

PLANNING STATEMENT

**LAND TO THE NORTH OF HEMPTON ROAD,
DEDDINGTON**

**ON BEHALF OF
PEMBURY ESTATES LTD**

December 2018

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1. INTRODUCTION

1.1 This Planning Statement has been prepared by HD Town Planning Ltd in support of an outline planning application for a residential development of up to 21 dwellings on land to the North of Hempton Road, Deddington.

1.2 The proposed application comprises:-

- i. a red line plan outlining the site (Drawing No: A_1807EX100)
- ii. the completed application forms
- iii. an illustrative layout showing how the site could be developed
- iv. a plan showing details of the access arrangements.

1.3 It is also supported by the following documents:-

- a) a topographical survey
- b) this Planning Support Statement
- c) a Design & Access Statement
- d) an Ecological Statement
- e) a Landscape and Visual Impact Assessment
- f) a Transport Statement
- g) a Drainage Strategy
- h) an Archaeological Statement
- i) an Arboricultural Report.

1.4 This Planning Statement sets out the policy background to the application in the context of the Cherwell Local Plan 2031 (CLP2031) and the emerging (Draft) Deddington Neighbourhood Plan (DDNP), together with the latest version of the NPPF, the National Planning Policy Guidance, and other material deemed relevant to consideration of the application; this includes data from evidence produced by the Council on 5 Year land supply and appeal decisions that have relevance to the area generally.

1.5 The Statement is subdivided into the following sections:-

- Section 2 provides a brief description of the site and surroundings.

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- Section 3 sets out a summary of the development proposals.
- Section 4 provides a brief description of the public consultation undertaken by the applicants.
- Section 5 sets out the planning policy background and other relevant material.
- Section 6 sets out the affordable housing proposals and the dwelling mix.
- Section 7 describes the draft S106 Heads of Terms.
- Section 8 undertakes a Planning Balance including overall Conclusions on the planning merits.

2. SECTION 2 : SITE DESCRIPTION

- 2.1 The application site comprises a trapezoidal shaped parcel of land lying on the North side of Hempton Road (close to the junction with Wimborne Close) on the western edge of Deddington. It has an area of 0.96 hectares and currently comprises two parcels: the southern half the site comprises a small arable field fronting the Hempton Road and also contains a small barn structure which is used for storage. The northern half of the site comprises part of a larger arable field which extends further northwards. Both extend as far west as an existing hedgerow which forms the boundary to the site. There is a narrow track on the eastern margin giving access to the agricultural fields to the rear.
- 2.2 To the immediate east of the site is a narrow tree belt and hedgerow which forms the western boundary to a residential area served by Wimborne Close. The southern boundary to the site is formed by Hempton Road a B-class road which extends in an East-West direction giving access to Hempton (about 1500m to the West) and the centre of Deddington (about 600m to the east). To the south of the site beyond Hempton Road is an extensive area of Community facilities comprising the Windmill Community Centre and a number of pitches and areas of open space. To the west and north lies open countryside.
- 2.3 As can be seen from the topographical survey/plan the site is generally level but slopes slightly downwards in a southerly direction so that the lowest point lies in the south east corner adjacent to the Hempton Road.
- 2.4 Hempton Road is a 5.5m carriageway which has a 30mph speed limit adjacent to the site. To the east there is a footpath on the northern side of the road giving pedestrian access to the village centre and other facilities including shops, a doctors surgery and a primary school. The table below sets out the distance to these basic facilities.

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Facility	Walking Distance
Primary School	720m
Doctors Surgery	830m
Shops	750m
Community Centre	175m
Pub (nearest)	700m
Bus Stop	650m
Recreation/Pitches	250m
Church	860m
Post Office	800m
Library	620m

2.5 Deddington is categorized as a Large Village in the CLP2031 and has a population of about 2,150 at 2011 Census. The population has remained steady for a number of decades. As noted above it has a good range of facilities including a number of retail outlets in the village centre which lies just to the east of the main Banbury to Oxford Road (A4260) as well as a church, primary school, 4 pubs and various small employment establishments. It is reasonably well served by public transport with hourly services south to Kidlington and Oxford and twice hourly services north to Adderbury and Banbury.

2.6 The site is not subject to any public rights of way. Nor is it affected by any statutory landscape, ecological or heritage designations. The Deddington Conservation Area covers a large area of the settlement but is primarily restricted to the older part of the village east of the A4260. Any development on the site will not impact at all on the Conservation Area.

3. SECTION 3 : PLANNING APPLICATION

3.1 The application is in outline form with all matters reserved save for access. The number of dwellings proposed is up to 21 with access northwards into a cul-de-sac off the Hempton Road. An illustrative layout accompanies the application showing how the site could be laid out to provide a mix of dwellings whilst at the same time creating a new landscaped entrance to the village from the western approaches. The illustrative plan includes provision for a surface water balancing basin together with a small play area (adjacent to the existing play facilities in Wimborne Close) and additional landscaping on the western and northern boundaries. Further details of the scheme are set out in the Design & Access Statement.

4. SECTION 4: PRE APPLICATION CONSULTATION

- 4.1 The applicant's first met with the Parish Council's Neighbourhood Plan Working Group earlier in the year. The proposal was discussed in the context of the emerging DDNP policies at that time which included part of the site within the defined settlement boundary.
- 4.2 Further public consultation took place at the Windmill Community Centre in September of this year and is described in the Statement of Community Involvement.

5. SECTION 5: DEVELOPMENT PLAN BACKGROUND AND NATIONAL POLICY CONSIDERATIONS

- 5.1 The revised National Planning Policy Framework was published in July 2018 and came into immediate effect. Whilst much of its content remains similar to the previous version insofar as it focusses on ensuring that development occurs in sustainable locations and that primacy is given to Development Plan policies, there are some important changes it emphasis not only to housing objectives generally but also to the supporting Planning Policy Guidance.

- 5.2 Paragraph 7 states:-

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”.

- 5.3 Paragraph 8 goes on to emphasize the interdependence of the 3 aspects of sustainability – economic, social and environmental as follows:-

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) **an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;**
- b) **a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and**
- c) **an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve**

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

5.4 Paragraph 11 sets out that at the heart of the NPPF is the presumption in favour of sustainable development. The paragraph subdivides the advice into that for plan making and decision taking. With regard to decision taking the NPPF states:-

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or**
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

5.5 We believe that in the light of our assessment of the relevant policies (see below) that Paragraph 11c is of particular importance.

5.6 Section 4 of the NPPF entitled “Decision Taking” states at Paragraph 38:-

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

5.7 Paragraph 48 continues:-

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);**
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and**
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”**

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5.8 In Section 5 of the NPPF entitled “Delivering a Sufficient Supply of Homes” Paragraph 73 states that:-

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.”

5.9 The Paragraph also requires the supply of specific deliverable sites to include a buffer of 5% (moved forward from later in the Plan period), or 10% or 20% depending upon the previous performance of the Authority in delivering completions. The need to provide a 20% buffer on the 5 Year supply occurs:-

“c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.”

5.10 Footnote 39 to Paragraph 73 explains that from November 2018 performance on past completions will be used for a new Housing Delivery Test (HDT) and that a 20% buffer will be required where completions annually fall below 85% of the housing target. Further details of the HDT are given in Paragraph 75 but these are not entirely consistent with the Footnote. Additional information on the Test is set out in the Planning Policy Guidance Notes and in a new Technical Paper on which consultations are currently being undertaken.

5.11 So far as Rural Housing is concerned Paragraph 78 of the NPPF states:-

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

5.12 Various parts of the Planning Practice Guidance were amended in September 2018 to take into account the new NPPF particularly those relating to the 5 Year Land Availability position and the new Housing Delivery Test.

5.13 Also of relevance in the PPG notes is the advice on emerging Neighbourhood Plans (Paragraphs 007 Ref ID41-007-20170728) which states that an emerging NP may be a material consideration in determining an application with the weight being given to it depending upon the advice in Paragraph 216 of the NPPF. It also notes that whilst the referendum provides the final say on the document (prior to it becoming part of the approved Development Plan), **“decision makers should respect evidence of local support prior to**

the referendum when seeking to apply weight to an emerging Neighbourhood Plan". It goes on to say that:-

The consultation statement should reveal the quality and effectiveness of the consultation that has informed the plan proposals".

Development Plan

- 5.14 The Development Plan for the area comprises the saved policies from the Cherwell Local Plan (1996) and the latest Cherwell Local Plan Part 1 which was adopted by the Council in July 2015 and re-adopted in December 2016 with some minor amendments.
- 5.15 The Council is in the process of a partial Review of the CLP2031 to decide how the City of Oxford's unmet need will be distributed between the surrounding authorities. This aspect of the Review was submitted to the Secretary of State in March 2018 and is currently the subject of an Examination in Public but where the Inspector has yet to report. To that extent, whilst the Council may have agreed the distribution of this unmet need between it and the other authorities, the Review has relatively little weight which can be attached to it at this stage especially in the context of the current application at Deddington which is not a settlement that is intended to accommodate unmet Oxford housing needs.
- 5.16 A Cherwell Local Plan (Part 2) is also understood to be in preparation but as this is even further behind the Review to Part 1 and has only reached the early stages of Issues Consultation, (published March 2016) similarly little weight can be attached to this document.
- 5.17 The CLP2031 Part 1 which covers the period 2011 – 2031 identifies (Policy BSC1) a need for 22,840 dwellings across the Local Authority area. Of this total the bulk is focussed at Bicester and Banbury urban areas (10,129 and 7,319 dwellings respectively) with the remainder distributed to the Rural Areas (5,329 dwellings). This latter figure is distributed partly at a strategic allocation at Upper Heyford (1,600 dwellings) and through the categorization of settlements in Policy Villages 1 (Village Categorization) and Policy Villages 2 (Distributing Growth Across the Rural Areas); this subdivides settlements in the Rural Areas into Service Villages which have a reasonable range of facilities and smaller villages which are categorized as Satellite and Other Villages. A copy of both Policies is attached as Appendix 1. Deddington is identified as a Category A Service Village as it has a good range of facilities within the village (see Paragraph 2.4 above which contains a Table with walking times to the range of facilities). It should also be noted that Policy Villages 2 confirms that over the Plan period (2011 – 2031) there will be approximately 750 dwellings delivered in Category A villages; and a further 754 dwellings on windfall sites of less than 10 units across the whole of Rural Areas. Policy Villages 1 notes that both Category A Service Villages and Category B Satellite Villages will be considered suitable for "minor development" as well as infilling and

conversions. Minor development is defined in slightly more detail in Paragraph C.262 which states:-

“In assessing whether proposals constitute “minor development” regard will be had to the following criteria:-

- **The size of the village and the level of service provision.**
- **The site’s context within the existing built environment.**
- **Whether it is in keeping with the character and form of the village.**
- **Its local landscape setting.**
- **Careful consideration of the appropriate scale of development particularly in Category B (Satellite) Villages”.**

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5.18 Prior to this Paragraph C.261 indicates that whilst there is a need for villages to contribute to sustainable growth, the appropriate form of development will vary depending on the character of the village and development in the immediate locality. In all cases Policy ESD15: The Character of the Built and Historic Environment will be applied in considering applications.

5.19 Policy ESD15 which is also attached as Appendix 1 sets out various criteria which new development proposals should meet in order to meet high standards of design including:-

- buildings which are of high quality, safe and attractive
- adaptable
- use land efficiently
- contribute positively to the character of a settlement
- conserve and enhance heritage assets
- respect traditional patterns of development
- takes account of local distinctiveness
- promote permeable routes
- create high quality streetscapes
- take account of the amenity of adjoining buildings
- reduce light pollution
- consider design in the early stages of planning
- incorporate energy efficient designs
- integrate local green space
- use local materials.

5.20 These points as they relate to the Rural Areas are emphasized in Paragraph B.271 which notes that a large proportion of Rural Settlements are covered by Conservation Areas where the quality and special interest needs to be protected.

5.21 There are a number of other general policies of relevance to this application of which we would specifically draw attention to Policy BSC2 (Efficient Use of Land and Housing Density), BSC3 (Affordable Housing), BSC7 (Meeting Education Needs), BSC11 (Local Standards of

Outdoor Recreation Provision), ESD1 (Mitigating Climate Change), ESD3 (Sustainable Construction) and ESD7 (Sustainable Drainage Systems).

5.22 Before leaving the CLP2031 it is relevant to examine the 2017 Annual Monitoring Report which sets out various milestones in terms of meeting Local Plan policies and objectives particularly those in relation to housing and housing completions which, as noted in the previous subsection, central Government is seeking to boost significantly. Table 12 of this document shows a total of 4,579 completions in the period 2011 – 2017 of which 71% are at Banbury and Bicester with 29% in the Rural Areas thereby successfully achieving the CLP2031 urban focus objective; this reverses previous trends whereby housing development was proceeding at a faster rate in the Rural Areas. Although housing completions in recent years have accelerated the very low completion levels achieved in the early years of the Plan have resulted in a deficit of 2,273 dwellings (31st March 2017).as against the anticipated build rates over this period. In Category A villages completions have been only 103 dwellings since 2014 (the start date for the 750 dwellings specified in Policy Villages 2 – see Table 40) despite permissions of 664 dwellings being granted in this period on 18 sites. Whilst there is no doubt that some of these sites will come forward to enhance completions in the Category A villages past annual build rates have been inadequate to achieve the 750 dwellings 2014 – 2031 if projected forward. As at March 2017 (the date of the last Annual Monitoring Report) the number of outstanding consents plus completions still did not exceed the 750 in the CLP2031. Even allowing for some further consents in the year 2017 – 2018 both from the Council and through the appeal process, there is still some margin before the 750 dwellings total is reached. Even if it is reached or even exceeded the overall aim of CLP2031 to focus development on the two main urban areas, has been overwhelmingly successful. It follows that if sustainable forms of development can be achieved in the Category A Villages without eroding the overall objectives of the Plan then the dwelling numbers in Policy Villages 2 should not be allowed to thwart Government objectives for increasing housing supply generally. This is especially the case in relation to sites which could come forward through Neighbourhood Plans which is especially relevant in this case. We now turn to examine the draft Deddington Neighbourhood Plan (DDNP).

Draft Deddington Neighbourhood Plan

5.23 In accordance with the provisions of the Localism Act (2011) Deddington Parish Council opted (in 2013) to prepare a Neighbourhood Plan for their area (DPNP) and have spent the last 2 – 3 years preparing a draft document which has been the subject of several rounds of public consultation. A further round of public consultation is currently being undertaken prior to the Plan being submitted to the District Council for formal consideration by that Authority. It will then subsequently be the subject of a separate independent Examination by an Inspector later in the year and finally put to the local electorate in a referendum, probably later in 2019.

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5.24 The draft Plan currently out for consultation sets out a number of goals which it seeks to achieve. The first of these goals relates to Housing and states:-

“Goals H1: To deliver high quality and sustainable housing development that satisfies strategic growth requirements, fulfils local housing needs and is compatible with the historic rural character of the Parish and its landscape setting”.

5.25 To that end it sets out eight housing objectives:-

- to deliver housing growth that meets strategic needs and the needs identified through a local Questionnaire
- to provide affordable homes (both social and market) for younger people.
- to provide high quality homes
- to provide well designed homes in character with the Parish
- to ensure that housing takes place in sustainable locations and to ensure that the size of developments respects the distinctive Parish heritage
- to give preference to brownfield sites
- to ensure that estate infrastructure is provided and adopted.

5.26 There are a further range of environmental, community, transport and economic objectives some of which are of relevance to any residential development.

5.27 In preparing the Local Plan the Parish Council sought to find out from local residents the quantum of housing development that might be needed and the appropriate size of site. A slight majority (53%) felt that more housing was needed but a large majority (71%) favoured development on sites of no larger than 20 units. Hence the DDNP proposes approximately 50 new houses over the Plan period on the basis that this accords with community consultation; is not out of character with Deddington generally albeit social infrastructure is seen to be close to capacity; that this figure more closely accords with the housing numbers for Category A villages in the CLP2031; and that large scale developments were not favoured by residents.

5.28 Accordingly Policy DED – HOU1 proposes 50 dwellings 2015 – 2031 on sites of 10 or more dwellings. Additionally the total number of plots per site should not exceed 20; some further development of small windfall sites of less than 10 dwellings within the built up limits of development may also be permitted .

5.29 In terms of housing location the DDNP favours a criteria based approach rather than the specific identification of sites. Accordingly Policy DED – HOU2 sets out a range of criteria including the fact that proposals for residential development on land adjoining or beyond the built up area of the settlement will not be supported if this disproportionately extends the built up limits or spoil the setting of the village. A further series of criteria are included within the policy for determining whether residential proposals are acceptable. These are as follows:-

- i. Whether the size of site meets the requirements of Policy DED – HOU1.

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- ii. Whether adverse impacts on heritage assets can be avoided.
 - iii. Whether the proposals avoid disproportionately extending the built up limits.
 - iv. Whether the proposals would deliver sustainability requirements set out in the environmental goals.
 - v. Whether the proposals deliver the housing goals (see above).
 - vi. Whether the proposals involve brownfield land.
 - vii. Whether the proposals avoid adverse impact on views.
 - viii. Whether the scheme can be integrated with the community especially for pedestrian and cycle movements.
 - ix. Where development is for older people that it is close to facilities.
 - x. Where development minimizes traffic impact.
- 5.30 Policy DED – HOU3 seeks a mix of housing that meets the requirements of local people. It states that development of more than 3 dwellings that provide some 2 – 3 bed homes, or first time buyer homes, or medium sized homes for the elderly, or bungalows and flats, will be favoured.
- 5.31 Policy DED – HOU4 sets out a series of requirements regarding design with all schemes being required to be of high quality and fit sympathetically with the surrounding vernacular architecture as well as meeting other more detailed requirements.
- 5.32 Policy DED-HOU5 requires all infrastructure including roads, sewers and balancing ponds to be constructed to adopted standards and unless there are good reasons, to be offered for adoption.
- 5.33 Policy DED – HOU6 deals with Affordable Housing. In accordance with the CLP2031 there is a requirement for 35% Affordable Housing with 50% being available to those with a Parish connection and a majority i.e. more than 50%, one bedroom properties.
- 5.34 It is worth noting that unlike earlier versions of the DDNP there is no plan specifically delineating the settlement boundary of the village. However, for the record it should be noted that in the preceding version of the Plan the front section of the application site was included in the defined settlement boundary – see Design & Access Statement.

Other Issues

- 5.35 As part of the CLP2031 Part 2 exercise the Council has recently updated its 2017 Annual Monitoring Report to deal specifically with the issue of the 5 Year Land Supply. More recently still the residential land supply has been updated to July 2018 and sets out the Local Authority's interpretation of the 5 Year land supply as at April 2017 (running to 2022) and for

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April 2018 (running to 2023). The Council assert that having regard to the accumulated shortfall over the initial 6 years of the Plan (2273) and the subsequent 5 Year requirement plus a 5% contingency allowance, the April 2017 assessment shows a 5.2 years supply which rises to 5.4 years if the base date is moved forward to April 2018.

5.36 Setting aside whether or not these calculations are correct it is important to stress that the NPPF Mk2 emphasizes that the 5 Year provision is a minimum requirement. Failure to achieve this minimum requirement sets off the “tilted balance” which effectively favours the release of additional housing land. However, even if the Council are able to fully justify their 5 Year estimate this should not prevent the release of sites which are sustainably located and which meet the requirements of other policies prevailing in the area including sites which meet the criteria set out in a Neighbourhood Plan. In other words sites which are otherwise acceptable for housing development should not be held back and refused permission just because the Planning Authority are able to demonstrate the minimum 5 Year provision.

5.37 Additionally it should be born in mind that the criteria for determining contributions from sites towards the 5 Year supply has recently been altered slightly in the new National Planning Policy Guidance Notes so that the latest Cherwell District Council may need to be re-assessed. Given that with 2017 and 2018 assessments are only marginally over the 5 Year minimum supply there is a likelihood that under the new criteria there will be a deficit. However, for the purposes of this application we do not have to consider this possibility as it will be argued that the site clearly falls within the policy provisions set out in the emerging DDNP.

5.38 The second point to note in this section is the approach taken by Inspectors in other recent appeals that have taken place in the Cherwell area. At a recent appeal in Launton (see Appendix 2) Inspector Kenneth Stone considered a refusal to allow planning permission for up to 72 dwellings in a similar Category A Village. In his decision (dated 18th September 2018) he concluded that:-

(i) examining the 750 dwellings allocated to Category A Villages in the CLP2031 post 2014, showed a slow rate of delivery in the initial years such that this figure (34 p.a.) would not achieve the required dwelling total over the remainder of the Plan period (see Paragraph 17).

(ii) the 750 dwelling total should not be regarded as an upper limit i.e. a ceiling, and that it would require a material exceedance to conclude that the urban focus was in danger of being breached. (paragraph 18).

(iii) at that time (July 2018) there was still some margin before consents actually exceeded the 750 figure (Paragraph 18). Even allowing for this consent for 72 dwellings a further 21 dwellings (for example, on the application site) would only just exceed the 750 figure.

(iv) contrary to the Planning Authority's approach at other appeals (where it argued that consents in the early part of the Plan should effectively be restricted to avoid breaching the 750 unit figure), the Inspector took the view that any permissions now granted would only be

likely to be implemented in the latter part of the Plan period; moreover, there was the possibility that the Plan could be reviewed.

(v) accordingly there would be no breach of Policy Villages 2. (Paragraph 19).

(vi) the overall strategy of urban focus was in any event being delivered and would not be harmed by the release of the Launton site. (Paragraph 20).

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5.39 Whilst each application/appeal is considered on its own merits these general comments by the Inspector do have wider implications and set the tone for the appropriate interpretation of Policy Villages 1 and 2 in the CLP2031. In our view this interpretation applies equally to the relatively small scale proposal being promoted through this application at Deddington, another Category A village.

6. SECTION 6: AFFORDABLE HOUSING STATEMENT AND DWELLING MIX

6.1 The applicant is willing through a S106 (see next Section) to comply with the CLP2031 and the emerging DDNP policies to make 35% of the dwellings available as affordable housing in this case the number would be between 7 and 8 (or 7 with a cash supplement) assuming that 21 dwellings were constructed. The precise details of the mix of tenures would be a matter for further discussion with the Council's Housing Department but it is noted that the DDNP has emerging policies which require preference to be given to potential residents with a Deddington connection; and for 50% of provision to be one bedroom accommodation.

6.2 So far as the mix of dwellings is concerned the Design & Access Statement and the illustrative Master Plan show the following mix of dwellings:-

- 3 x 4 bedroom house
- 10 x 3 bedroom houses
- 6 x 2 bedroom houses
- 2 x 1 bedroom houses

6.3 In our view this mix provides a good range of dwellings including some for first time purchasers thereby according with the requirements of Policy DED – HOU3.

7. SECTION 7: DRAFT HEADS OF TERMS

7.1 In discussions with the Parish Council a number of issues have been raised regarding potential S106 funding which the applicant is prepared to consider subject to these meeting the Community Infrastructure Levy Tests regarding their appropriateness:-

- Provision of 35 Affordable Housing
- Provision of contribution to education facilities subject to proof that there are no spaces available in the local primary school and at the nearest secondary school

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- Contributions to off-site recreation facilities
- Contributions to entrance feature to the village on Hempton Road

8. SECTION 8: PLANNING BALANCE

- 8.1 As with all planning applications it is necessary to ensure that the proposals accord with a reasonable interpretation of both the Local Plan policies and the emerging Neighbourhood Plan policies. In this case although the overall strategy for the area is one of urban focus primarily at Bicester and Banbury, the housing completion figures since 2011 show that this re-balancing is largely being achieved in terms of the proportion of completions. Despite this it is also clear that since 2011 there has been an accumulating deficit of over 2,000 dwellings amounting to nearly 10% of the total housing allocations for the 20 year period. As a consequence there is a need to accelerate production of housing not only to meet the Council's Development Plan targets but also to meet central Government objectives as set out in the recently released Mk2 NPPF (July 2018) and in the Planning Policy Guidance Notes.
- 8.2 At the overall strategic housing level the Village is identified as one of a number of Category A settlements which are capable of meeting local needs and wider housing demand as part of the numerical allocation of 750 dwellings for this level of the hierarchy. However, as noted in the previous sub section the numerical allocation should not be used as a ceiling to prevent development which would otherwise be appropriate for a significant number of reasons. The latest July 2018 Residential Land Supply Statement does not set out the latest position in relation to the 750 number. However, as at April 2017 there was still headroom of 85 dwellings; even allowing for the appeal consent at Launton, granting permission on this site would still only mean that the 750 housing figure is breached marginally. It would not amount to a material breach.
- 8.3 The application is clearly located in a village which is regarded as a sustainable community which has a good range of facilities (see Section 2 above). All of these facilities are within a reasonable walking distance although some are closer than others (not surprisingly). Overall the site can be regarded as being a sustainable location within a sustainable community. Moreover, as can be seen from the documents associated with this application:-
- i. There are few, if any, adverse visual impacts created by the proposed development
 - ii. There are no adverse ecological consequences arising from the development of the site
 - iii. The site does not lie adjacent or close to any heritage assets

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iv. The site lies in Flood Zone 1 and, with adequate balancing facilities, (shown on the Illustrative Master Plan), will have no adverse effects on adjoining residents by reason of run off.

v. The site can be adequately accessed onto the adjoining highway (Hempton Road).

8.4 As such there are no site specific reasons which justify refusing planning permission. However, this is to look only at the application in a negative way and there are good positive reasons as to why this site should be granted outline planning permission now as it accords with the policies in both the CLP2031 and DDNP. Not only will the site contribute a relatively small but important number of houses (21) of which at least 7 will be affordable but more importantly the development of this site accords with nearly all the criteria for residential development set out in the emerging DDNP. Setting aside the fact that in the earlier version of the Plan the frontage of the development fell within the proposed definition of the settlement boundary, the latest version of the DDNP anticipates that any development of any size above 10 units is likely to extend the undefined boundary of the settlement to some extent. The latest version of Policy DED – HOU2 indicates that any such development should not “disproportionately” extend the built up limits or spoil important views. Additionally the extent of moving of the settlement boundary is limited by the maximum size of site which is restricted to 20 dwellings.

8.5 In the case of the application site it is clear that development in depth on the northern side of Hempton Road extends much further to the North. For example, the development served by Wimborne Close extends almost twice as far north as the proposed 21 unit scheme; and development further to the east again extends even further to the north. The proposed width of the new scheme is limited by the existing field pattern and hedgerows on the western boundary although its proposed northerly extension has been deliberately reduced to accord with the DDNP limit on site size (maximum of 20 units) as determined by local residents in the questionnaire survey.

8.6 On the opposite (southern) side of Hempton Road the site lies directly adjacent to the access to the Windmill Community Centre and a large area of community open space including a significant number of pitches. As such it is a reasonable small scale extension to the village which fits in with the general morphology of the settlement and can easily be assimilated into the community.

8.7 Looking more specifically at the eight housing objectives set out in “Goals H1” we would claim that the proposed development meets all of these save for the fact that it is not an obvious brownfield site. In that context it should be noted that on the front part of the site there is a barn like structure which is currently used for storage. It is not an especially attractive building and it may well still be effectively in agricultural use which would prevent its

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classification as PDL. However, the development of the site will involve its removal and to that extent will improve the appearance of the site.

8.8 In terms of the more specific criteria set out in Policy DED – HOU2 the site scores equally well as follows:-

- i. Size of site: the site has been tailored to meet the DDNP requirement to be of 20 units. In reality 21 units is one over the DDNP limit but having regard to the reasons for the imposition of this limit and its position on the site (towards the rear) we feel that this additional number will have little or no adverse impact.
- ii. Avoidance of heritage assets: the site is a reasonable distance from the Conservation Area and any other listed buildings and could not be said to have any adverse consequences.
- iii. Avoiding disproportionately extending the settlement boundary: this is clearly a subjective judgement but a site of less than one hectare in this locality and having regard to the shape of the settlement, meets this criterion in our judgement.
- iv. The proposals can deliver a number of environmental improvements including removal of the current barn, additional landscaping and provide a designed architectural “entrance” to the village.
- v. The proposals help to achieve the housing goals (see above) as well as providing part of the 50 dwelling units on larger sites set out in the DDNP.
- vi. The proposals do not involve brownfield land but it is doubtful whether there are any such sites in Deddington capable of accommodating more than 10 units.
- vii. There are no adverse impacts on views (see LVIA).
- viii. The scheme can be fully integrated with the movement strategy for the village.
- ix. Not applicable
- x. The development will have no adverse traffic impact and can be safely linked to the existing Hempton Road as well as potentially delivering some benefits.

8.9 In addition to meeting these criteria as set out above the illustrative layout shows a good mix of units to meet the requirements of Policy DED – HOU3. The plan also shows how the site can be practically developed with an attractive layout with locally distinctive buildings to comply with Policy DED – HOU4. The developers would have no difficulties in complying with

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a requirement to get all infrastructure adopted Policy DED – HOU5 or complying with the Affordable Housing requirements (see Illustrative Plan).

- 8.10 To that extent we hope that this proposal can be seen to fully accord not only with the existing policies in the CLP2031 Part 1 but also with the emerging DDNP policies which seek to provide an additional 50 units on sites of between 10 and 20 units over the Plan period. As such we take the view that it falls within Paragraph 11c of the NPPF and we hope that a planning permission can be issued swiftly in accordance with that document.

APPENDIX ONE

POLICY VILLAGES 1 & POLICY VILLAGES 2 & POLICY ESD15

Policy ESD 15: The Character of the Built and Historic Environment

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting
- Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages

- **Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette**
- **Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features**
- **Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed**
- **Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space**
- **Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation**
- **Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation**
- **Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout**
- **Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy)**
- **Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality**
- **Use locally sourced sustainable materials where possible.**

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

B.268 The appearance of new development and its relationship with its surrounding built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance. This policy identifies a number of key issues that need to be addressed in the design of new development.

B.269 These issues are as relevant in urban areas as in rural locations and also in recent development as in historic areas. The policy seeks to protect, sustain and enhance designated and non-designated 'heritage assets'. The NPPF defines these as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'. Heritage assets with archaeological interest will require the submission of relevant assessment. In sensitive locations severe constraints may direct the design approach, but in many cases the Council will not wish to prescribe a specific design solution. Designs need to be sensitive and complimentary to their surroundings but this does not require merely replicating existing styles and imitating architectural details; modern interpretation is possible if informed by a full contextual analysis and proposals promote and reinforce local distinctiveness.

B.270 Our urban areas will see significant growth during the period of the Local Plan, and will need to adapt and respond to these pressures both within their existing boundaries and beyond, while retaining their unique character and heritage. A balance will need to be struck between making best use of land and respecting established urban character and creating new and vibrant sustainable neighbourhoods. Applicants should also have regard to national guidance and best practice advice on design, including on public space, street design, trees in the street scene, public buildings, housing, work environments inclusive design, tall buildings and eco-towns, e.g. guidance published by the Commission for Architecture and the Built Environment CABI (now merged with the Design Council). English Heritage has also published much guidance on integration of development into the historic environment. Applicants will also need to have regard to policies from Oxfordshire County Council, such as the Parking Policy.

B.271 Our rural areas will need to accommodate new development which reinforces the locally distinctive character by being sensitive in its location, scale, materials and design, reflecting the traditional pattern of development within the settlement, balancing making best use of land with respect for the established character and respecting open features that make a positive contribution. A large proportion of rural settlements fall within conservation areas,

rural areas may use services and facilities in other nearby villages. Those larger villages with services and facilities (the 'service centre' villages) in combination with the smaller "satellite" villages can be considered to form a functional "cluster". Clustering will allow for:

- the support of community facilities (such as shops) in service centres, by locating new development and therefore people/customers close to as well as within service centre villages
- small sites to come forward for development in satellite villages where sites in service centres may be limited

- the reduction in length of car journeys in the rural areas (i.e. between satellite villages and service centres)
- where appropriate, the potential for developer contributions or other mechanism to support the delivery of infrastructure and services to be applied to needs in any village in a cluster.

C.259 It is not proposed that clustering forms part of the development strategy in 'Policy Villages 2: Distributing Growth Across the Rural Areas' as the services and facilities in most satellite villages are too limited to sustainably accommodate the development of larger allocated sites. However, it is considered to be a role for satellite (Category B) villages to accommodate minor development which is set out in 'Policy Villages 1: Village Categorisation' below.

C.260 The following categorisation will be used to assess residential proposals that come forward within villages.

Policy Villages 1: Village Categorisation

Proposals for residential development within the built-up limits of villages (including Kidlington) will be considered having regard to the categorisation below. Only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions.

Category	Villages by Category	Type of Development
A	Service Villages Adderbury, Ambrosden, Arcott, Begbroke, Bletchington (*), Bloxham, Bodicote, Chesterton, Cropredy, Deddington, Finmere, Fringford, Fritwell, Hook Norton, Kidlington,	Minor Development Infilling Conversions

Category	Villages by Category	Type of Development
	Kirtlington, Launton, Milcombe, Sibford Ferris/Sibford Gower, Steeple Aston, Weston-on-the-Green(*), Wroxton, Yarnton	
B	Satellite Villages Blackthorn, Claydon, Clifton, Great Bourton, Hempton, Lower Heyford, Middle Aston, Milton, Mollington, South Newington, and Wardington.	Minor Development Infilling Conversions
C	All other villages	Infilling Conversions
<p>(*) Denotes villages partly within and partly outside the Green Belt. In those parts that lie within the Green Belt, only infilling and conversions will be permitted.</p>		

C.261 There is a need for Cherwell's villages to sustainably contribute towards meeting the housing requirements identified in Policy BSC1. Policy Villages I allows for the most sustainable villages to accommodate 'minor development' and all villages to accommodate infilling or conversions. The appropriate form of development will vary depending on the character of the village and development in the immediate locality. In all cases, 'Policy ESD 15: The Character of the Built and Historic Environment' will be applied in considering applications.

C.262 In assessing whether proposals constitute acceptable 'minor development', regard will be given to the following criteria:

- the size of the village and the level of service provision
- the site's context within the existing built environment
- whether it is in keeping with the character and form of the village
- its local landscape setting
- careful consideration of the appropriate scale of development, particularly in Category B (satellite) villages.

10 dwellings for the period (2014-2031). In total, some 5,392 homes will be delivered across the rural areas from 2011 to 2031.

Policy Villages 2: Distributing Growth across the Rural Areas

A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.

Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

In identifying and considering sites, particular regard will be given to the following criteria:

- **Whether the land has been previously developed land or is of lesser environmental value**
- **Whether significant adverse impact on heritage or wildlife assets could be avoided**
- **Whether development would contribute in enhancing the built environment**
- **Whether best and most versatile agricultural land could be avoided**
- **Whether significant adverse landscape and impacts could be avoided**
- **Whether satisfactory vehicular and pedestrian access/egress could be provided**
- **Whether the site is well located to services and facilities**
- **Whether necessary infrastructure could be provided**
- **Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period**
- **Whether land the subject of an application for planning permission could be delivered within the next five years**
- **Whether the development would have an adverse impact on flood risk.**

APPENDIX TWO

LAUNTON APPEAL 18TH SEPTEMBER 2018



Appeal Decision

Inquiry Held on 10, 11 and 12 July 2018

Site visit made on 12 July 2018

by **Kenneth Stone BSc Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2018

Appeal Ref: APP/C3105/W/17/3188671

Land off Blackthorn Road, Launton OX26 5DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Manor Oak Homes (Mr William Main) against the decision of Cherwell District Council.
 - The application Ref 17/01173/OUT, dated 24 May 2017, was refused by notice dated 4 August 2017.
 - The development proposed is the development of up to 72 dwellings with associated large area of Public Open Space.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the development of up to 72 dwellings with associated large area of Public Open Space at Land off Blackthorn Road, Launton OX26 5DA in accordance with the terms of the application, Ref 17/01173/OUT, dated 24 May 2017, subject to the conditions contained in the schedule at the end of this decision.

Procedural matters

2. The application was submitted in outline with all matters except for access to be reserved for future consideration. The application was supported by various plans and these are identified in the final signed Statement of Common Ground (CDC2) at paragraph 4. It was confirmed that the Feasibility layout, as it is referred to there (the drawing title on the plan is illustrative layout) was for illustrative purposes only to demonstrate one way in which the site could be developed.
3. During the conditions session it was also confirmed that JPP Consulting Plan T7866PM-01-A, from the Transport Assessment revision A, formed part of the plans for which permission was sought. The Council originally refused planning permission for five reasons; by the start of the Inquiry the Environment Agency and the Oxford County Council Drainage Officer withdrew their objections. This resulted in the Council no longer pursuing its objections on grounds of flooding or drainage. The Council confirmed that if a satisfactory obligation was provided to ensure the provision of infrastructure necessary to serve the development it would no longer contest that issue.
4. A completed and executed planning obligation in the form of a planning agreement pursuant to section 106 of the Town and Country Planning Act 1990

was provided by the close of the Inquiry. I return to the planning obligations secured below.

5. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and the parties were given the opportunity to comment on the relevance this will have on their case.
6. The Government published a Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. I have had regard to the Statement.

Main Issues

7. The main issues are:
 - Whether the location and scale of the proposed development would conflict with the development plan's strategy for the distribution of housing in the district; and
 - The effect of the proposed development on the character and appearance of the settlement of Launton and the surrounding area.

Reasons

8. The development plan for the area comprises the saved policies from the Cherwell Local Plan 1996 (CLP 1996) and the Cherwell Local Plan 2031 part 1 (CLP 2031 (part 1)).
9. The Council is in the process of a partial review of the CLP 2031 (part 1) to address the apportionment of Oxford's identified unmet need to the surrounding district Councils. The Council submitted the Local Plan Part 1 Partial Review (Oxford's Unmet Housing Need) to the Secretary of State on 5th March 2018. This has not been the subject of public scrutiny. Whilst the Council may have agreed the level of unmet need it is to receive from Oxford in terms of the proportionate apportionment in the context of this appeal the review carries only little weight at this point in time.
10. Reference is made in the CLP 2031 (part 1) to the Cherwell Local Plan 2031 part 2 (CLP 2031 (Part 2)) however this appears to be in the very early stages of preparation with an issues consultation paper being published in January-March 2016. I have no evidence before me of any further progress on that plan and therefore I am of the view it carries very little weight in the determination of this appeal.

Location and scale of development

11. Underpinning the CLP 2031 (part 1) is a spatial strategy for Cherwell District which focusses the bulk of the proposed growth in and around Bicester and Banbury. It limits growth in the rural areas, directs it towards larger and more sustainable villages and aiming to strictly control development in open countryside.
12. Policy BSC1 identifies that 22,840 dwellings will be provided for between 2011 and 2031; distributed between Bicester, Banbury and the Rest of the District. A significant proportion of the 'rest of the district' figure relates to a strategic allocation at RAF Upper Heyford, the remainder distributed through the categorisation of Villages in Policy Villages 1: Village categorisation and Policy Villages 2: Distributing Growth Across the rural areas. The plan seeks to alter

the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours. The number of new homes outside the two main towns would be around a quarter of the overall plan total.

13. Launton is identified as a category A - service village in Policy Villages 1. Policy Villages 2 confirms that over the plan period a total of 750 homes will be delivered at category A villages. There is no further distribution of delivery within the villages and there is no timeframe or trajectory for delivery associated with the overall figure. All parties accept that the headline figure is not a ceiling and that conflict would only arise if there was a material increase over and above the identified 750 dwellings. This is consistent with the Framework's approach to significantly boost the delivery of housing.
14. The 2017 Annual Monitoring Report for the district identifies that a total of 664 dwellings have been identified for meeting the Policy Villages 2 requirement. By March 2017 there had been 103 completions on those sites. The proposed development would make provision for up to a further 72 dwellings taking the total to 736 (664 + 72). The 750 figure in the policy would not be breached. Furthermore the 750 figure refers to dwellings delivered, of which to date there are only 103, substantially below the 750 figure. As a matter of fact allowing this appeal would not breach this aspect of Policy Villages 2, I return to the criteria based aspects below.
15. My attention is drawn to the dismissal of an appeal in 2015¹ on the grounds that the provision of 95 homes in one location at that early stage of the local plan period would leave little scope for development in other category A villages either in terms of numbers or timing and would thus not be in accordance with the Plan's housing strategy. This was shortly after the plan had been adopted in 2014. Matters have moved on and information is available to consider whether performance across the rest of the district is meeting the aspiration of the strategy.
16. This proposition has been taken forward in more recent appeal decisions² however none of these have been the subject of the full scrutiny of Public Inquiry. Further, there are also significant site specific differences between those decisions and this appeal related to heritage concerns, sustainability and harm to character and appearance.
17. Whilst the level of planning permissions and resolutions to approve is approaching 750 the number of units built is still substantially below that figure. That equates to a delivery rate of some 34 units per annum based on the delivery since 2014. If that were continued the delivery would be too low to reach 750 in the plan period. The latest AMR figures demonstrate that completions and planning permissions outstanding in the two principle towns of Bicester and Banbury amount to in the region of two thirds of housing delivery. The remaining one third being delivery in the rural areas, a substantial proportion of which is at a strategic allocation location. This demonstrates that the overall intention of the strategy to deliver housing in the most sustainable locations of the main towns and strategic allocation and to limit development in the rural areas is succeeding. The proportion of housing being delivered at the

¹ APP/C3105/W/14/3001612

² APP/C3105/W/16/3158925, App/C3105/W/17/3169168 and APP/C3105/W/17/3187461.

smaller villages is significantly less than half of delivery as was identified as a main driver for the development of the strategy.

18. The 750 figure is not an upper limit and it would require a material exceedance to justify arriving at a conclusion the policy was being breached. Whilst the figure is moving towards the actual figure there is still some headroom available. Time has moved on and we are now further into the plan period, any permissions that are now granted will take time to produce the delivery of housing and therefore it is likely that the delivery of the units identified in this appeal would not arise until the plan was in the second half of its term. It is in my view no longer appropriate to characterise this as early in the plan period. The CLP 2031 (part 2) plan has the potential to review the implications of these policies or a formal review of the part 1 plan could come forward.
19. On the basis of the evidence before me I am satisfied that the proposed development would not lead to a breach of this aspect of Policy Villages 2 or the overall plan strategy.
20. In any event, there is evidence to demonstrate that housing delivery is strengthening. That it is focussing in the main towns of Bicester and Banbury and the strategic allocation and that the contribution from the more sustainable villages (category A villages) in the rural area to the overall delivery of housing is achieving the plans overall need in a manner consistent with the strategy. Whilst I accept that the delivery of all of the level of housing anticipated through Policy Villages 2 could reduce the flexibility later in the plan period I have been provided with no evidence that the granting of permission here would prevent development at a more sustainable location in another Category A village.
21. Indeed it is no part of the Council's case that Launton is not a sustainable village and does not have the services and facilities to meet the day to day needs of the future residents of the proposed development. The number of units proposed would not be excessive in relation to the services and facilities available in the village. The village contains a number of facilities including two pubs, a convenience store, farm shop, primary school, community hall and small business enterprises. It is categorised as a Category A village which are those villages in the district with the highest sustainability credentials in the rural area. The village is also well served by public transport. The additional demands placed on existing facilities would be addressed through the provision of the planning obligation. The scale of the development would not substantially detract from the character of the village as I conclude below. The increase in the number of new homes would not therefore result in materially harmful effects.
22. Any future developments at Category A villages in the future would need to be considered in the context of the circumstances pertaining at that time which would include, but not be limited to, matters such as whether the 750 figure had been materially exceeded, the specific needs for that development in relation to the village and the effect on the overall settlement strategy.
23. On the basis of the above conclusions I am satisfied that the location and scale of the proposed development would not conflict with the development plan's strategy for the distribution of housing in the district. The development would not conflict with policy BSC1, Policy Villages 1 or Policy Villages 2 and would

not undermine the overall strategy of the development plan, with which it would comply.

Character and appearance

24. The Council's reason for refusal alleges that the application contained insufficient information to enable it to assess the impact of the proposed development on its surroundings.
25. I have had regard to the advice in the Planning Practice Guidance with regard to Design and Access Statements (DAS) and to the two court cases³ submitted in Closing by the appellant to address the concern of the adequacy of the DAS. Given that the application is in outline with all matters reserved, other than access, much of the detailed layout, design and appearance are matters more properly considered at reserved matters stage. With the application before me the focus is on whether the scale and quantum of development could be satisfactorily accommodated on the site. As the PPG advises DASs are concise reports to provide a framework for applicants to explain how the proposed development is a suitable response to the site.
26. The PPG goes on to advise that the DAS must explain the design principles and concepts and demonstrate the steps taken to appraise the context and how the design takes that context into account. There is no prescriptive formulaic sequencing or ordering of steps that are to be undertaken or how these are to be ordered or reported in the final report. Given the outline nature of the application I am satisfied that there is sufficient depth and detail of analysis of the site and context and how the scheme has taken these matters on board in reaching its proposed outcome. The illustrative master plan is also just that, illustrative as one way in which the scheme could come forward, and is not set in stone.
27. The Council's witness Mr Stock confirmed under cross examination that he accepted that there was sufficient information before the Inquiry to enable me to make a proper assessment of these matters. I am satisfied that the amended DAS, the proofs of evidence of the various witnesses, the additional information submitted during the Inquiry including APP 8, along with my visits to the site and surrounding area enable me to come to an informed conclusion on the effect of the development on the character and appearance of the surrounding area.
28. Launton is a category A larger village in the rural area of the district. Its historic form was based on a linear settlement pattern focused predominantly along Station Road and West End. There was some consolidation of built form around the cross roads created by Blackthorn Road and Bicester Road. There remain a number of historic buildings fronting primarily onto Station Road and West End with a scattering along Bicester Road and a number at the junction of Blackthorn Road and Station Road. The historic core and buildings are identifiable and visible along the main roads and it is from these vantage points that the visual contribution the historic buildings make is most readily apparent. To the north and west Launton has significantly increased in density, depth of development and form which readily detaches the historic linear form

³ Two High Court Decisions: Michael Jonathan Parker v Secretary of State for Communities and Local Government and Rother District Council and Peter Bull [2009] EWHC 2330 (Admin). & [2011] EWHC 2325 (Admin) the Queen on the application of Bizzy B Management company Limited v Stockton-on-Tees Borough Council v Python Properties (A Firm).

of the village from the countryside and surrounding fields. Similarly to the south much of the physical relationship to the rural hinterland has been interrupted with more modern development.

29. The appeal site is located to the east and south of Station Road. The site is open fields. However the site is not readily appreciated or viewed from Station Road and there are limited views when the historic core and field pattern surrounding the village would be read in the same views. There have been some modern developments to the rear of these properties in Station Road including at The Green which further detaches the rural fields from the historic core of the settlement.
30. Approaching the village from the south along Blackthorn Road there is modern development on one side of the road up to the point where the entrance feature demarking the entrance to the village is located. On the opposite side of the road the land is also developed, in the form of a pumping station and water works. The proposed development would abut the built development of the edge of the village and provide for a significant area of retained open space. The site is reasonably well screened from the wider countryside, with significant areas of tree planting and hedge boundaries. In this regard I am satisfied that, designed with care, the proposed development would not be unduly assertive or excessively intrusive such that it would undermine the intrinsic character and beauty of the countryside at this location. A suitable layout arrangement could address Blackthorn Road in a manner consistent with the existing development fronting the road. The development would not, in my view, result in the appearance that the village boundary had appreciably extended into the open countryside as the development would be within the village entrance demarcation and would be well contained by landscape features.
31. The development is proposed with a single point of access. It would therefore be a cul-de-sac of some 72 units. The illustrative layout suggests this would be with a principle spine with roads off it. I saw a number of Culs-de-sac in the village. Whilst none contained as many dwellings as that proposed in this scheme, there were a number with a similar pattern (single point of entry and accesses off a central spine) and a comparable size, eg at Sherwood Close (57 properties) and Skinner Road and Ancil Avenue (46 properties). I do not consider that the scale of development would inevitably lead to an excessively complex road layout.
32. It is no part of the Council's case that the setting of individual listed buildings would be affected by the proposed development. Further, the Council does not object to the effect of the development on landscape character. The design and appearance of the buildings, the materials to be used, the layout of the scheme are all matters that would be considered at the reserved matters application. I have neither seen nor heard anything to suggest that a competent architect could not design a scheme that would be in keeping with its surroundings.
33. I am satisfied that the provision of a Cul-de-sac including development fronting Blackthorn Road could be made to reflect the character and appearance of the surrounding area and the village. There would be change, that is not in dispute; a field would be developed for housing but that would not in my view result in material harm to the character and appearance of the village. There is

no identified landscape harm and any residual impact can be addressed by condition, the reserved matters can ensure the design and appearance of the scheme is compatible with and reflects local distinctiveness.

34. For the reasons given above I conclude that the proposed development would not harm the character and appearance of the settlement of Launton and the surrounding area. Consequently the proposal would not conflict with policies ESD15 of Policy Villages 2 in the CLP 2031 (part 1) or policies C28 and C30 in the CLP 1996. The development would therefore comply with the development plan in these regards.

Planning Obligations

35. The appellant has provided a planning obligation in the form of a deed of agreement under section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011.
36. Overall the Obligations of the agreement are related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development where appropriate. The planning obligations therefore comply with the tests set out in the Framework, the advice in the National Planning Practice Guidance and with Regulation 122 of the CIL Regulations 2010 (CIL). There is no conflict with CIL Regulation 123(3).

Other matters

37. At the outset of the Inquiry in my opening I identified whether the Council can demonstrate a five year supply of deliverable housing sites as a main issue to address. I dealt with housing land supply as a discreet topic and conducted this as a hearing style discussion session. I have taken account of the latest Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. However, given my conclusions in respect of the main issues above, if I accept the Council's position on its Housing Land Supply, my overall conclusion would be that the proposals accord with an up-to-date development plan. They would therefore benefit from the presumption in favour of sustainable development under paragraph 11 c of the Framework. This overall conclusion would not change taking on board the governments WMS on Housing Land Supply in Oxfordshire. It is therefore not a matter on which my decision turns.
38. The proposed development would provide for market housing and affordable housing. The positive contribution to the supply and delivery of housing in the district given the Government's objective of significantly boosting the supply of homes (Framework paragraph 59) is a benefit of significant weight. The District has identified it has a high need for affordable housing. Securing the provision of affordable housing, through the planning obligation, therefore is also a significant positive benefit of the scheme.
39. The appeal scheme identifies a significant area of public open space the scheme would include details to enhance the biodiversity and conservation target area landscape qualities in the area. In this regard this would assist in fulfilling policy ESD11 and a minor benefit is derived from the scheme as a

result of the enhancements to biodiversity that could be secured through the development of the site.

40. The additional traffic generated by the proposed development would not result in material harm to highway safety. There is no objection from the Highway Authority and the design of the access has been accepted on the basis of the information submitted. There was no evidence to demonstrate that there would be significant inconvenience or hazard that would be caused by the proposed access location or the additional traffic that would pass through the cross roads in the centre of the village.

Conditions

41. A list of draft conditions was provided by the Council (CDC1) and updated during the Inquiry (CDC 6). I have considered the conditions in the context of the advice in the Planning Practice Guidance and the model conditions set out in the annex (which remains extant) to the otherwise now cancelled Circular 11/95, the use of conditions in Planning Permissions. A number of the suggested conditions are in effect informative or advisory indicating the content of future submissions under the reserved matters, or cover matters that fall squarely within the ambit of the reserved matters. Unless it is necessary to restrict the discretion of both applicant and local planning authority at this outline stage, I have not imposed such conditions, as the submission of details/reserved matters would be the subject of evaluation.
42. Conditions 1 to 3 are the standard outline conditions and there is no reason to vary these other than removing access as a reserved matter as that was the basis of the application. Conditions 4 through to 8 address matters related to access, parking and travel. They are required to ensure the development is satisfactorily accessed and that suitable parking provision (both car and cycle) is provided and maintained on site and to ensure that the site is accessible by a range of modes of transport.
43. Conditions 9 through to 11 are required to ensure that the development is safe from flooding and does not result in an increased risk of flooding elsewhere. Launton is not connected to mains gas. Conditions 12 and 13 are required to avoid an excessive proliferation of above ground fuel tanks that could compromise the design and appearance of the final development. It could be argued that this could be left to the reserved matters but it is an important design principle and the imposition of such a condition now will ensure this matter is properly addressed at an early point in the consideration of the design of the detailed scheme.
44. Condition 14 will ensure that adequate regard is paid to the potential for buried remains and condition 15 ensures that appropriate consideration is given to securing the biodiversity enhancements and on the basis of policy ESD11. A Construction Environment and Management Plan (condition 16) is required to ensure the site is safely accessed during development, to safeguard the living conditions of surrounding residents and to ensure the development is carried out in a neighbourly manner. The site includes previously developed land and conditions 18 through to 21 address the potential for the site to be contaminated and the necessary steps to be undertaken in the event contamination is encountered. Condition 22 requires the removal of an existing residential dwelling unit to ensure the satisfactory completion of the proposed development.

45. Conditions 4, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 22 are 'pre-commencement' form conditions, or include such elements, and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect and need to be resolved before construction begins.

Overall conclusions

46. I have concluded that the proposed development would accord with the strategy and objectives of the CLP 2031 (part1) and that there would be no conflict with policies BSC1 or Policy Villages 1 or Policy Villages 2 in that plan in respect of the scale and location of the development. Moreover, I have concluded that there would be no material harm to the character and appearance of the village or the surrounding area and therefore no conflict with policy Villages 2 or ESD15 in the CLP 2031 (Part 1) or policies C28 and C30 in the CLP 1996. On this basis I conclude that the proposed development would be in accordance with the development plan as a whole and as such would amount to sustainable development in the context of paragraph 11 of the Framework for which there is a presumption in favour of.
47. Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
48. Even if I were to accept the Council's position in terms of its five year housing land supply, that there was a 5.4 year supply, that would not alter my conclusions in respect of the development plan, the presumption in favour of development or the section 38(6) position. The issue of housing land supply therefore is not determinant in this appeal.
49. The proposal accords with the development plan and there are no other material considerations that indicate a decision otherwise would be appropriate. The scheme benefits from the presumption in favour of development as set out in the Framework. I therefore will grant planning permission without delay.
50. With the imposition of the above mentioned conditions and for the reasons given above, I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis	Counsel, instructed by Amy Jones, Solicitor Cherwell District Council
He called	
Yuen Wong BA(Hons) MA MRTPI	Principal Planning Policy Officer Cherwell District Council
Nathaneal Stock BA(Hons) DipTP MRTPI	Team Leader General Developments Team Cherwell District Council

FOR THE APPELLANT:

Paul Tucker (and Sarah Reid)	Queens Counsel, instructed by Huw Mellor
He called	
Huw Mellor BA(Hons) MRTPI	Partner Carter Jonas LLP.
Ashley Thompson BA(Hons) PGDip ARCH MA ARB RIBA	Director ATA (Architecture) Ltd.
Jacqueline Mulliner BA(Hons) BTP(Dist) MRTPI	Director and Head of National Planning Terence O'Rourke Ltd.

INTERESTED PERSONS:

Mr Robert Armstrong	Local Resident
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DOCUMENTS SUBMITTED BY CHERWELL DISTRICT COUNCIL (CDC)

CDC1	Draft List of suggested conditions
CDC2	Signed copy of the Statement of Common Ground
CDC3	Opening submissions on behalf of the Council
CDC4	Extract of Planning Supporting Statement by Barwood Strategic Land II LLP in respect of Land West of Bloxham Road, Banbury
CDC5	Home extensions and Alterations – Design Guide for Householder Applications March 2007 Cherwell District Council
CDC6	Updated Draft list of suggested conditions
CDC7	Update from Oxford County Council on its submissions in respect

- CDC8 of Planning Obligations and compliance with Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010.
Copy of Developer Contributions Supplementary Planning Document (SPD) February 2018 published by Cherwell District Council.
- CDC9 Closing submissions on behalf of Cherwell District Council

DOCUMENTS SUBMITTED BY the APPELLANT (APP) – MANOR OAK HOMES

- APP1 List of appearances for the appellant
- APP2 Unsigned final draft of the Statement of Common Ground
- APP3 Draft of Final version of the Planning Obligation agreement
- APP4 Schedule of developer responses to the 2017 AMR comprehensive review of sites (on disputed sites only)
- APP5 Pack containing details of consultation on amended illustrative amended plan carried out by the appellant.
- APP6 Revised Flood Risk Assessment (Revision E: June 2018 R-FRA-T7866PM-01-E) by JPP Consulting.
- APP7 Opening submissions on behalf of the appellant
- APP8 Aerial photograph with existing Culs-de-sac and dwelling numbers identified.
- APP9 Extract from Planning Policy Guidance on Design and Access Statements.
- APP10 Letter from one of the site owners to confirm the tenancy arrangements related to the existing 'caravan' on site.
- APP11 Certified copy of the planning obligation by deed of agreement
- APP12 Closing submissions on behalf of the appellant (including two attachments of cited court cases).

Schedule of conditions for appeal APP/C3105/W/17/3188671

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the commencement of the development hereby approved, full details of both means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority.

The means of access shall also include:

- lengths of footway on the north side of Blackthorn Road in either direction from the site access
- two uncontrolled crossing points
- alterations to the existing traffic calming and village entry treatment

Thereafter and prior to the first occupation of the development, the means of access shall be constructed and retained in accordance with the approved details.

- 5) No dwelling shall be occupied until car parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 6) No dwelling shall be occupied until cycle parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter.
- 7) Prior to occupation of the first dwelling hereby approved, a Residential Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be operated and reviewed in accordance with details to be included in the agreed Travel Plan Statement.
- 8) Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, shall be provided to every resident on first occupation of each dwelling.

- 9) The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) Proposed Residential Development, Land off Blackthorn Road, Launton, Bicester, Oxfordshire by JPP Consulting Civil and Structural Engineers, Revision E, June 2018 R-FRA-T7866PM-01-E and the following mitigation measures detailed within the FRA:

- There shall be no built development within the 1% annual probability (1 in 100) flood extent with 35% allowance for climate change; and
- Finished floor levels will be located a minimum of 150mm above the predicted flood level.

The mitigation measures shall be fully implemented prior to occupation of the dwellings to which they relate and in accordance with the timing/phasing arrangements embodied within the scheme.

- 10) No development shall take place until a scheme for the provision and management of a minimum 10m buffer zone alongside the Launton Brook shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. The buffer zone covered by the scheme shall be free from built development (including lighting), domestic gardens, footpaths and formal landscaping.

The scheme shall include:

- Plans showing the extent and layout of the buffer zone;
- Details of any proposed planting scheme (for example native species);
- Details of the timing and implementation of the scheme;
- Details demonstrating how the buffer zone will be protected during development and maintained over the longer term including proposed financing, the body responsible for management and production of a detailed management plan.

- 11) Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. . The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDs
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers

- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood routes in exceedance (to include provision of a flood exceedance route plan).

The scheme shall be implemented in accordance with the approved details

- 12) Prior to the commencement of development details of the services and energy infrastructure 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 prior to the occupation of any dwelling hereby permitted.
- 13) Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), No above ground fuel tanks to serve the proposed development shall be provided unless with the prior written approval of the local planning authority.
- 14) An archaeological investigation shall be completed in accordance with a Written Scheme of Investigation which shall first be submitted to and approved in writing by the Local Planning Authority prior to any demolition on the site and the commencement of the development.
- 15) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing Biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 16) Prior to the commencement of the development, a Construction Environment and Traffic Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site together shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will include a commitment to deliveries only arriving at or leaving the site between 0930 and 1630. Thereafter the development shall be carried out in accordance with the approved CEMP.
- 17) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out 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 shall be 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 that it is satisfied that no potential risk from contamination has been identified.

- 18) If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, 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 shall be 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.
- 19) If contamination is found by undertaking the work carried out under condition 17, 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 required by this condition.
- 20) If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 21) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- 22) No development subject of this permission shall commence until the mobile home that is the subject of certificate of lawfulness 09/01814/CLUE dated 18 March 2010, and associated structures, have been removed from the site.

END