



Appeal Decision

Hearing held on 11 October 2022

Site visit made on 11 October 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/C3105/W/22/3301485

Land North West of Station Road, Launton, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Richborough Estates against the decision of Cherwell District Council.
 - The application Ref 21/04112/OUT, dated 8 December 2021, was refused by notice dated 22 April 2022.
 - The development proposed is Outline application for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis), public open space, access, infrastructure and demolition of existing buildings (all matters reserved except principal means of access from Station Road).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis), public open space, access, infrastructure and demolition of existing buildings (all matters reserved except principal means of access from Station Road) at Land North West of Station Road, Launton, Oxfordshire in accordance with the terms of the application, Ref 21/04112/OUT, dated 8 December 2021, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. I have used the site address as it appears on the appeal form, as opposed to as stated on the application form. This is because it accurately and concisely pinpoints the site's location relative to Station Road.
3. The appeal proposal is for outline planning permission with all detailed matters except for access reserved for future approval. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as a guide to how the site might be developed.
4. It is apparent from the evidence before me that the Cherwell Local Plan Review 2040 is currently emerging. However, as confirmed at the Hearing, this is at an early stage such that its emerging policies currently attract very limited weight. I shall consider the appeal on this basis.

5. Various revised plans¹ have been submitted at appeal stage and in advance of the Hearing that were not before the Council when it made its decision to refuse planning permission. A small strip of land formerly falling under the appellant's control has been transferred to East West Rail, which has necessitated a minor alteration to the scheme's blue line. Other amendments have had the effect of clarifying intended off-site footway improvements, refining indicative future structural landscaping proposals, and affirming anticipated future connection points to the public right of way network. The revised plans do not materially alter the outline proposal that is before me. Thus, I am satisfied that no party with a potential interest in the outcome of this appeal is prejudiced by me taking the revised plans into account for either determination or indicative purposes as applicable.
6. A planning obligation pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 27 October 2022 and is signed by the appellant, relevant landowners, the Council and the County Council. The legal agreement contains various provisions related to affordable housing, open space, biodiversity land, community hall facilities, indoor and outdoor sports facilities, health facilities, waste receptacles, education capacity, household waste recycling centre facilities, highway works, public transport services and infrastructure, and public right of way enhancements. I shall return to the legal agreement later.
7. The Council's third reason for refusing planning permission indicates that it has not been demonstrated that the necessary infrastructure directly required because of the proposed development would be provided. However, the finalisation of the legal agreement has enabled the Council to withdraw this refusal reason. I shall formulate the Main Issues on this basis.

Main Issues

8. The main issues are:
 - The effect upon the character and appearance of the village of Launton and the surrounding area; and
 - Whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services.

Reasons

Character and appearance

9. The site is, for the most part, comprised of grassed fields and areas of woodland. Nevertheless, its southern part contains commercial uses and various buildings of typically utilitarian and sometimes dilapidated appearance. These buildings are served by yard/external areas that I observed to be used, in part, for parking and open storage. To the south-west of the site is situated a neighbouring complex of commercial buildings, beyond which village housing is situated. The site is otherwise surrounded by open countryside predominantly comprised of grassed agricultural fields.
10. In accordance with the Oxfordshire Wildlife and Landscape Study (2004), the site falls within the 'Clay Vale' Landscape Character Type, the key

¹ 45439-05A (supersedes 45439-05); T21547 001A (supersedes T21547 001); 11096/P10b (supersedes 11096/P10); 454539-04E (supersedes 454539-04C)

characteristics of which include a flat, low-lying landform, mixed land uses dominated by pastureland, and mature hedgerow trees. The landscape character of the site is broadly reflective of these characteristics. Nevertheless, in part due to its somewhat limited scenic qualities and the existence of hedgerows of sometimes fragmented composition, the site's landscape is of localised importance and medium value only. This is consistent with the findings of a Landscape and Visual Impact Assessment (December 2021) (the LVIA) and the considerations of the Council's Landscape Architect.

11. Launton has historically evolved as a cruciform village with linear development focussed along, and providing active frontages to, four routes that meet at a central crossroads and that include Station Road. Even so, various modern housing developments have materialised at depth to the north-western side of Station Road. Indeed, the depth of the appeal site, measured back from Station Road, is respectful of the depth of close by cul-de-sac development at Blenheim Drive and Yew Tree Close. Nevertheless, at the north-eastern end of Launton, where the site is located, the depth of built development recedes and a more fragmented and informal development pattern ensues.
12. Of relevance to my considerations, the local public right of way network is in the process of being altered in accordance with an agreed scheme of works² associated to an East West Rail upgrade. The railway line is situated to the north of the site beyond a parcel of pastureland falling under the appellant's control (the blue land). At the point in time of my inspection, part of the footpath that formerly ran alongside the entirety of the appeal site's northern boundary had been extinguished and a new/replacement route through the site, the blue land, and then along the northern edge of the railway line was accessible in part. It is my understanding, from discussions at the Hearing, that the precise route through the appeal site could be subject to re-delineation to align with any future detailed development proposals upon the site.
13. In any event, there is agreement between the main parties that the proposal would have a limited and localised visual envelope. Moreover, existing landscape infrastructure, that includes on-site woodland and established boundary planting, would heavily filter views of the proposed development from a variety of different publicly accessible vantage points, including from along Station Road. Such woodland/planting is intended to be retained and supplemented by additional planting, the full details of which would become apparent at detailed planning stage. It was also observable upon my inspection that where views into the site were available, these tended to be influenced by the presence of built form on or adjacent to the site, as well as by the existing roofscape of the village.
14. Furthermore, the scheme's likely visual effects would realistically become increasingly limited as landscaping measures establish and mature over time. This would include recent planting put in place along the railway line corridor. Thus, despite the not insignificant loss of greenfield land that would materialise, the proposal would typically be experienced as a somewhat contained excursion into the open countryside. Moreover, consistent with the findings of the LVIA, an overall minor adverse landscape effect would be realistically envisaged upon maturation of future structural landscaping.

² Plan Ref: 133735_2A-EWR-OXD-XX-DR-CH-000601 Rev B01

15. The Council has raised specific concerns with respect to how users of any new public footpath through the site would experience the proposed development due to countryside either side of the route being transformed by urbanisation. However, given the sometimes-discordant visual influences provided by existing development at the site and the opportunities that would be anticipated to prevail at reserved matters stage to finesse the delineation and makeup of this route, I see little merit in the stance taken by the Council on this particular point.
16. For the above reasons, significant adverse landscape impacts would be avoided. However, it is inevitable that the proposal, which involves the loss of agricultural land and considerable development in an edge-of-settlement location that presently offers something of a transition between the built-up extent of the village and its inherently rural surroundings, would cause some harm, albeit limited, to the character and appearance of the village of Launton and the surrounding rural area. There is thus conflict with Policy ESD15 and Policy Villages 2 of The Cherwell Local Plan 2011-2031 (July 2015) (the Local Plan), in so far as these policies require consideration to be given to whether development would contribute to enhancing the built environment, and that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
17. I find saved Policy C28 of the Cherwell Local Plan (November 1996) to be of limited relevance to my considerations. This is because it is focussed upon standards of layout, design and external appearance, which are matters that would be thoroughly assessed at detailed planning stage.

Access to facilities and services

18. Launton is categorised as a Category A Service Village under Policy Villages 1 of the Local Plan. Whilst this policy is intended to guide the consideration of small-scale proposals for residential development within the built-up limits of settlements, the Category A categorisation of Launton reflects the number and range of facilities and services that are on offer within the village. These include a convenience store/post office, a farm shop, a primary school, public houses, a sports and social club and a bus service.
19. The route from the site along Station Road to the crossroads and then along Bicester Road to where a number of the above referenced facilities and services are located is flat, overlooked and well served by footway. Even so, the distances involved are not short. For example, from the centre of the site to the village's convenience store the distance is estimated to be just under 1km whilst the distance to the primary school is approximately 1.3km. The National Design Guide (January 2021) meanwhile, indicates that walkable local facilities are generally sited no more than ten minutes away which equates to around 800m in distance terms.
20. Whilst the public right of way network offers an alternative connection from the rear of the site to the heart of the village, the distances involved are not dissimilar to those that would avail when utilising Station Road. Also, this alternative route is subject to obstacles such as stiles and gates and is not formerly surfaced or lit for much of its extent such that it may not resemble an attractive proposition for future occupiers. Further, any contribution to be secured towards improving the public right of way network may not ultimately deliver direct enhancements to the footpath that connects the north-western

rear boundary of the site to the village. Thus, considering the walkability constraints that apply, it is inevitable that the proposal would increase travel by private modes of transportation.

21. However, the National Planning Policy Framework (July 2021) (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in decision-making.
22. The bus service that serves Launton is relatively regular, runs six days per week, and offers trips to various destinations including Bicester and Aylesbury. Although the nearest bus stops to the site are located on Bicester Road and thus on the cusp of what could be fairly considered walkable (particularly if to be accessed on a day-to-day basis), this bus service would still provide future occupiers of the proposed development with a genuine alternative option to private car travel should they desire to pursue it. Further, it is relevant that contributions would be secured towards the running of the service and improvements to bus stop infrastructure.
23. The site's relative proximity to Bicester is also a relevant factor. Indeed, relatively short journeys (by private car or otherwise) would be required to access the wide range of facilities and services on offer in this neighbouring town. Further, whilst not all residents would own a bike or have both the desire and ability to cycle, Bicester, as well as the facilities and services contained in Launton village, would be cyclable by future occupiers.
24. All related matters considered, I find that the proposal would cause some harm, albeit limited in extent, by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services. The scheme conflicts with Policies ESD15 and Policy Villages 2 of the Local Plan in so far as these policies require that, in considering sites, particular regard will be given to criteria including whether the site is well located to services and facilities.

Other Matters

25. The site is located in proximity to Grade II listed buildings that address Station Road and that include Grange Farmhouse situated approximately 75 metres south of the site. The significance and special interest of this designated asset is drawn, in-part, from its traditional form and relevance to the historic evolution and rural history of Launton. It is common ground between the main parties to this appeal that the proposal, by virtue of bringing forward development within the setting of Grange Farmhouse, would cause a low level of less than substantial harm to the heritage significance of this designated asset that would be outweighed by the scheme's public benefits.
26. The Framework indicates that, when considering the impact of a proposal upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. Having inspected the nature of the separation and intervening building stock that prevails, I have no reason to question the extent of less than substantial harm adjudged by the main parties. I am also satisfied that the scheme's public benefits, which I shall turn to in detail in the Planning Balance below, would outweigh the heritage harm identified. For the avoidance of doubt, other designated assets in the locality are sufficiently distanced from the site such that the proposal would avoid causing any loss of

special interest or heritage significance through bringing forward development within their settings.

27. Policy Villages 2 of the Local Plan sets out that a total of 750 homes will be delivered at Category A villages across the plan period. It is common ground between the main parties that the 750 figure is not a ceiling or a cap and that the delivery of 65 additional houses at Launton would not cause harm to the overall housing strategy endorsed by the development plan. Indeed, Policy Villages 2 has neither a temporal dimension, in that it does not specify when during the plan period housing should be delivered, or a spatial dimension, in that it does not specify how housing should be distributed across the Category A villages. Thus, having also studied the related findings of other Inspectors with respect to recent housing appeals on other sites in the District and notwithstanding that there has been strong delivery of housing at Launton since the beginning of the plan period, I too am satisfied that the scheme would not prejudice the Council's current housing strategy.
28. Various concerns have been raised by interested parties in the context of highway safety. Moreover, visibility restrictions at the crossroads where Station Road meets Bicester Road have been highlighted due to a curve in the alignment of Bicester Road and the regular presence of parked cars close by. A recent collision at the crossroads has also been brought to my attention. However, a scheme of junction improvements, albeit minor and already part-implemented, incorporating revised hatching, lining and footway provision, is proposed that assists in offering suitable assurances that satisfactory levels of visibility would avail for future users of the crossroads and that this junction would operate satisfactorily post-development. Indeed, the Highway Authority (the HA) has raised no objection. This is a matter of importance as the HA is responsible for the safety of users of the local highway network.
29. It is apparent that the submitted Transport Assessment (dated December 2021) relies upon traffic counts collected back in 2015 and 2016, with subsequent adjustments applied to take account of traffic growth and committed traffic flows. Capacity analysis is focussed upon the year 2026, when the development proposal would realistically be fully built out. Notwithstanding any past or ongoing alterations made to the A41, or references made to Launton being used as a rat run, I have not been provided with clear or persuasive evidence to demonstrate that the proposal's effect upon the local highway network would be unacceptable. It is again relevant that the HA has raised no objection in a network capacity sense.
30. References have been made by interested parties to standing water often prevailing at the site, and to local ditches at times being full or overflowing. Moreover, the Environment Agency's Surface Water Flood Risk Mapping indicates that parts of the site are at risk of surface water flooding. It is apparent that soakage testing has revealed the site to be overlain by mixed clays meaning infiltration is unlikely to be feasible. Nevertheless, a drainage strategy has been formulated that ultimately involves discharge into the existing ditch network at a restricted rate.
31. The drainage strategy also involves site levels re-profiling, the clearance and maintenance of existing ditches, the provision of new culverts and the formation of on-site attenuation basins. Any suggestion that the capacity of these basins would not be fit for purpose has not been robustly substantiated,

whilst the Lead Local Flood Authority has raised no objection subject to a planning condition being imposed to secure full details of the drainage scheme to be implemented. I am content that any risks of surface water flooding have been suitably addressed at this outline planning stage.

32. It has also been brought to my attention that there have been local issues with the foul water sewage system in recent times, which has led to instances of foul water flooding. However, Thames Water, the relevant statutory undertaker, has confirmed that the scale of proposed development would not materially affect the sewer network and has raised no objection to the proposal. In this context, I cannot find that the scheme would be likely to exacerbate the past issues that have been highlighted.
33. The proposal would result in the displacement of existing commercial operations from the site that no doubt contribute to the local economy and community and that include a car and van rental business. Nevertheless, from the evidence before me, there is no clear reason to consider that suitable alternative premises would not be obtainable elsewhere in the local area. Whilst it is unfortunate to disrupt existing occupation, this is an inevitable consequence of a scheme involving redevelopment. I further note that any potential planning condition seeking to control the timeframe of any future relocation from the site could not override the terms of any private tenancy agreement, or similar, and would not, to my mind, be relevant to planning.

The Legal Agreement

34. The legal agreement contains various provisions. It secures the on-site provision of 35% affordable housing in accordance with the requirements of Policy BSC3 of the Local Plan. A mix of affordable rented, shared ownership and First Homes properties is secured in broad accordance with requirements set out by the Council's Housing Strategy and Development Team.
35. Provisions related to public open space and play provision, including the delivery and/or maintenance of informal open space, hedgerows, mature trees, new and mature woodland, a local equipped area of play and sustainable drainage systems are justified in accordance with Policies INF1, BSC10, BSC11 and ESD7 of the Local Plan as well as guidance contained within the Developer Contributions Supplementary Planning Document (February 2018) (the SPD). Potential commuted maintenance sums have been calculated in accordance with the Council's standard formulae.
36. The blue land is integral to the appellant's intention to deliver a net gain in biodiversity in accordance with the requirements of Policy ESD10 of the Local Plan. It is justified therefore to secure the detailed ongoing management and maintenance of the blue land for biodiversity enhancement purposes.
37. In accordance with the requirements of Policies INF1, BSC10 and BSC12 of the Local Plan, as well as with the guidance contained within the SPD, contributions to community hall facilities (the improvement, enhancement or redevelopment of Launton Parish Hall or other community buildings in the vicinity), off-site indoor sports facilities (enhancements at either Launton Parish Hall or Bicester Leisure Centre) and off-site outdoor sports facilities (enhancements at Launton Playing Fields) are justified.

38. An additional community hall facilities contribution has arisen via the Parish Council's preliminary estimation that £200,000 is required to redevelop Launton Parish Hall. This position is not supported by a definitive scheme of works or detailed costings. Thus, I cannot be sure that any additional contribution (over and above those calculated for community hall facilities and off-site indoor sports facilities in accordance with standard Council formulae) would be fairly and reasonably related in scale and kind to the development. I therefore attach no weight to the Additional Community Hall Facilities Contribution as defined under Schedule 5 of the legal agreement.
39. An Oxfordshire clinical commissioning group contribution to go towards increased surgery capacity to cater for additional health facility demand is justified. The sum has been calculated in accordance with the NHS Oxfordshire clinical commissioning group's adopted policy. This approach is in line with the requirements of Policy INF1 of the Local Plan and guidance contained within the SPD.
40. A waste receptacles contribution to go towards the provision of waste bins for each new dwelling is justified and is in compliance with Policy BSC9 of the Local Plan and guidance contained within the SPD.
41. Various education contributions are secured, including towards primary education, secondary education and special educational needs. Each of these is intended to go towards the expansion of education capacity serving the development and has been calculated in accordance with standard formulae to ensure proportionate contributions. This approach accords with Policy INF1 of the Local Plan and the SPD. With respect to the primary education contribution, it was confirmed by the County Council at the Hearing that a scheme of works for on-site expansion at Launton Primary School has been formulated. As this is the only primary school situated within a two-mile safe walking distance of the site, there are suitable assurances that the primary education contribution would be directed to this expansion project.
42. A secondary school land contribution is secured towards the acquisition of land for the expansion of secondary education capacity given that a new school is planned for north-west Bicester. This sum has been calculated in accordance with educational land value and the anticipated pupil numbers to be generated by the development.
43. A household waste recycling centres contribution would be directed towards the expansion and efficiency of household recycling centres serving the development in the interests of addressing existing issues of overcapacity. This has been calculated in accordance with additional space required per dwelling as a proportion of the anticipated total cost of infrastructure and land for a new household waste recycling centre.
44. A public transport services contribution towards maintaining the bus service that serves Launton is justified. The sum has been calculated in accordance with the Council's standard public transport calculation and this approach accords with guidance contained within the SPD. Similarly, a public transport infrastructure contribution towards the provision and maintenance of a new bus shelter is justified in the interests of promoting patronage of the service and has been calculated based on the sum required to cover the standard cost of installation.

45. A public right of way contribution to cover small-scale improvements to the network in the vicinity of the site is reasonable and justified in the interests of promoting sustainable travel choices. A variety of potential improvement works have been pinpointed by the County Council and I am content that the sum requested is fairly and reasonably related to the development proposal.
46. The legal agreement also secures the undertaking of highway works in accordance with a Highways Agreement to be entered into, to include the provision of site access, footpath improvements and the relocation of speed limit signs. This is justified to provide the legal certainty that these works would indeed take place in a timely manner.
47. I am satisfied that, except for the Additional Community Hall Facilities Contribution, the various contributions and provisions secured through the legal agreement are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind. I am satisfied too that the monitoring fees secured are proportionate and reflect the actual costs of monitoring. I am also content that, from the evidence before me, both the legal agreement and a supplemental Deed of Covenant, which ensures the agreed obligations are secure, are fit for purpose.

Planning Balance

48. As indicated at paragraph 11 to the Framework, the presumption in favour of sustainable development is engaged in circumstances that include where the policies most important for determining a scheme are out-of-date. This includes, with respect to proposals for housing, where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
49. The Council has accepted that it cannot currently demonstrate a five-year supply of deliverable sites. The latest published position for the period 1 April 2022 to 31 March 2027 is a housing supply figure of 3.5 years. This represents a significant shortfall. As such, the presumption in favour of sustainable development is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
50. I have identified conflict with Policy ESD15 and Policy Villages 2 of the Local Plan. Both are consistent with the Framework in the sense that it seeks to ensure developments are sympathetic to local character and promotes the provision of sustainable travel opportunities. For reasons that I have already set out above, the proposal would cause some limited harms to the character and appearance of the village of Launton and its surrounding rural area and by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services. Further, as identified above, the scheme would cause less than substantial harm to the heritage significance of Grange Farmhouse through bringing forward development within its setting.
51. However, the scheme would provide various sometimes weighty benefits. These include the provision of a considerable number of additional market dwellings in a District where there is a significant housing land supply deficit. As set out in the Framework, it is a Government objective to significantly boost

the supply of homes. Whilst it is my understanding that the supply shortfall has been heavily contributed to by delays to a selected number of major schemes situated elsewhere in the District, it remains that the benefit of new market housing attracts significant weight.

52. A policy-compliant level of affordable housing in a District where a considerable accumulated shortfall of affordable housing units exists also constitutes a scheme benefit that attracts significant weight. Further, the economic and social benefits that would be brought about by the provision of up to eight live-work units attract considerable weight. Other benefits include investment in the local economy at both construction and occupation stage, the provision of publicly accessible open space and the delivery of biodiversity net-gain.
53. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the harms and associated policy conflicts that I have identified would not significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. As such, the presumption in favour of sustainable development, as set out in the Framework applies.
54. Thus, whilst the proposal conflicts with the development plan when read as a whole, there are other material considerations, including the Framework, that outweigh that conflict, such that the appeal should be allowed.

Conditions

55. As part of a Statement of Common Ground signed by the main parties to this appeal and submitted in advance of the Hearing, a list of agreed conditions has been provided. Following further discussion at the Hearing, I have considered the conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments to some of them for consistency and clarity purposes. Pre-commencement conditions have only been applied where agreed to by the appellant and where necessary to guide initial works on site.
56. In the interests of certainty, a condition specifying the approved plans is required. In the interests of protecting the visual amenities of the area and the living conditions of existing and future residential occupiers, a condition requiring levels details to be submitted for approval is reasonable and necessary.
57. To suitably guard against the risks associated with contamination, conditions are reasonable and necessary requiring intrusive investigation and subsequent remediation and verification if required. In the interests of guarding against flood risk and promoting sound surface water management, a condition requiring the submission, implementation and retention of a detailed surface water drainage scheme is necessary to impose.
58. In the interests of ensuring appropriate archaeological investigation and recording, conditions requiring the preparation of a Written Scheme of Investigation and the subsequent undertaking of a staged programme of archaeological evaluation and mitigation are reasonable and necessary to impose.
59. In the interests of highway safety, conditions requiring full details of schemes of improvement works at the crossroads where Station Road meets Bicester Road and to the footway along Station Road are reasonable to impose. Such

works would be undertaken off-site on lands outside of the appellant's ownership. However, the locations in question fall under the full control of the Highway Authority who are supportive of the works being undertaken. I am thus sufficiently satisfied that such conditions would be both implementable and enforceable.

60. In the interests of highway safety also, conditions requiring the site's principal point of access to be installed as approved prior to the site's first occupation, as well as full details of the various vehicular accesses, driveways and turning areas to be installed across the development, are reasonable and necessary to impose.
61. In the interests of ensuring acceptable living conditions for future occupiers, a condition is reasonable and necessary that secures the submission of a noise assessment and implementation of the development in accordance with the approved assessment including any associated mitigation measures approved.
62. In the interests of ensuring that existing trees and hedgerows of value are properly protected, conditions to secure the submission of, at detailed planning stage, an Arboricultural Impact Assessment, a Tree Protection Plan and an Arboricultural Method Statement, as well as replacement planting in specified circumstances, are reasonable and necessary to impose.
63. In the interests of highway safety and protecting the living conditions of local residential occupiers, a condition requiring the submission and implementation of a Construction Traffic Management Plan is reasonable and necessary to impose.
64. Full details of the live-work dwellings hereby permitted, including of a management plan to be implemented, are reasonable to secure via condition in the interests of ensuring that the development is built out as applied for and operated in an acceptable manner.
65. To provide appropriate assurances that the water network has sufficient capacity to serve the development, a condition requiring upgrade works to be installed or future occupation in full accordance with a housing and infrastructure phasing plan to be agreed between Thames Water and the Local Planning Authority is reasonable and necessary to impose.
66. In the interests of providing full assurances that protected species shall not be harmed, conditions are reasonable to confirm that, prior to the commencement of works, relevant licences shall be required should future works be likely to impact upon bats, badgers or Great Crested Newts. A copy of any such license would need to be submitted to the Council. I am content that, as not yet at detailed planning stage, this represents an appropriately robust approach to safeguarding protected species.
67. In the interests of attaining bio-diversity net-gain, the submission and implementation of an associated method statement and scheme for enhancing biodiversity is reasonable and necessary to secure via condition. In the interests of protecting and promoting biodiversity conservation, conditions securing a Landscape and Ecology Management Plan and a full lighting strategy (should external lighting be installed) are also reasonable and necessary to secure.

68. In the interests of environmental sustainability, conditions securing the submission and implementation of a renewable energy statement and details of the measures to be installed to achieve a high standard of energy performance are reasonable and necessary to impose. For the same reason, a condition securing the installation of water efficiency measures is reasonable.

Conclusion

69. For the reasons given, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Richborough Estates

Schedule of Conditions

- 1) No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- 2) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development hereby permitted shall be begun either before the expiration of four years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 3) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following approved plans: 45439-02; 45439-05A; T21547 001A (appended to Planning Appeal Hearing Statement – Transport, dated 9 June 2022); T21547 002 (contained in Transport Assessment, dated 6 December 2021).
- 4) No development shall commence until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.
- 5) No development shall commence until a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- 6) If contamination is found by undertaking the work required under Condition 5, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring that is required by this condition.
- 7) If remedial works are required in accordance with Condition 6, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved. A verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

- 8) No development shall commence, including any works of demolition, until an Archaeological Written Scheme of Investigation relating to the application site area and prepared by a professional archaeological organisation acceptable to the Local Planning Authority has been 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 development including any works of demolition (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 and approved in writing by the Local Planning Authority.
- 10) No development shall commence until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings hereby permitted, which shall include construction, layout, surfacing, lighting and drainage details, have been submitted to and approved in writing by the Local Planning Authority. The accesses, driveways and turning areas shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted and shall be retained as such thereafter.
- 11) No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.
- 12) No development shall commence, including any works of demolition or site clearance, unless and until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority. The method statement and scheme shall accompany any reserved matters application relating to layout and/or landscaping and shall include a timetable for provision. Thereafter, biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.
- 13) No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall cover both the construction and operational phases of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.
- 14) Prior to the installation of any external lighting, a full lighting strategy to include an illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the

development shall be carried out and retained in accordance with the approved strategy.

- 15) Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby permitted, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to and approved in writing by the Local Planning Authority.
- 16) Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby permitted, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to and approved in writing by the Local Planning Authority.
- 17) Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby permitted, no works of site clearance, demolition or construction shall take place which are likely to impact on badgers until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to and approved in writing by the Local Planning Authority.
- 18) Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings shall be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed in writing with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details and no dwelling hereby permitted shall be occupied until it has been constructed in accordance with the approved energy performance measures.
- 19) No part of the development hereby permitted shall be constructed above finished floor level until a full scheme of works for the following improvements have been submitted to and approved in writing by the Local Planning Authority: the Bicester Road/Station Road/Blackthorn Road/West End junction, as shown indicatively on drawing Ref: T21547 003 contained within the submitted Transport Assessment, dated 6 December 2021. The occupation of the development shall not begin until those works have been completed in accordance with the approved details.
- 20) No development shall commence above slab level unless and until full specification details of the proposed new footway along Station Road, connecting the site access to the existing footway on the southeast side of Station Road, which shall include construction, layout, surfacing, lighting and drainage details, have been submitted to and approved in writing by the Local Planning Authority. No property hereby permitted

shall be occupied until the new footway has been constructed in full accordance with the approved details, which shall be retained as implemented thereafter.

- 21) As part of any reserved matters application relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. The scheme shall thereafter be managed in perpetuity in accordance with the approved details. The scheme shall also include: Discharge rates based on 1:1 year greenfield run off rate; Discharge Volumes; Sustainable Drainage Systems (SuDS); Maintenance and management of drainage and SuDS features (to include the provision of a SuDS Management and Maintenance Plan); Infiltration in accordance with BRE365; Detailed drainage layout with pipe numbers; Network drainage calculations; Phasing; Flood Flow Routing in exceedance conditions (to include provision of a flood exceedance route plan); A detailed surface water catchment plan.
- 22) As part of any reserved matters application relating to layout, a noise assessment shall be submitted and approved in writing by the Local Planning Authority to demonstrate how acceptable internal and external noise levels shall be achieved for the proposed dwellings and amenity spaces. If the proposal includes the use of background ventilation, a ventilation and overheating assessment shall be carried out and submitted for approval. The development shall thereafter be carried out in accordance with the approved details and any approved mitigation measures shall be retained thereafter.
- 23) As part of any reserved matters application relating to layout, an Arboricultural Impact Assessment, a Tree Protection Plan and an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved Tree Protection Plan and AMS.
- 24) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition, a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars. The requirements of this condition shall have effect until the expiration of five years from the date of the approval of the final reserved matters.

- 25) As part of any reserved matters application relating to layout, the details of a new public right of way across the site from existing right of way 272/12 to the west as far as Station Road to the east shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the new public right of way shall be constructed and retained in accordance with the approved details and made available to use by the public at all times.
- 26) As part of any reserved matters application relating to layout, full details of the live-work dwellings hereby permitted, including the extent and type of commercial workspace within each unit and a management plan of how they will be controlled and the division of space between residential and commercial space provided, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be occupied in accordance with the approved details. The live-work dwellings shall thereafter be used solely as live-work units (*sui generis*) and for no other purpose including for residential or employment use.
- 27) As part of any reserved matters application, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan (July 2015), shall be submitted and approved in writing by the Local Planning Authority. Prior to the first occupation of any building the renewable energy serves, the relevant measures contained within the approved strategy shall be carried out in full.
- 28) Prior to the first occupation of any property hereby permitted, a revised Residential Travel Plan Statement meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and monitored in accordance with the approved details.
- 29) No property hereby permitted shall be occupied until written confirmation has been sought and attained from the Local Planning Authority that either: evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 30) No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day, a limit that shall continue to be accorded with at all times thereafter.
- 31) Prior to the first occupation of any part of the development, the means of access shall be constructed in accordance with the details shown on the approved plans Ref: T21547 001A and T21547 002 and shall be retained as such thereafter.

APPEARANCES

FOR THE APPELLANT

Sarah Reid KC	Barrister, Kings Chambers
David Bainbridge	Director, Savills Planning
Rebecca Bacon	Associate, Savills Planning
Clare Mitchell	Associate Director, Savills Urban Design
Wendy Lancaster	Landscape Director, Tyler Grange
James Parker	Director, Hub Transport Planning Ltd
Nick Banks	Regional Director (South East), Richborough Estates
Alex Bennett	Director, Mewies Engineering Consultants Ltd

FOR THE COUNCIL

James Kirkham	Case Officer
Andrew Murphy	Planning Consultant, Stansgate Planning

INTERESTED PARTIES

Judith Coats	Infrastructure Funding Team Leader, Oxfordshire County Council
Roger Plater	Transport Planner, Oxfordshire County Council
Angus Patrick	Local Councillor
Simon Turner	Launton Parish Council
Richard Lodge	Local resident
Bridget Evans	Local resident

DOCUMENTS SUBMITTED AFTER THE HEARING

Planning Obligation by deed of agreement under Section 106 of the Act, dated 27 October 2022

Deed of Covenant, dated 27 October 2022