



Appeal Decision

Inquiry Held on 4-6 July, 11 and 13 July 2017

Site visits made on 4 and 19 July 2017

by Christina Downes BSc DipTP MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/Q3115/W/16/3165351

CABI International, Nosworthy Way, Mongewell, Wallingford, Oxfordshire OX10 8DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CABI and CALA Management Limited against the decision of South Oxfordshire District Council.
 - The application Ref P15/S3387/FUL, dated 9 October 2015, was refused by notice dated 24 June 2016.
 - The development proposed is the demolition of existing buildings and erection of a new headquarters for CABI; erection of 91 dwellings, comprising open market and affordable housing, provision of open space, landscaping and parking and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of a new headquarters for CABI; erection of 91 dwellings, comprising open market and affordable housing, provision of open space, landscaping and parking and other associated works at CABI International, Nosworthy Way, Mongewell, Wallingford. This is in accordance with the terms of the application, Ref P15/S3387/FUL, dated 9 October 2015, subject to the conditions in the schedule at the end of the decision.

Procedural matters

2. The inquiry was closed in writing on 15 August 2017. This was to allow further written responses from the appellants and the South Oxfordshire District Council (district council) on whether a future review of viability in connection with affordable housing provision would be justified and for a fully executed Planning Obligation by Agreement (S106 Agreement) to be submitted.
3. The application was made in hybrid form. The new CABI headquarters is an outline proposal with all matters, save for access, reserved for future consideration. The residential development includes full details.
4. I made an accompanied site visit on the first day of the inquiry and saw the site from all relevant viewpoints. I made a further unaccompanied visit on 19 July when I walked from the site into Wallingford along the road, bridleway and footpath routes.

Preliminary Matter

5. Planning permission was granted for the redevelopment of the appeal site to provide a new CABI headquarters and a care village in 2014 but this was considered to be unviable and has now expired. CABI own the land and the residential element in those proposals and the current appeal scheme was put forward as a means to provide sufficient funding for the construction of their new offices. Nevertheless, the appellants made clear at the inquiry that the housing was considered to be an acceptable proposition in its own right.
6. A new planning application has been submitted for a similar scheme to the expired proposals. There is no evidence that viability has improved or that the prospects of such a development proceeding would be any better even if planning permission is granted. In any event, it was accepted by all parties that at the present time there is no fallback position. In the circumstances I afford very little weight to the previous planning permission as a material consideration in this appeal.

Reasons

Planning policy context and approach to decision making

7. The development plan includes the *South Oxfordshire Core Strategy (CS)* adopted in 2012 and the saved policies in the *South Oxfordshire Local Plan 2011 (LP)* adopted in 2006. The CS was to be followed by a *Site Allocations Development Plan Document (DPD)* to identify development sites in the district. The latter has never been produced and so the development plan is silent on where non-strategic housing is to be located.
8. The *South Oxfordshire Local Plan 2033* is due to be submitted for examination towards the end of 2017 with adoption in August 2018. At the present time it is at a relatively early stage in the process and can be afforded very little weight. Nonetheless it can be noted that two sites are proposed for housing adjacent to Crowmarsh Gifford but there is no proposal to include the appeal site.
9. There is no dispute that the district council is unable to demonstrate a five year supply of deliverable sites to meet its housing requirement. Policy CSH1 in the CS sets out the housing requirement but is based on the *South East Plan*, which has been revoked. The most up-to-date assessment of housing needs is provided by the 2014 *Oxfordshire Strategic Housing Assessment* and the parties agree that on this basis the housing land supply amounts to 4.1 years. This does not include all of the housing that South Oxfordshire District may be required to take under the Duty to Co-operate. However, although this may result in an even lower supply figure there was no evidence of what this would be. In the circumstances it seems to me that a 4.1 year supply is the most robust assessment at the present time.
10. Following the conclusion of the oral evidence but before the close of the inquiry, the appellant submitted a recent appeal decision relating to residential development at Thames Farm, Reading Road, Shiplake. Here the Inspector concluded that the district council could only demonstrate a supply of around 3 years. However, this conclusion was based on a considerable amount of evidence on both the requirement and the supply of sites. This was necessitated because the site was in an area with a recently made neighbourhood plan and the *Neighbourhood Planning Written Ministerial*

Statement was relevant. In the present appeal there is no made neighbourhood plan. Furthermore, the parties agreed that housing land supply would not be a contested issue. Despite having the opportunity to revise that position no further evidence on the matter was forthcoming before the inquiry was closed.

11. The extent of the shortfall is a material consideration. The housing land supply deficit could be higher as the Shiplake decision suggests. However, 4.1 years is still a serious shortfall, bearing in mind paragraph 47 of the *National Planning Policy Framework* (the Framework), which seeks to boost significantly the supply of housing. On the agreed requirement of 775 dwellings per annum this would amount to 697 dwellings. This is a matter of substantial weight.
12. The Framework makes clear that the statutory status of the development plan remains the starting point for the determination of development proposals. Nevertheless, paragraph 49 signifies that where a five year housing land supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up-to-date. The conflict with those policies will be a material consideration but the weight to be given to it will be a matter of judgement bearing in mind site specific circumstances and the consistency of the policies with the Framework. I return to this matter later in the decision.
13. In this case the context for decision making is therefore set out in paragraph 14 of the Framework. This establishes the “tilted balance” test except where there are specific policies indicating that development should be restricted. Here the site is not only within the Chilterns Area of Natural Beauty (AONB) but it is also relatively close to heritage assets, including the Grade II* St Mary’s Church. Both of these matters engage restrictive policies in the Framework and it is therefore necessary to consider the proposed development in relation to each in turn. Only in the event that the restrictive policies are not offended does the “tilted balance” in paragraph 14 become operative.

The effect of the proposals on the AONB

14. There is no dispute that the appeal scheme would be a major development in the AONB. Policy CSEN1 is a general landscape policy that includes a provision that high priority will be given to the conservation and enhancement of the AONB. This is in accordance with paragraph 115 of the Framework where great weight is to be given to conserving landscape and scenic beauty in these designated areas. In the case of major development paragraph 116 is also relevant. This establishes a high hurdle as planning permission should be refused except in exceptional circumstances and where it can be demonstrated that the development would be in the public interest.
15. Paragraph 116 sets out three considerations in determining whether there are exceptional circumstances. The *Wealden*¹ Court of Appeal decision made it clear that these are a matter of planning judgement but are not necessarily exclusive. A fair reading of the judgement in its context indicates that further considerations could comprise the benefits of the scheme. It did not suggest that harm, other than to the AONB, should be included in the assessment.

¹ *The Secretary of State for Communities and Local Government and Knight Developments Ltd v Wealden District Council* [2017] EWCA Civ 39.

The need for the development

16. The provision of 91 houses would make a significant contribution to addressing the short term housing deficit in South Oxfordshire. Furthermore, there is a substantial need for affordable housing and the evidence from the SHMA indicates that the shortfall will get worse year-on-year. Policy CSH3 in the CS seeks 40% affordable housing with a tenure mix of 75% social rented and 25% intermediate, but this is subject to viability. I am satisfied from the evidence provided that the 20% of shared ownership units offered is all that the scheme could viably provide at the present time. The S106 Agreement includes a mechanism for increasing affordable housing if viability improves. However, for the reasons given later in the decision I do not consider that this would be a justifiable approach in this case. Undoubtedly a higher proportion of affordable housing would be beneficial but if this led to the development being unviable then the likelihood is that no houses would be built at all. It is important to bear in mind that the proposals would be in accordance with Policy CSH3 and the 18 affordable homes would make a significant contribution to housing need. The importance of these matters is made clear in paragraph 47 of the Framework and deliverable housing schemes are clearly in the public interest.
17. The market houses would be predominantly 4 bedroom properties. Although the SHMA forecasts that the highest likely need will be for 3 bedroom homes. It recommends a development mix of different sized properties but makes clear that this should not be taken as prescriptive. Policy CSH4 in the CS indicates that a mix of dwelling types and sizes to meet the needs of current and future households should be sought. The supporting text indicates that the housing types and sizes required will be set out in a supplementary planning document but this has not been produced. The SHMA is not a policy document and does not indicate what the appropriate mix should be.
18. Whilst it is difficult to conclude that much of a mix would be provided through the appeal proposals, the SHMA nonetheless does identify a considerable need for 4+ bedroom houses. It could justifiably be argued that some new occupiers would be likely to come from the local area and would release smaller homes onto the market. The location of the site outside of Wallingford and Crowmarsh Gifford and within the AONB would also favour a lower density approach. In the absence of any supplementary policy to establish a preferred mix based on need, I consider that any conflict with the wording of policy CSH4 should be given limited weight. This is especially the case bearing in mind the priority given to housing delivery in circumstances where there is a deficit in the five year housing land supply.
19. CABI is a not-for-profit organisation of international importance and worldwide reputation. It was established through an agreement with the UK government who have given it special tax advantages. The organisation provides information and undertakes scientific research in connection with addressing problems in agriculture and the environment both in the UK and throughout the world. It has centres in many countries but its headquarters are on the appeal site. CABI is a significant employer with many staff living locally. The current buildings on the site were originally constructed for use as a school in the 1960's. There is no dispute that they are nearing the end of their life and are not fit for purpose. They are energy inefficient, have a poor internal layout and have high maintenance costs. From the information I have been given, I have

no doubt that CABI need a new building from which to operate their headquarters in an efficient and effective manner and that this would be in the public interest.

The cost and scope of developing elsewhere or meeting the need in another way

20. In terms of the housing development, this would essentially depend on whether there are other sites outside the AONB to meet the need. Clearly at present with a shortfall of deliverable sites, there is no policy compliant solution that would point to a more favourable location. As already noted the Site Allocations DPD, which may have helped resolve this matter has never been produced. The emerging South Oxfordshire Local Plan is at an early stage and has not yet been submitted for examination. It cannot be relied on at the present time to provide alternative sites because it has not been subject to scrutiny through the examination process. Of the two proposed housing sites at Crowmarsh Gifford, one is also within the AONB although it is closer to the settlement edge than the appeal site.
21. CABI own the freehold of the appeal site and commenced occupation in the mid 1980's. They have considered building on other sites or renting buildings elsewhere. However, I am satisfied from the evidence that neither option would be economically viable, bearing in mind their particular circumstances and not for profit status. The most likely alternative seems to be that CABI would move its headquarters abroad to one of the other member countries. This would not only result in a loss of an important business from the UK but it would also mean the loss of many local jobs and adverse impacts to the local economy. Conversely, the appeal proposals would result in more jobs and economic growth, which are both important Framework objectives.
22. It is clear that CABI have been in discussion with the district council for a considerable period of time and that the need for a new headquarters building on this site is understood and supported. This particular area has a reputation as a hub for environmental sciences, which includes the Centre for Ecology and Hydrology close to Howbery Park. However, I also have no doubt that in order to achieve this objective a scheme will be needed to generate the necessary funding. A development agreement was entered into with CALA Management Ltd in 2015 and, from the viability information that I have been provided with, I am satisfied that a housing development of the size and type proposed would be necessary to achieve this purpose.
23. It seems to me that the S106 Agreement and the development agreement contain sufficient safeguards to ensure that the CABI offices would be built in a timely manner and at an early stage of the residential development. The majority of the purchase price for the residential land, which would fund the office building, would not be paid until the offices had been constructed. CABI would also be obliged to occupy the offices as its international headquarters for at least 20 years or incur severe financial penalties. It is clear to me that the appeal proposals come as a package. I am satisfied that CABI's need could not be met elsewhere or in any other way and that it would be in the public interest for this to happen on the appeal site.

Effect on the environment, the landscape and recreational opportunities

24. *The Countryside and Rights of Way Act* provides the statutory starting point and section 85 requires regard to be paid to the purpose of conserving and

enhancing the natural beauty of the AONB. The terminologies are slightly different but it seems to me that policy CSEN1 and paragraph 115 of the Framework are seeking broadly similar objectives.

Effect on the environment

25. Paragraph 115 of the Framework states that the conservation of wildlife and cultural heritage are important considerations in the AONB. It is not unreasonable to surmise that these are the matters that need to be addressed in the consideration of detrimental effects on the environment under the third bullet of paragraph 116. There is no evidence that wildlife would be harmed, in fact the scheme proposes enhancement to biodiversity as explained in the Ecological Report and through the Ecological Management Scheme that would relate to land to the west of the site. I have considered the effect on heritage assets in the next section and have found that there would be a small degree of detriment to the wider setting of St Mary's Church.

Effect on the landscape

26. When considering landscape value a logical starting point is the *Chilterns AONB Management Plan*, which sets out the special qualities of this particular designated landscape. It is reasonable to conclude that these are what provide the Chilterns AONB with its natural beauty and make it outstanding.
27. None of the special qualities are present on the appeal site itself. It has a largely institutional character and the south-western part is developed with two to four storey buildings and parking areas. Elsewhere there are open swathes of grassland, which were once managed as sports pitches. Derelict hard surfaced tennis courts occupy the north-western part of the site. It is the thick belts of trees and overgrown hedgerows along the site boundaries that are the main features evident in the wider landscape. The internal areas do not contribute to the scenic quality of the wider AONB. In fact, the poor condition of the buildings and the lack of stewardship of the green spaces detract and it is likely that the situation will deteriorate further as time goes on.
28. Compared with what exists at present, the proposed built development would occupy a considerably more extensive part of the site. The new CABI building and its car parking would stand on the eastern section, which is undeveloped at present. The housing would extend onto the open northern area and closer to the western boundary. Whilst green spaces would remain, the developed nature of the site would considerably increase. However, it is not disputed that the residential element would result in high quality built development and there is no reason why this should not stand within an attractive landscaped setting. The CABI development is schematic but the supporting information indicates a building of high design quality with distinctive curved green roofs.
29. The existing boundary landscaping would be retained and reinforced. There is no convincing evidence that it would not continue to provide an effective screen over time. It was made clear at the inquiry that the boundary trees would not be within private gardens and would be under the supervision of the Management Company. Any pressure to remove the trees to open up views of the countryside could be reasonably resisted and if necessary Tree Preservation Orders could justifiably be imposed. It is acknowledged that the housing development would result in a loss of trees from within the site itself. On the other hand it is proposed to reinforce existing boundary planting, provide a

new tree belt between the housing and the offices and plant new trees within the new built areas. Overall the net result in terms of tree cover would be positive. Apart from within the area to the south of the old tennis courts, the conifers along the northern boundary are intended to be retained. Whilst they are not indigenous or typical of the AONB landscape they are a well-established visual feature and also perform an effective screening function.

30. The area immediately surrounding the appeal site shares a number of the special qualities that contribute to the scenic beauty of the AONB. One special quality is the fine long views from the elevated land. These are a visual feature that contributes to the enjoyment of those travelling through the landscape and will be considered below. Other qualities include the local landscape variations, mosaic of farmland and scattered settlement of villages and farmsteads. These would remain and not be affected by the appeal proposals. Although the site would become more developed, the boundary screening would remain the most prominent feature in the wider landscape. In my judgement the aforementioned special qualities would not be diminished if the appeal development were to go ahead.

Effect on recreational opportunities

31. The area is crossed by a number of public rights of way, which provide an important recreational amenity. These include the bridleway that runs close to the western boundary of the appeal site; the footpath that runs diagonally across the field adjoining the northern and eastern side of the appeal site; and The Ridgeway, which is part of the national trail and runs up the side of the escarpment to the east of Port Way. Those deriving benefit from these recreational routes include walkers, joggers and cyclists. The Landscape Institute's *Guidelines for Landscape and Visual Assessment* (GLIVIA) indicates that these visual receptors are very susceptible to change because their attention and interest is likely to be focused on the landscape and particular views. Their recreational enjoyment will be closely linked to their visual experiences as they move through the AONB landscape. It therefore seems to me that the main impact of the appeal proposals on the AONB in this case would arise from how they would be perceived and experienced from viewpoints within the designated area external to the site.
32. The planning application was accompanied by a landscape and visual impact assessment (LVIA) and visually verified montages (VVM) were produced from viewpoints agreed with the district council. I also undertook two extensive site visits and saw the site from all of the relevant locations.
33. When looking down from the elevated viewpoint 25 in the LVIA, some of the CABI buildings can be seen but they are subservient to the trees and greenery within and around the site. Following development, the new CABI building would be on the open and undeveloped eastern part of the site. However, it seems likely that its design and materials, particularly its curvilinear green roofs, would help it blend into its surroundings behind the trees along the eastern site boundary. The houses on the other hand, some of which are intended to be two and a half storeys in height, would spread across much of the site within this view.
34. However, at this point the chalk escarpment is relatively low and quite close to the edge of the designated area, which follows the River Thames. From this elevated viewpoint the appeal site is appreciated as part of a much wider

landscape that includes Wallingford and Crowmarsh Gifford. These settlements are outside the designated area but insert a layer of built development running across the panorama in the mid-distance. These factors are relevant to how the changed scene would be perceived from the higher land. In addition, account should be taken of mitigation. The visibility of the new development would decrease over time due to the natural growth of the eastern boundary vegetation and also the trees to be planted within the site as part of the landscaping proposals. These include a belt along the western edge of the CABI site. VVM2 at year 15 does not take this planting into account. Whilst I consider that the visual impact would be of moderate adverse significance at year 1, by year 15 the magnitude of effect would be reduced to minor adverse significance from this viewpoint. Due to the layering effect of the vegetation I do not consider that the impact in the winter months would be very different.

35. The bridleway running along the western side of the appeal site provides a very pleasant route north, past St Mary's Church and across farmland towards Crowmarsh Gifford. There are trees and shrubbery along the western site boundary but in many places the existing buildings and parking areas are clearly seen. The tall storage building with its roller shutter doors and the four storey block are particularly apparent. In winter with the leaves off the trees the existing development will be even more prominent. The new housing would extend closer to the northern and western boundaries so that the extent of built form would be more obvious. On the other hand, this change would occur only on one side of the view. On the other side there are open fields sweeping down towards the River Thames and this would remain unaltered. Also it is intended to reinforce the existing boundary screening, which would be outside individual residential curtilages and maintained by the Management Company. In my judgement the visual impact would be of moderate adverse significance. However, the magnitude of effect would be reduced over time to minor adverse significance by year 15.
36. The northern boundary of the appeal site is well screened by a mix of deciduous and coniferous vegetation. This is intended to remain but would be reinforced where there are gaps at present, for example in the vicinity of the tall poplar trees. It is appreciated that the space available would be more limited in the north western corner but nonetheless Drawing No: D2315 L.206 REV B shows some scope for further native planting to the north of plots 68-73 and plot 91. The northern boundary can be seen from various viewpoints along the bridleway as it curves round in an easterly direction before striking north towards Crowmarsh Gifford. I acknowledge that views towards the site are obstructed in places by a field hedge and that there is the effect of the intervening field. However, between LVIA viewpoints 41 and 18 and also on the northern section of the footpath that crosses the field diagonally in a south-easterly direction, observers would be aware of the change. The existing buildings are seen well set back on the site and further screened by internal trees. The new houses would extend further across the site as well as closer to the northern boundary.
37. Following development it seems to me that the impression would be of a glimpsed suburbanised environment, mainly resulting from the estate of 91 dwellings rather than the CABI building, which would be more readily absorbed into the landscape. The visual impact would be of moderate adverse significance at the outset but this would reduce over time as the new planting along the northern boundary and within the site became established. In the

winter months there would be increased visibility but overall I consider that by year 15 the visual impact would be of minor adverse significance.

38. Drawing together the above points I consider that the housing development in particular would have a significant adverse visual impact on recreational users although this would diminish over time as the new landscaping took effect. The "fine long distance views" are one of the special qualities and these are mainly experienced from the escarpment. The other views that would be affected are limited to those in the immediate vicinity of the appeal site. The adverse impacts should also be balanced against enhancements to the public right of way network proposed through the S106 Agreement. These include improved surfacing of the stretch of bridleway and footpath between Nosworthy Way and St Mary's Church and the proposed widening of the footway along Nosworthy Way to provide better linkage with the Thames Path for cyclists.
39. The effect of lighting was a concern of some objectors. I did not view the area at night time but the dark night sky is not a special quality of this particular AONB. Whilst I have no doubt that lighting would become more apparent post-development, its effect along new streets and in public areas could be controlled through a planning condition. Furthermore I did note that there is street lighting around the roundabout at the junction of Nosworthy Way and Port Way. Crowmarsh Gifford and Wallingford are apparent in various viewpoints, particularly from the elevated areas to the east and the lighting emanating from them will also have an effect on the darkness of the surrounding landscape. Insofar as noise contributes to tranquillity, I was aware as I walked through the landscape that the sound of traffic from the local road network was particularly apparent.

Conclusion

40. The scenic beauty of the AONB is determined by its special qualities. The site itself does not exhibit any of these, is a detractor in its present state and is likely to visually deteriorate further over time if the status quo is maintained. Furthermore, the intense screening along its boundaries detaches its internal institutional character from the wider AONB. Any detrimental effects on the landscape arise from the external views and are primarily linked to the perception and experience of recreational users of the public rights of way as they travel through the designated countryside. For the reasons given above I consider that significant harm would arise in this respect and although it would diminish over time it would still be adverse and thus detrimental. In addition, there would be a small degree of harm to cultural heritage, which would thus not be conserved.
41. Section 85 of the Countryside and Rights of Way Act requires regard to be paid to the purpose of conserving and enhancing the natural beauty of the AONB. This is not the same thing as requiring that every development proposal engenders enhancement. Indeed if that were the case it is difficult to see how major development in an AONB could ever be permitted. It is clearly a matter of balance, but in undertaking that exercise the Framework makes clear that the conservation of the designated resource is a matter of great weight and Policy CSEN1 gives high priority to conservation and enhancement. The need for the development and the conclusion that there are presently no alternatives outside the designated area are also matters of substantial importance in the public interest. Improvements to biodiversity and the attractive appearance of

the proposed new CABI building would be further positive factors in this case. Overall the benefits would outweigh the limited amount of harm that would be caused to the environment, landscape and recreational opportunities, in my judgement. For these reasons I conclude that in this particular case exceptional circumstances would be demonstrated.

The effect on heritage assets

42. Grim's Ditch is an Iron Age earthwork and its course crosses the southern edge of the appeal site before striking south to join the section east of Port Way, which is a Scheduled Monument (SAM). There is no above ground evidence of the presence of the archaeological feature on the appeal site, which is within an area of intense tree planting and landscaping. Any setting that it may draw is currently provided by the existing CABI buildings, car parking and access. The construction of Nosworthy Way, which truncates the ancient feature to the east, will also have had an effect. The appeal proposals would retain the aforementioned landscaping along the southern boundary and would not result in further impact on the undesignated heritage asset or its setting. Nevertheless, a planning condition would be justified to require archaeological investigation prior to development commencing.
43. The SAM is separated from the appeal site by the road infrastructure, thick vegetation and an open field. There would be a visual connection as it rises up the escarpment but the new development would be seen and experienced within the context of existing residential development at Wallingford, which also features strongly within the panorama. The appellant's unchallenged expert evidence did not identify a discernible impact on the ancient feature and I am therefore satisfied that there would be no loss of significance to the setting of the designated heritage asset.
44. There are heritage assets to the south of the site, including the lodge to Mongewell House (Grade II) and various modern buildings associated with the former Carmel College (Grades II and II*). However, these are well distanced and separated by intensive belts of tree planting and the busy Nosworthy Road. Their setting would not be affected by the proposed development.
45. To the north-west is a group of listed buildings comprising St Mary's Church (Grade II*), Newnham Farmhouse (Grade II) and Newnham Farm Cottage (Grade II). The two residential properties are to the north of the church and the appeal site could not reasonably be seen as part of their setting. The immediate setting of the church is provided by its well screened churchyard and the fields to the south. These provide a sense of rural isolation. There is no direct view into the appeal site from the church or in the other direction and the immediate setting of the church would be preserved.
46. The bridleway provides the approach to the church as part of its wider setting. It currently contributes to the sense of rural seclusion although this is far from complete due to the presence of the existing modern farm buildings and dwellings to the north, the CABI buildings to the south and the background sound of traffic. The appeal proposals would cause some increased visibility due to the spread of development onto the northern part of the appeal site. This would result in a small further reduction in this wider sense of rural seclusion. It would comprise "less than substantial harm" within the terms of the Framework and it seems to me that following mitigation planting it would be at the lowest end of the scale. I note that the conifer trees on the strip of

land adjoining the eastern side of the churchyard belong to the owner of Newnham Farmhouse and are to be removed and replaced with yews. This would open up the view, at least in the short to medium term, but would primarily be in an easterly direction across the adjoining field. The trees along the northern boundary of the appeal site would continue to provide a screen and it seems unlikely that there would be any material additional adverse impact on the wider setting of the church as a result of this action.

47. Paragraph 132 of the Framework indicates that great weight should be given to the conservation of a heritage asset. Applying the statutory test in Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, I must have special regard to the desirability of preserving the building or its setting. For the reasons given above the immediate setting of St Mary's Church would be preserved but there would be a small degree of harm to its wider setting and thus some conflict with policy CSEN3 in the CS. The adverse impact would diminish by year 15 although it should nonetheless be given considerable importance and weight.
48. However, in accordance with paragraph 134 of the Framework the harm should be weighed against the public benefits of the proposals. I have considered those in the preceding section and consider them to be matters of substantial weight. In my judgement they outweigh the harm to the wider setting of the listed building bearing in mind the desirability of its preservation. In the circumstances I find no conflict with the Framework with regard to the issue of heritage assets.

Approach to decision making reviewed

49. In view of the conclusions I have reached in relation to the AONB and heritage assets it is necessary to return to paragraph 14 of the Framework. As specific policies do not indicate that development should be restricted, the "tilted balance" as outlined in paragraph 13 of my decision applies. In considering this it is necessary to look at other potential impacts to see whether they would outweigh the benefits, in order to decide whether planning permission should be granted or not.
50. The Supreme Court judgement of *Suffolk Coastal*² made clear that the reference in paragraph 49 to "relevant policies for the supply of housing" not being up-to-date results in the presumption in favour of sustainable development being engaged under paragraph 14. However, the judgement also endorsed a narrow definition of a housing supply policy and indicated that it was necessary to avoid "overly legalistic arguments" as to the matter and that the weight to be given to policy conflict is a matter of judgement for the decision maker, having regard to the consistency with paragraph 215 of the Framework and an assessment of the relevant circumstances in any given case.

Other potential impacts

Character of the area and the setting of nearby settlements

51. There was no dispute that the appeal site is in the countryside. However, it is not a greenfield site even though it contains areas of green space. Bearing in

² *Suffolk Coastal District Council v Hopkins Homes Ltd and another; Richborough Estates Partnership LLP and another v Cheshire East Borough Council* [2017] UKSC 37.

mind the definition of previously developed land in the Framework it seems to me that the whole site could be considered as previously developed land although that does not necessarily mean that the whole of the site should be developed. In the *South Oxfordshire Landscape Assessment*, the site and its surroundings are in the Open Rolling Downs character type. Whilst the surrounding area is representative of some of the identified characteristics such as large scale arable fields and a rural character it is essentially a transitional landscape due to its proximity to the Thames Corridor. The site itself has an institutional character and is not representative of either character type.

52. My conclusions regarding the effect on the AONB landscape apply to a consideration of general landscape impact. As I have commented previously the residential element of the scheme would be a development of high quality and the new CABI building would be an interesting and innovative design that would enhance its surroundings. The site at present has an institutional character that does not reflect the wider countryside, which provides a landscaped setting to Wallingford and Crowmarsh Gifford. There would be an intensification of built development on the site itself and it would spread onto areas that are presently open grassland. On the other hand it is very well screened and it is these trees that are the main feature in the wider landscape. Indeed the sense of enclosure would increase over time as landscaping and new planting matures. My judgement overall is that the appeal proposals would cause a small negative impact on the setting of the aforementioned settlements and the surrounding countryside through the glimpsed suburbanisation that would particularly arise from the housing development. The appeal proposals would thus fail to accord with the suite of policies in the development plan that relate specifically to the protection of the countryside from unwarranted development. These include policy CSEN1 in the CS and policies G2, G4, C4 and D1 in the LP.
53. Policy CSS1 seeks to restrict new development outside the towns and villages. However, it does allow for change relating to very specific needs. For the reasons given previously the new CABI headquarters needs to be on this site and the houses are required to finance its construction. That seems to me to denote a very specific need. Policy CSR1 addresses housing in the villages and does not permit it in other places. The appeal proposals would not accord with the terms of this policy even though I have found no conflict with the overall strategy in policy CSS1.

Modal choice and accessibility

54. The appeal site is outside the town of Wallingford and the village of Crowmarsh Gifford. However, it is relatively close to both settlements and I would not judge it to be remote. New residents could reasonably look to the former for most of their day-to-day shopping needs and to access local services. Crowmarsh Gifford has a few facilities, including a primary school and nursery.
55. It is possible to walk to Wallingford from the site either along the roads or across the fields along the bridleway or footpaths. The road route via Nosworthy Road and Reading Road is not a particularly pleasant walk, in my opinion. The first part of the route is unlit, the footways are narrow in places and along Reading Road the pedestrian has to cross from one side to the other several times. The journey took me about half an hour from the Market Place and is about 2.3 km. The alternative field route is a more pleasant walk

although the bridleway becomes quite narrow as it strikes north from the hard surfaced section. The distance and time taken is roughly similar. In my opinion those with pushchairs, mobility issues or heavy shopping to carry would be very unlikely to choose to walk into Wallingford by either route. The primary school is perhaps an easier walk as it is along the surfaced bridleway and Old Reading Road. It is though also about a half hour walk and so for many the temptation would be to undertake it by car, especially in inclement weather or in the winter months.

56. Cycling would be a more attractive option for these journeys, whether they take place along the roads or the bridleways. Howbery Business Park with its employment opportunities is also less than 5 km away along relatively flat terrain. Many residential parts of Wallingford and the surrounding villages are within reasonable cycling distance so that cycling would be a realistic modal choice for CABI employees. Cholsey railway station, with its services to London, Reading and Oxford is a cycle ride of about 3.8 km. Alternatively there are bus stops along Reading Road and it is a short trip from here to the station by bus. As already mentioned the proposals would include accessibility improvements for cyclists and pedestrians through the S106 Agreement.
57. There is a half hourly bus service between Oxford and Reading, which stops outside the site and travels through Wallingford. The buses start early and finish late in the evening and so provide a viable alternative for journeys to work, school or the shops. The S106 Agreement would include a contribution towards the improvement in the frequency of services along this route. The objective is to provide three buses per hour, eventually increasing this to four per hour. A contribution would also be made to improve the bus stops to make them more attractive to use. These would include hardstandings, a pedestrian refuge, bus shelters and real time information.
58. Drawing together the above information, I am satisfied that whilst some journeys would undoubtedly be made by car, there would be options to travel by alternative modes, in particular bus or cycle. It is proposed to introduce Travel Plans for both the office and residential uses in order to encourage employees and residents to travel by sustainable modes. Properly instituted these can be effective in achieving modal switch through the use of incentives to make non-car travel an attractive option. Oxfordshire County Council (the county council) as highway authority did not object to the appeal proposals in terms of accessibility. For the reasons given above I conclude that they would be in accordance with policies CSM1 and CSM2 in the CS in this respect.

Congestion and highway safety

59. There was local objection to the increase in traffic generation. I observed that there is congestion on the local highway network, especially at peak times. I saw for myself the queuing traffic on Nosworthy Way and I have no doubt that at busy times this causes delays to journey times. The addition of 91 houses would introduce additional traffic to the network. However the transport assessment indicates that when compared with background traffic flows, the increase would be relatively small and the impact on the roundabouts at either end of Nosworthy Way would be very modest indeed.
60. There is no evidence that the local road network or nearby roundabouts would operate above capacity if the development were to go ahead. The highway authority is responsible for the safe operation of the local highway network and

has raised no objections to the scheme in terms of highway safety or the free flow of traffic. This is a matter to which I give considerable weight. The Framework indicates that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This does not seem to me to be the case here.

Local infrastructure

61. I appreciate that there is local concern about the capacity of local infrastructure to support the proposed new housing development. The district council operates a CIL charging regime and the payment made by the developer would contribute to the facilities and services needed to support the development. The district council has not identified any additional site specific payments that are necessary to address shortfalls in infrastructure capacity as a result of the appeal development.

Applying the planning balance

62. It has been concluded that the appeal proposals would be a major development in the AONB where exceptional circumstances apply and which would be in the public interest. However, for the reasons already given, general landscape impact is a separate matter and does not fall to be considered under paragraph 116 of the Framework. I have concluded that there would be an adverse impact on the countryside, although this would be relatively small. Policy CSEN1 in the CS includes a provision relating to the AONB but it also includes criteria relevant to rural character. Saved LP policies G2, C4 and D1 are countryside related policies, which are consistent with the Framework. This recognises the intrinsic character and beauty of the countryside as a core planning principle. Saved policy G4 indicates that the countryside should be protected for its own sake. In my opinion this is overly restrictive and is not consistent with the aforementioned thrust of national policy. In such circumstances the conflict with this policy has limited weight.
63. The appeal proposals would be in accordance with the overall strategy in policy CSS1. However, it would conflict with policies CSH1 and CSR1. These policies establish the housing requirement and seek to direct development to the most sustainable villages but they fail to provide sufficiently for currently identified housing needs. There is therefore conflict with the Framework's imperative to boost significantly the supply of housing. The district council is working towards resolving this through its emerging local plan but this is at a very early stage and cannot be relied upon at the present time. I appreciate that planning permissions are being granted for new housing and that the rate of completions is improving but they still remain below the annual SHMA requirement. In the circumstances the conflict with policies CSH1 and CSR1 has limited weight.
64. The benefits of the proposals include the provision of market and affordable housing in an accessible location within a context where there is a serious deficit of both when measured against requirements. They also include the provision of a new headquarters for CABI along with the advantages that would flow to both the national and local economy. These are all matters in the public interest and provide benefits to which I give very substantial weight.
65. Returning to the tilted balance in paragraph 14 of the Framework, the development plan provides the statutory starting point. However, for the reasons given above a number of the policy conflicts have limited weight. There

are also important material considerations in favour of the appeal development. It is my judgement that overall the adverse impacts that would arise from the landscape harm and the policy conflict in that respect as well as the conflict with policy CSEN3 relating to heritage assets, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development would therefore apply. This means that the proposals would also comply with policy CS1 in the CS. This seems to me to be an overarching policy that fully accords with the Framework. My overall conclusion is that the appeal proposals would be in accordance with the development plan, when taken as a whole.

Planning conditions

66. There was discussion about planning conditions at the inquiry and I have considered the matter having regard to paragraph 206 of the Framework and advice in the Planning Practice Guidance. Where required I have changed the suggested wording in the interests of precision and enforceability. There would be two distinct elements to the proposed development and I have considered whether the conditions should likewise be separated into those relevant to the offices and those relevant to the housing. However, many are common to both and it is important to recognise that this is a single development and that the two parts are interrelated. I have therefore decided that a single list of conditions would be most appropriate, although in some places it has been necessary to apply the requirements separately. Examples include drainage, lighting and contamination. I have carefully considered those conditions that require discharge before development commences as they can cause implementation to be delayed. I am satisfied that in each case such restriction is necessary to ensure that unacceptable adverse impacts are avoided.
67. The first three conditions relate to implementation and reflect the hybrid nature of the proposals. The parties agreed that the commencement period should be reduced. This reflects the requirement by CABI that its part of the scheme should be carried out expeditiously. Also that the 91 houses need to be delivered quickly in order to contribute to the five-year housing deficit.
68. Appendix 1 to the Design and Access Statement indicates the design approach and evolution of the CABI building. I consider that this would be an attractive and innovative building and one that would be successfully integrated with its surroundings. In the circumstances it is appropriate to ensure that the details reflect this design vision and that the principles established in the Design and Access Statement are followed. The second part of the suggested condition is not included as it would make it obtuse and inconsistent. Samples of materials to be used on the houses are required to ensure a satisfactory appearance. For the offices this can be left to reserved matters stage.
69. The application plans are listed for the avoidance of doubt and in the interests of proper planning. Although one of the submitted plans shows the residential development to be built out in two phases, it was confirmed at the inquiry that this was linked to the S106 Agreement and the delivery of the offices. The reference to phasing in that document has subsequently been removed and therefore Drawing No: 2808.SK026_G should not be included in the list of approved plans and I have omitted it accordingly.
70. In order to ensure satisfactory living conditions it is important that the relevant internal road infrastructure has been constructed to connect each dwelling to

the public highway prior to occupation. It was confirmed that the intention of the construction traffic management plan would be to ensure appropriate on-site management rather than traffic routing. It seems to me that a construction method statement would be more appropriate in order to reduce inconvenience to highway users during this time. The requirement for cycle parking facilities for the offices is a matter that could be dealt with at reserved matters stage. I have already referred to the need for Travel Plans for both the offices and residential development in order to encourage people to travel by modes other than the private car.

71. The consultation responses indicate that an upgrade to the sewer system may be required in order to accommodate the development. The information submitted with the planning application indicated that surface water drainage would incorporate sustainable drainage techniques (SuDS). The success of such systems depends on effective maintenance once installed. Conditions are necessary to cover these matters.
72. Due to the proximity of Grim's Ditch the site is within an area of archaeological potential. Some excavation was undertaken when Nosworthy Road was constructed and trial trenching was carried out in relation to the previously permitted scheme. This work did not include the eastern part of the appeal site. The county council's archaeologist has recommended a staged programme of investigation, evaluation and mitigation. I have combined the suggested conditions and adjusted the wording to take account of the investigative and evaluation work already undertaken on part of the site. The condition is necessary in order to protect the significance of the heritage asset.
73. Fire hydrants are required to ensure the safety of future occupiers of both the residential and office developments. I have reworded the suggested conditions to make them more focused and relevant. The control of external lighting would be appropriate in the AONB and I have already considered this earlier in the decision. This would apply to the roadways, public areas and offices. However, it would be unduly onerous to require individual householders to apply to the district council before installing external lights on individual houses. I have adjusted the conditions accordingly.
74. An ecological appraisal was submitted with the planning application and recommended various safeguards during construction and enhancements to biodiversity thereafter. Included is a mitigation strategy for roosting and foraging bats and the condition requires that the recommendations and enhancements set out in the appraisal are implemented. A landscaping scheme for the housing site is necessary to ensure an attractive living environment. A maintenance schedule should also be included to ensure that the landscaped areas, including the boundary trees and hedgerows, are looked after properly in perpetuity. The Management Company set up under the terms of the Section 106 Agreement would be responsible for implementing it. As landscaping is a reserved matter, the arrangements for the office part of the site would be determined at a later stage. In order to ensure that the play area is fit for purpose, details of its layout and a plan for its future maintenance are required. This would be carried out by the Management Company.
75. The boundary trees and hedges are an important distinguishing feature in the landscape and it is therefore necessary to ensure that they are protected during construction. The submission of an arboricultural method statement

would be a suitable means of ensuring that the necessary controls are implemented and remain in place during the construction period. As this would need to be approved by the district council it seems unnecessary to specify the finer details that are to be included.

76. The district council has suggested a suite of conditions relating to contamination. No site investigation appears to have been done and as this is a partially developed site it seems appropriate as a precautionary measure. The wording is such that the subsequent conditions only apply if the potential presence of contamination is discovered in the preliminary risk assessment. This seems to me to be a proportionate response.

Planning obligation

77. The district council has adopted a Community Infrastructure Levy (CIL) charging regime. The Regulation 123 list makes provision for various forms of infrastructure including education, transport and recreation. However, it does not include site-specific requirements and these are to be provided through the Deed. The S106 Agreement between the appellants, the district council and the county council was fully executed on 8 August 2017. I am satisfied that it is fit for purpose. In order to be taken into account in any grant of planning permission, the obligations must accord with Regulations 122 and 123 of the CIL Regulations. It is noted that the S106 Agreement contains a "blue pencil" clause that the obligations are conditional on my finding that they comply with these aforementioned regulations.

Covenants with the district council

78. The Deed includes covenants that relate to the delivery of the office building. The reserved matters must be approved and the pre-commencement conditions discharged before any residential development commences. No dwelling may be occupied until construction work on the offices has started and no more than 37 dwellings can be occupied until the office building has been constructed and occupied. Furthermore, CABI are obliged to use the building as its international headquarters for a minimum of 20 years or else punitive penalties would be invoked. It seems to me that these provisions are necessary in order to ensure that the scheme is delivered as intended. This is important because the need for the CABI building was an important material consideration in the determination of whether exceptional circumstances exist for this major development in the AONB.
79. The mechanism for providing the affordable housing is set out in the second schedule and the policy support is provided under policy CSH3 of the CS. There are also alternative mechanisms for viability review put forward by the district council and the appellant, although the latter does not consider that this is necessary as a matter of principle. I have carefully considered the justification for including a review, having regard to the representations from both parties. There is no dispute that there is a considerable need for affordable housing but that does not necessarily mean that a review would be appropriate. Although such a mechanism was included as part of the previously approved scheme that was for a different type of development and preceded the publication of the Planning Practice Guidance. It is noted that there is no development plan policy support for reviewing affordable housing provision on development that has been permitted.

80. The Planning Practice Guidance advises that viability assessment in decision-taking should be based on current costs and values. However, it indicates that where a scheme requires phased delivery over the medium and longer term, changes in the value of development and changes in the costs of delivery may be considered. In this case the value of the development was established very recently and the evidence before me indicates that delivery would be relatively quick. Whilst the viability assessment was undertaken in 2015 it was updated in June 2017. The district council had ample opportunity to challenge it at the inquiry but did not do so. In the circumstances I have no reason to believe that the viability assessment is other than reliable and up-to-date.
81. A reduced implementation period was agreed and would be controlled through planning conditions. The appellants anticipate that the development period would be around 33 months and made clear that whilst there would be various trigger points it was not intended to be a phased scheme. The subdivision of the residential area is necessitated because part of it is currently occupied by the existing CABI offices. I have already addressed this in concluding that the submitted phasing plan would serve no purpose, especially as the subdivision is shown to cut through individual properties and plots. This is not a case where there are complex issues to resolve or major infrastructure works to complete before development could get underway and, in the circumstances, the appellants' development programme does not seem unreasonable.
82. The *RICS Professional Guidance GN 94/2012* indicates that re-appraisals are generally suited to phased schemes over the longer term. It also talks about "long life" planning permissions of five years plus. For the reasons given above I do not consider that either provision would apply. There is no reason to require costs and values to be re-assessed during the lifetime of the development in this case. Conversely I have no doubt that such a review mechanism would increase uncertainty and therefore it would increase the risk that viability would be further undermined. It is clear that the cost included for the land in the June 2017 viability appraisal is in fact lower than the sum that the developer has agreed to pay CABI to construct its offices in the purchase agreement. In other words, the developer already has costs to absorb that are not taken into account in the viability assessment. In such circumstances, I do not consider that a review mechanism, whether in the form suggested by the appellants or the district council would meet the Regulation 122 requirements and it cannot therefore be taken into account in any grant of planning permission.
83. In reaching this conclusion I have had regard to the appeal decisions submitted by both parties in favour of their respective positions. The responses provided by the parties identify significant differences with the present appeal. The points that have been made clearly demonstrate that the circumstances are not readily comparable.
84. Before any dwelling is occupied contributions of £1,219.40 and £15,470 are to be paid for street nameplates and waste/ recycling respectively. Policy CS11 of the CS requires that infrastructure and services will be required to meet the needs of development. Saved policy D10 of the LP seeks to ensure that new development makes adequate provision for the management of its waste, including for recycling. The contributions sought are based on the cost of provision and are set out in the supplementary planning document: *Section 106 Planning Obligations* (2016).

85. The third schedule makes provision for the establishment and ongoing operation of a Management Company, which would be responsible for the maintenance of the SuDS, open spaces and play area of both the office and residential sites. The membership would include the owners of the office and the housing sites, the registered provider and the owners or lessees of the market units. This seems to me a necessary arrangement, which would ensure that the public areas and surface water drainage facilities remain functionally effective for the lifetime of the development. The fourth schedule makes provision for the submission of an ecological management scheme for land to the west of the appeal site that is within the ownership of CABI. The covenant includes a requirement to undertake the scheme for a minimum period of 20 years. The development plan includes policies to protect ecological interest and provide net gains to biodiversity.

Covenants with the county council

86. A contribution of £20,000 is included for improvements to the two bus stops outside the site. Policy CSM1 in the CS supports measures to encourage the use of sustainable transport options and encourage modal shift. The improvements to be made, which I have already considered in paragraph 57 above, would comply with these principles. The sum of money involved relates to the cost of provision and includes a maintenance period.
87. A contribution of £91,000 is made for bus service improvements. The Local Transport Plan includes proposals to enhance local bus services. Under the county council's Premium Bus Routes Strategy the Wallingford to Oxford route, which passes the site, would be increased to three buses per hour, eventually rising to 4 buses per hour. The contribution is related to the number of dwellings and the cost of procuring extra vehicles and journeys on a pump-priming basis over a five year period. Contributions are sought from all developments along the route. It seems to me that this would further encourage residents and office staff to travel on the bus in accordance with the objectives of policy CSM1.
88. Obligations are included to cover the monitoring fees of the residential and office Travel Plans for a period of five years. It is appreciated that in order to ensure that such plans are effective it is necessary for someone to review outputs and monitor the progress with achieving objectives. Feedback with the Travel Plan co-ordinators would also be required. It is not unusual for a county council to set up a team to undertake these tasks and the contribution would cover officer time.
89. Administration and monitoring fees are included, which would be payable to both the district and county councils. Some obligations would be fairly straightforward and relate to one-off payments. However, there are others that would be more complicated and involve ongoing work that would go beyond the normal development management duties that the respective councils would be expected to undertake. I have had regard to all the evidence, including the Oxfordshire County Council High Court judgement³ and the submitted appeal decision relating to land north of 12 Celsea Place, Cholsey. I am satisfied that in this case there is justification for the two payments.

³ *Oxfordshire County Council v Secretary of State for Communities and Local Government and others* [2015] EWHC 186 (Admin).

90. For all of the above reasons I do not consider that the obligations relating to the viability review would meet the requirements of Regulation 122 of the CIL Regulations and they cannot therefore be taken into account in the grant of planning permission. The other obligations would meet these requirements and therefore can be taken into account. With regards to Regulation 123, I am satisfied from the evidence provided that none of the obligations would conflict with the pooling restrictions.

Overall conclusions

91. I have taken into account all other matters raised but have found nothing to alter my conclusion that the appeal should succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Tom Cosgrove	Of Queen's Counsel, instructed by Mr I Price, Solicitor to South Oxfordshire District Council
<i>He called:</i>	
Mr P Radmall MA BPhil CMLI	Independent Practitioner acting as consultant to South Oxfordshire District Council on landscape matters
Mr M Flood BA(Hons) DipTP MRTPI	Proprietor of Insight Town Planning Ltd acting as consultant to South Oxfordshire District Council on planning matters
*Ms J Desmond BA(Hons) DipTP MA (Urban Design) MRTPI	Major Applications Officer with South Oxfordshire District Council
*Mr C Allingham	Senior Solicitor with Blake Morgan acting as adviser to Oxfordshire County Council
*Mr D Taylor PhD (Transport Planning and Engineering)	Senior Transport Planner with Oxfordshire County Council

FOR THE APPELLANT:

Mr Charles Banner	Of Counsel, instructed by Hunter Page Planning Ltd
<i>He called:</i>	
Mr G Wakefield BA(Hons) MRTPI	Director of Hunter Page Planning Ltd
Mr A Smith BSc (Hons)MSc CMLI	Principal Director of fabrik Ltd
Mr T Foxall BA(Hons) CIHT	Director of Glanville Consultants
Mr P Maguire MA MSt (Oxf)	Heritage Consultant with Asset Heritage Consulting Ltd
Dr T Nicholls PLD	Chief Executive Officer of CABI
Mr B Rea BSc(Hons) MLE MRICS	Affordable Housing Director of G L Hearn Ltd
*Mr M Mainstone BSc LLB	Partner of Wedlake Bell

**Participating in the Planning Obligation and planning conditions sessions only*

FOR THE RULE 6 PARTY: CROWMARSH GIFFORD PARISH COUNCIL:

Councillor N Hannigan	Chair of the Planning Committee at Crowmarsh Gifford Parish Council
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INTERESTED PERSONS:

Mr M Stubbs DipTP MSc PhD MRICS	Planning adviser to the Chilterns Conservation Board
Ms L de Mauny	Local resident

DOCUMENTS

- 1 Methodology and supporting evidence for the photomontage images, submitted by Mr Banner
- 2 Survey of footpath users undertaken on 2/3 July 2017, submitted by Ms de Mauny
- 3 Photographs and map of locations taken March/ April 2017, submitted by Ms de Mauny
- 4 Court of Appeal judgement *Barwood Strategic Land II LLP v East Staffordshire Borough Council and SSCLG* (30 June 2017), submitted by Mr Banner
- 5 Written statement by Mr Stubbs on behalf of the Chilterns Conservation Board
- 6 Map including the Landscape Character Areas and AONB boundary in the vicinity of the appeal site, submitted by Mr Stubbs
- 7 Map including The Ridgeway and Thames Path routes, AONB boundary and the Scheduled Monuments in the vicinity of the appeal site, submitted by Mr Stubbs
- 8 Email correspondence, dated 7 July 2017, between Mr Wakefield and Mr Deriaz about alternative commercial development of the appeal site, submitted by Mr Banner
- 9 South Oxfordshire District Council's CIL compliance statement, submitted by Mr Cosgrove
- 10 Oxfordshire County Council's CIL compliance statement, submitted by Mr Cosgrove
- 11 Further information by Oxfordshire County Council about its requirement for bus service funding, submitted by Mr Cosgrove
- 12 Plan showing the emerging Local Plan housing allocations at Crowmarsh Gifford, submitted by Mr Cosgrove
- 13 Draft list of planning conditions following discussion at the inquiry
- 14 Archaeology consultation response to the planning application, submitted by Mr Cosgrove
- 15 Extracts from the council's SPD: *Section 106 Planning Obligations*, submitted by Mr Cosgrove
- 16 Appeal decision relating to a housing development on land north of 12 Celsea Place, Cholsey, dated 20 June 2016, submitted by Mr Cosgrove
- 17A; Copy of conditional contract between CAB International, Cala
17B Management Ltd and Cala Group Ltd, dated 13 February 2015 and a summary of the contract provisions, submitted by Mr Banner
- 18 High Court judgement *Mevagissey Parish Council v Cornwall Council* (27 November 2013), submitted by Mr Cosgrove
- 19 Court of Appeal judgement *SSCLG and Knight Developments Ltd v Wealden District Council* (31 January 2017), submitted by Mr Cosgrove
- 20 Baseline Report to the *Crowmarsh Parish Neighbourhood Plan*, submitted by Cllr Hannigan
- 21 Responses by the main parties to the justification for inclusion of a viability review of affordable housing in the Section 106

- Agreement
- 22 Appeal decision: Land at Thames Farm, Reading Road, Shiplake (APP/Q3115/W/16/3161733) dated 2 August 2017
- 23 Executed Section 106 Agreement dated 8 August 2017

PLANS

- A Application plans
- B A3 plans booklet

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale of the office development, (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 under condition 1) shall be made to the local planning authority not later than 18 months from the date of this permission.
- 3) The development hereby permitted shall take place not later than 12 months from the date of approval of the last of the reserved matters to be approved or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4) The development hereby approved shall be carried out in accordance with the following submitted plans 2808 P29 REV A, D2315 L.206 REV B, 2808 P12 REV A, 2808 P13 REV A, 2808 P17 REV A, 2808 P23 REV A, 2808 P30 REV A, 2808 P31 REV A, 2808 P10 REV A, 2808.P34_C, 2808.P33_C, 2808.P.05_H, 2808.P.04_H, 2808 44, 2808.P36_B, 2808.P27_B, 2808.P24_B, 2808.P.09_B, 2808.P.08_B, 2808.P.07_B, 2808 42 E, 2808 P06 REV A, 2808 P11 REV A, 2808 P14 REV A, 2808 P15 REV A, 2808 P16 REV A, 2808 P18 REV A, 2808 P19 REV A, 2808 P20 REV A, 2808 P21 REV A, 2808 P22 REV A, 2808 P25 REV A, 2808 P26 REV A, 2808 P28 REV A, 2808 P32 REV A, 2808 P35 REV A, 2808 P37 REV A, 2808 P38 REV A, 2808 P39 REV A, 2808 P41, 2808 P03 REV A, , 2808 P40, except as controlled or modified by conditions of this permission.
- 5) Applications for the approval of the reserved matters for the office development shall be in accordance with the principles and parameters in Appendix 1 of the Design and Access Statement (September 2015).
- 6) No residential development shall take place until samples of all external facing materials of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 7) No dwelling shall be occupied until the internal road system linking that dwelling to Nosworthy Way has been constructed to binder or surface course level in accordance with Drawing No:2808.P.04_H.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The CMS shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved CMS shall be adhered to throughout the construction period for the development.

- 9) The office development shall not be occupied until a Travel Plan relating to its use has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include arrangements for its review and a timetable for implementation. The development shall be carried out in accordance with the approved details in the Travel Plan.
- 10) No dwelling shall be occupied until a Travel Plan relating to the residential development has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include the arrangements for its review and a timetable for implementation. The development shall be carried out in accordance with the approved details in the Travel Plan.
- 11) The residential development shall not be commenced (excluding demolition of existing buildings) until details of its foul drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) The office development shall not be commenced until details of its foul drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) The residential development shall not be commenced (excluding demolition of existing buildings) until details of its surface water drainage, incorporating sustainable drainage principles, have been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the sustainable drainage system will be maintained for the lifetime of the development. Development shall be carried out in accordance with the approved drainage scheme.
- 14) The office development shall not be commenced until details of its surface water drainage, incorporating sustainable drainage principles, have been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the sustainable drainage system will be maintained for the lifetime of the development. Development shall be carried out in accordance with the approved drainage scheme.
- 15) No development (including demolition) shall be commenced until:
 - a) an archaeological written scheme of investigation relating to that part of the site that was not included in the Archaeological Desk Based Assessment (August 2015) by CgMs Consulting has been submitted to and approved in writing by the local planning authority;
 - b) a staged programme of archaeological evaluation and mitigation has been carried out for the whole site in accordance with the approved

written scheme of investigation and the CgMs assessment referred to in a) above. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication, which shall be submitted to the local planning authority.

- 16) The residential development shall not be commenced (excluding demolition of existing buildings) until details of the location of its fire hydrants and a timetable for their provision have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be connected to the mains water supply and development shall be carried out in accordance with the approved details and timetable.
- 17) The office development shall not be commenced until details of the location of its fire hydrants and a timetable for their provision have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be connected to the mains water supply and development shall be carried out in accordance with the approved details and timetable.
- 18) The residential development shall not be commenced until details of the external lighting of its roadways and public open spaces and a timetable for its provision have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable.
- 19) The office development shall not be commenced until details of the external lighting, including security lighting, and a timetable for its provision have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable.
- 20) The development shall be carried out in accordance with the recommendations and enhancements contained in chapter 6 (excluding 6.11 relating to offsite enhancement measures) of the Ecological Appraisal by Aspect Ecology (October 2015).
- 21) The residential development shall not be commenced until a scheme for its landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation and a schedule for future maintenance. Development shall be carried out in accordance with the approved scheme. Any trees or plants which within a period of 5 years from the completion of the residential development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 22) The residential development shall not be commenced until a detailed layout of the play area, a timetable for provision and the provisions for its future maintenance have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable.
- 23) No development shall be carried out until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The AMS shall include details of how the retained trees and hedgerows will be protected whilst existing buildings and structures are demolished and whilst the new development is undertaken. The provisions of the approved AMS shall be adhered to throughout the construction period.

- 24) The residential development shall not commence until a preliminary risk assessment has been submitted to and approved in writing by the local planning authority, which shall identify:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 25) Where the preliminary risk assessment in condition 24) identifies the potential presence of contamination, a site investigation scheme and remediation strategy shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for a detailed assessment of the risk to all receptors that may be affected, including those off-site. The site investigation scheme and remediation strategy shall be implemented as approved.
- 26) No dwelling shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and its effectiveness has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report. This plan shall be implemented as approved.
- 27) If, during the course of the residential development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination shall be dealt with. The approved remediation strategy shall be implemented as approved.
- 28) The office development shall not commence until a preliminary risk assessment has been submitted to and approved in writing by the local planning authority. This shall identify:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 29) Where the preliminary risk assessment in condition 28) identifies the potential presence of contamination, a site investigation scheme and remediation strategy shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for a detailed assessment of the risk to all receptors that may be affected, including those off-site. The site investigation scheme and remediation strategy shall be implemented as approved.
- 30) The offices shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and its effectiveness has been submitted to and approved in writing by the local

planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report. This plan shall be implemented as approved.

- 31) If, during the course of the office development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination shall be dealt with. The approved remediation strategy shall be implemented as approved.

End of conditions 1-31