided to the Local Planning Authority for approval prior to commencing any plot foundation works.

No building shall be occupied until its building foundation works have been carried out and completed in accordance with the approved details.
- 5) Given the potential for sidewall spalling, all excavations intended for site construction worker entry must be suitably shored and supported for safe operation.
- 6) Prior to the first occupation of the development hereby approved, an Electric Vehicle Charging Point shall be installed for each dwelling and thereafter retained as such.

- 7) Prior to the commencement of development of any of the dwellings hereby approved detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside of the application site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 8) Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- 9) Following the approval of the Written Scheme of Investigation referred to in condition 8, and prior to the commencement of the development (other than in accordance with the agreed 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 within two years of the completion of the archaeological fieldwork.
- 10) Prior to the commencement of the development hereby approved, a biodiversity metric assessment (Biodiversity Metric 3.1 provided by Defra) shall be submitted to and approved in writing by the local planning authority. The biodiversity metric assessment shall utilise the supporting Ecological Letter Report (AA Environmental Ltd, 28/09/2021, Ref: 203093/JDT) to establish the baseline (pre-development) value of the site and approved plans for the post-development value. Each entry into the biodiversity metric shall be appropriately explained with regard to the appropriate habitat description and habitat condition criteria. The biodiversity metric assessment shall establish the net impact of development on the biodiversity value of the site in biodiversity units.
- 11) No development shall commence unless and until a certificate confirming the agreement of an Offsetting Provider to deliver a Biodiversity Offsetting Scheme, totalling a minimum of the biodiversity units agreed through the Biodiversity Metric Assessment condition above, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Offset Provider. The details of biodiversity enhancements and their implementation shall be documented by the Offset Provider and issued to the Council for their records.
- 12) Prior to the commencement of any drainage works at the site, a detailed sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on BEAL Consulting's Flood Risk Assessment and Drainage Statement reference 468/02 RFA & DS dated 22nd September 2021, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The design approach shall be for shallow drainage disposal via soakaways and should follow the guidance provided

by CIRIA C574 (2002) regarding distance of soakaway placement in respect of building structures in ground conditions containing potential dissolution features. The drainage system designer should try to use maximum length drainage pipes, leak-proof couplings and aim to minimize the number of pipe joints and should demonstrate on the drainage layouts how this has been achieved to ensure longevity and resilience of the drainage system designed.

The scheme to be submitted shall include:

- Drainage Catchment Plans;
- Site investigation and Infiltration Tests;
- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Detailed hydraulic calculations including node references with consideration for the worst case 1:100 + 40% event based on using the latest FEH input data;
- Fully detailed sustainable surface water drainage layouts;
- Proposed site levels, floor levels and an exceedance plan;
- SUDS features and sections;
- Landscape plans with sustainable drainage features integrated and coordinated as appropriate;
- Drainage Construction Details;
- Maintenance and Management Plan covering all surface water drainage and SUDS features.

No building shall be occupied until the surface drainage works have been carried out and completed in accordance with the approved details.

- 13) Prior to the commencement of any drainage works at the site, a detailed foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage system designer should try to use maximum length drainage pipes, leak-proof couplings and aim to minimize the number of pipe joints and should demonstrate on the drainage layouts how this has been achieved to ensure longevity and resilience of the drainage system designed. No building shall be occupied until the foul drainage works have been carried out and completed in accordance with the approved details.
- 14) Prior to any construction of the access or internal roads and footways hereby approved, a proposed design for the porous paved road construction incorporating suitably robust geogrid reinforcement to mitigate against potential longer-term impacts of shallow variable strength soils and ground subsidence shall be submitted to and approved by the Local Planning Authority. Proposals should ensure a suitable stable road formation through investigation, proof rolling and mitigation as necessary is provided with a suitable method statement incorporated to achieve this as part of the design to be submitted. No building shall be occupied until the roads to base course level have been carried out and completed in accordance with the approved details.

- 15) Prior to the commencement of any site works or operations, including demolition and site clearance relating to the development hereby permitted, an Arboricultural Method Statement and accompanying Tree Protection Plan shall be submitted to and approved in writing by 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.
- 16) Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as CLR11 'Model Procedures for the Management of Land Contamination' and 'BS10175 Investigation of potentially contaminated sites'. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy.

Phase 3 requires that a remediation strategy be submitted to and approved by the LPA to ensure the site will be rendered suitable for its proposed use.
- 17) A construction management plan detailing measures to be taken to protect nearby residents from noise and dust shall be submitted to and approved by the Local Planning Authority prior to the commencement of any construction or demolition works. The hours of operation for such works shall be restricted to 8:00 am - 6.00 pm Monday to Friday and 8.00 am - 1.00 pm on a Saturday. No work shall take place on Sundays or Public Holidays. The construction works shall thereafter be fully in accordance with the agreed construction management plan.
- 18) Prior to construction of the proposed dwellings hereby permitted the proposed means of access onto Reading Road is to be formed and laid out and constructed strictly in accordance with the Local Highway Authority's specifications and all ancillary works specified shall be undertaken.
- 19) Prior to the construction of the dwellings, vision splays measuring 2.4 metres by 99 metres shall be provided to each side of the access and the vision splays shall not be obstructed at any time thereafter by any object, structure, planting or other material with a height exceeding or growing above 0.6m metres as measured from carriageway level.
- 20) Prior to the construction of any dwelling or parking area a detailed plan showing provision for the car parking spaces (based on that shown on 'Proposed Site Layout' drawing 19. J3120-101 Rev D) to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Such parking facilities shall be laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles in strict accordance with the approved details prior to the first occupation of the development hereby permitted. Thereafter the car parking spaces shall be retained unobstructed except for the parking of vehicles associated with the development at all times.

- 21) A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the development.
- 22) Prior to the commencement of development above slab level, details of cycle parking facilities shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development and maintained thereafter.
- 23) No development above slab level shall take place until a photographic schedule of all materials to be used in the external construction and finishes of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority.
- 24) Prior to the commencement of the development above new slab level, details (including specification, position, height, orientation, etc.) of a scheme of biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. As a minimum, the scheme of biodiversity enhancements shall include 5 bird boxes (such as the Schwegler 1SP) and 5 bat boxes (such as the Schwegler 1FR) integrated into the fabric of new dwellings. Thereafter, the development shall be implemented in accordance with the approved details with all biodiversity enhancements being provided prior to final occupation.
- 25) Prior to the construction of any development above slab level a scheme for the landscaping of the site, including the planting of live trees and shrubs, the treatment of the access road and hard standings, and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the layout and specification of the Local Area of Play, schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The scheme shall be implemented prior to the first occupation of development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a 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.
- 26) Concurrent with the submission of comprehensive details of the proposed landscape works, a maintenance schedule and a long term management plan (for a minimum period of 20 years), for the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The schedule and plan shall be implemented in accordance with the agreed programme.
- 27) Prior to first occupation, all carbon reduction energy efficiency measures shall be implemented in accordance with the Energy Statement (prepared by Ibis, dated 31.01.2022, Version 3.0) hereby approved and a

Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Verification Report shall demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.

- 28) Prior to a 75% occupation level of the site, a SUDS Compliance report prepared by an appropriately qualified Engineer must be submitted to and approved by the Local Planning Authority. This must suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following:
 - 1) Inclusion of as-built drawings,
 - 2) Inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated,
 - 3) Details of any remediation works required following the initial inspection,
 - 4) Evidence that remedial works have been completed,
 - 5) Confirm details of any management company set up to maintain the System.
- 29) The development shall not be occupied until any previously approved remediation strategy as agreed by Condition 16 has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.
- 30) Any external lighting will only be permitted in accordance with a lighting scheme to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.
- 31) Before any of the dwellings hereby permitted are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained, and if required temporary or permanent traffic calming shall be put in place in accordance with Oxfordshire County Council's Specifications.
- 32) Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter a copy of the approved Travel Information Pack shall be provided to each dwelling on its first occupation.
- 33) Prior to the first occupation of the development hereby permitted, details of the means by which the dwellings may be connected to the utilities to be provided on site to facilitate super-fast broadband connectivity shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 34) Prior to the construction of the pumping station as shown on Proposed Site Layout Plan 19-J3120-101 Rev D, details of how it will be accessed and also its location, scale and appearance shall be submitted to and approved in writing by the Local Planning Authority. The pumping station shall be implemented in accordance with the approved details and maintained as such thereafter.

END OF CONDITIONS

Richborough Estates