

Case Officer: Nicola Wheatcroft

Applicant: Ashberry Strategic Land and Christopher Gasson

Proposal: Outline planning application (with all matters reserved apart from access) for a development comprising up to 50 dwellings (Use Class C3) and associated infrastructure including but not limited to sustainable urban drainage system, public open space, landscaping, habitat creation, internal roads/routes and upgrades to the public highway

Ward: Deddington

Councillors: Councillors Zoe McLernon, Eddie Reeves and David Rogers

Reason for Referral: Major development of 10+ dwellings

Expiry Date: 11 December 2025

Committee Date: 4 December 2025

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS/AND SUBJECT TO A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north of Hook Norton bounded to the east by Sibford Road and Golding Road to the south. The site is broadly flat with a mature hedge running along the eastern boundary with Sibford Road and a post and rail hedge and planting forming the northern boundary. The Bourne Lane playground is located adjacent to the south east corner of the site. The village of Hook Norton lies to the south adjacent to the recently constructed housing in Goldings Road

2. CONSTRAINTS

- 2.1. The application site is within open countryside, footpath 253/14/10 diagonally crosses the site. The site lies outside of the Hook Norton Conservation Area and there are no listed buildings in the vicinity.
- 2.2. The applicants have confirmed that if planning permission is granted, they anticipate development commencing by the end of 2026 with the first houses being occupied by the second half of 2027.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the development of the site for residential development of up to 50 dwellings. All matters are reserved except for access.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history (adjacent to the site) is considered relevant to the current proposal:

11/01755/OUT Outline planning permission with all matters reserved for the erection of up to 70 dwellings (Class C3), public open space including a play area/amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, a pumping station and other ancillary works, permitted, allowed at appeal 23/09/2013.

14/00379/REM Reserved matters to outline application 11/01755/OUT - Access, internal roads, layout, scale, appearance and landscaping, permitted 17/10/2014.

5. PRE-APPLICATION DISCUSSIONS

- 5.1 The following pre-application discussions have taken place with regard to this proposal:

24/02221/PREAPP Pre-application enquiry for development of approximately 55 homes and associated infrastructure

Detailed advice was provided that the harm identified in relation to the proposal's policy conflict, its adverse landscape and visual effects, the development of greenfield land, and the loss of best and most versatile agricultural land would significantly and demonstrably outweigh the proposal's benefits.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 12 November 2025, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. Forty two representations have been received objecting to the application. The comments raised by third parties are summarised as follows:

- Housing not required, sufficient new development in Hook Norton
- Impact on local services such as schools, GP surgery, shops
- Impact on village character
- Highway safety
- Flooding, drainage and sewerage
- Potential conflict between new residents and adjacent farm in terms of noise and odour
- Impact on wildlife and ecology

- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. HOOK NORTON PARISH COUNCIL: **Objects** on the grounds of overdevelopment, impact on local transport, above the village site line and additional land.
- 7.3. OCC HIGHWAYS: **No objection** subject to S106 contributions, S278 works, conditions, planning obligations and informatives.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to conditions.
- 7.5. OCC EDUCATION: **No objection** subject to developer contributions towards special school provision.
- 7.6. OCC ARCHAEOLOGY: **No objection** subject to prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.
- 7.7. OCC WASTE MANAGEMENT: **No objection** subject to Household Waste Recycling Centre Contribution and appropriate conditions.
- 7.8. CDC DRAINAGE: **No objection**
- 7.9. CDC URBAN DESIGN: **No objection** subject to resolution of details.
- 7.10. CDC ECOLOGY: **No objection** subject to confirmation that the applicant has entered in the GCN District Licencing Scheme and confirmation on how the Biodiversity Net Gain will be secured.
- 7.11. CDC RECREATION AND LEISURE: **No objection** subject to the developer contributions towards community hall provision, outdoor and indoor sport provision and public art.
- 7.12. CDC ENVIRONMENTAL HEALTH: **No objection**
- 7.13. CDC BUILDING CONTROL: **No objection**
- 7.14. CDC STRATEGIC HOUSING: **Supports** this proposal subject to confirmation of a suitable affordable housing mix.
- 7.15. NATURESPACE: **Objection**: The application is supported by ecological appraisal which confirms the site provides suitability for great crested newts. Therefore the applicant should submit a NatureSpace Report or Certificate or provide presence/likely absence survey results for the ponds within 500m of the site together with mitigation measures.
- 7.16. INTEGRATED CARE BOARD: **Objects unless** a developer contribution of £45,309 towards the creation of additional clinical capacity is made.
- 7.17. THAMES VALLEY POLICE: **No objection** to principle
- 7.18. CPRE: **Objects**
- 7.19. THAMES WATER: **No objection**

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:
- 8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Hook Norton Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- Policy PSD 1: Presumption in Favour of Sustainable Development
- Policy BSC 1: District-Wide Housing Distribution
- Policy BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- Policy BSC 3: Affordable Housing
- Policy BSC 4: Housing Mix
- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision – Outdoor Recreation
- Policy BSC 12: Indoor Sport, Recreation and Community Facilities
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 3: Sustainable Construction
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDS)
- Policy ESD 8: Water Resources
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 13: Local Landscape Protection and Enhancement
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 17: Green Infrastructure
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth across the Rural Areas
- Policy Villages 4: Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

C28 – Layout, design and external appearance of new development
C30 – Design control
ENV1 – Environmental pollution
TR7 - Development attracting development on minor roads
H18 - New Dwellings in the Countryside

DRAFT CHERWELL LOCAL PLAN (DCLP) limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- LEC7: Best and Most Versatile Agricultural Land.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations.
- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

- 8.4. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Hook Norton Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

HOOK NORTON NEIGHBOURHOOD PLAN (HNNP)

- Policy HN - CC 1: Protection and enhancement of local landscape and character
- of Hook Norton
- Policy HN - CC 2: Design
- Policy HN - CC 3: Local distinctiveness, variety, and cohesiveness
- Policy HN - CC 4: Resource efficient design
- Policy HN - H1: Sustainable housing growth
- Policy HN - H2: Location of housing
- Policy HN - H3: Housing density
- Policy HN - H4: Types of housing
- Policy HN - H5: Provision and retention of affordable housing
- Policy HN - T1: Access and parking

- 8.5. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Ecology impact

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015), the saved policies of the Cherwell Local Plan 1996 (CLP 1996) and the policies in the Hook Norton Neighbourhood Plan (HNNP).
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Strategic Objective SO7 of CLP 2015 refers to the need to meet the housing needs of all sections of Cherwell’s Communities, particularly the need to house an ageing population.
- 9.5. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan. Policy Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell. Hook Norton is categorised by PV1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. PV1 states that proposals for residential development within the built up limits of villages will be

considered based on their categorisation. As Hook Norton is categorised as a Category A Village by PV1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions. The fact it is a Category A settlement further shows that it is a sustainable location to accommodate development.

- 9.6 The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District. The Hook Norton Neighbourhood Plan does not identify a settlement boundary for Hook Norton either.
- 9.7. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Hook Norton as a Category A Village Settlement. These are classified by the Draft Local Plan as being larger villages that have essential local services and facilities and often serve nearby smaller villages.
- 9.8. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.9. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.10. The published Cherwell District Council latest Annual Monitoring Report dated February 2024 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the CLP 2015 and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.11. Policy PSD1 of the CLP 2015 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
- 9.12. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.13. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

9.14. The Hook Norton Neighbourhood Plan (HNNP) was adopted in October 2015. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

9.15. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development applies. The HNNP became part of the development plan in 2015 and is therefore more than five years old at the point of determination of this application. The reference to *and* in paragraph 14 of the NPPF implies that both parts A and B need to be met in order for the Neighbourhood Plan to be considered up-to-date. As the neighbourhood plan was adopted more than 5 years ago part A of paragraph 14 is not met. The housing policies in the HNNP cannot therefore be considered up-to-date.

9.16. The NPPF (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.

9.17 The refence to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.

Assessment

9.18. The development would not be in accordance with the development plan's allocations – the site is not allocated for development, well over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington. However, given the current housing land supply within the district the tilted balance is engaged.

9.19. The application site is located outside the built up limits of the settlement, in light of which Policy Villages 2 is central to assessing the acceptability of the proposal. The policy states that "*a total of 750 homes will be delivered at Category A villages*". It is acknowledged, as stated in the Planning Policy consultation response, that this figure has now been exceeded. However, various appeal decisions (e.g. APP/C3105/W/23/3327213, July 2024; APP/C3105/W/23/3331122, May 2024) have established that this figure is not a cap or ceiling to development and that proposals at Category A villages that are otherwise acceptable can nevertheless still be supported.

9.20. Policy Villages 2 states that "*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.”*

9.21 The majority of these criteria will be assessed in detail in the following sections of this report, however it is self-evident that the site is not previously developed land. As detailed in later sections, the site is not of high environmental value and is not sensitive in heritage terms. With appropriate design and mitigation, significant adverse impacts on wildlife assets and the wider landscape could be avoided, satisfactory vehicular and pedestrian access/egress could be provided, and the development would contribute to enhancing the built environment.

9.22. It is considered that the proposed development would be in a sustainable location on the edge of a Category A village, and is close to a wide range of facilities including a school, shops, community centres and has good transport links to towns including Banbury and Chipping Norton.

9.23. The site is bounded by residential development to the east and south. Open countryside is located to the north. It is therefore considered that the site would be connected to the built form of Hook Norton and would not appear as a standalone development within the open countryside. It is considered that the site could be developed in a way that ensures it has connection to the existing built form of Hook Norton.

9.24. The provision of 50 dwellings would make an important contribution to the overall housing needs of the District along with the government's wider objective for 1.5 million homes. This includes the high need for affordable housing which is recognised across the country.

9.25. The applicant has confirmed that there are no land ownership constraints that would prevent the development coming forward should it be approved.

Conclusion

9.26. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location.

- 9.27. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years (2.3 years supply). As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. The extent of this housing shortfall offsets the policy conflict in this instance, and the site is located on the edge of one of the more sustainable villages within Cherwell and would benefit from proximity to existing infrastructure and facilities. These matters will need to be weighed in the planning balance.

Design and impact on the character of the area, including designated heritage assets

Legislative and policy context

- 9.28. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 9.29. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, new development proposals should 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 designed active public frontages.
- 9.30. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Furthermore, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.31. PV2 of CLP 2015 states that in identifying sites, particular regard will be given to:
- Whether land has been previously developed land or is of less environmental value;
 - Whether development would contribute in enhancing the built environment
 - Whether significant adverse landscape and impacts could be avoided
- 9.32. HNNP Policy HN-CC1 seeks to ensure development must be located and designed so it is readily visually accommodated into the landscape. Policy HN – CC2 relates to design. This should reflect local distinctiveness, reflect the historic environment of the parish. Policy HN-CC3 relates to development reflecting local distinctiveness.
- 9.33. The proposed development would extend the built form of Hook Norton to the north into the open countryside. It is surrounded by housing to the east and south and therefore will not appear as an isolated settlement. However, it would change the character and appearance of the site from a field to urban development. The Council's Urban Designer has raised a number of concerns about the proposal and the indicative layout plan. Firstly that there is no contextual analysis to justify the

proposed net density of 37 dwellings per hectare (dph) which would be higher than the neighbouring development. Whilst the concerns are noted and a higher density in this location would not be acceptable, the proposal is an outline scheme with all design and layout issues to be dealt with at reserved matters stage. It is at this stage when density would be considered more fully when all layout issues are resolved including the road layout and positioning, the extent of green space as well as dwelling numbers. Other issues of concern for the Urban Designer relate to more specific layout matters such as the extent of the buffers and green infrastructure which can all be resolved through masterplanning and the submission of the reserved matters application. It should be noted that the site is contained by a strong hedge to east along Sibford Road and planting to the north and south, this all helps the screen and contain the site.

- 9.34. Having regard to the site's scale and location relative to heritage assets in the vicinity, the proposals would not cause harm to heritage assets.

Conclusion

- 9.35. It is noted that there would be some change to the landscape, and some moderate harm through development of a greenfield site. However, this impact would be no greater than that of the adjacent development and some of the impacts to the wider locality can be mitigated by the use of sensitive design, layout and boundary treatment all to be considered at reserved matters stage.

Highway Safety

- 9.36 Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.37 Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritise taking into account or the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.
- 9.38 In addition to this paragraph 116 of the NPPF highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.39. The proposal would be accessed off Sibford Road. Details of the access are for consideration at outline stage and the scheme has been amended to address the Highway Engineers concerns. The forward visibility splays were not considered adequate and this matter has now been addressed through the submission of revised plans. The Local Highway Authority has commented on the revised information, and have now not objected in principle.
- 9.40. The concerns of the local residents are noted, however, the Local Highway Authority do not object to the proposal, provided suitable worded conditions and contributions are entered into. A number of comments have been received about the poor condition of roads in the area, however, this is an existing issue and a matter that cannot be taken into account when determining the current application. Based on the comments from the Local Highway Authority, it is unlikely to result in highway danger. Therefore, the proposal is considered to be acceptable in highway terms.

Drainage

- 9.41. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.42. Paragraph 182 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.43. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.44. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.45. The current situation is that the site is located within a flood zone 1, which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority does not have any objection to the scheme, subject to appropriate conditions. The Councils Drainage Officer has also confirmed that the Flood Risk Assessment is acceptable as is the surface water management strategy. As a result it is considered that drainage matters have been adequately addressed in line with Development Plan policy and the requirements of the NPPF.

Residential amenity

- 9.46. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.47. The application is in outline form at this stage; therefore, the consideration of residential amenity is greater at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact to the amenities of the existing properties and proposed dwellings.
- 9.48. It is therefore considered that the limited impact on residential amenity is not sufficient to refuse the application.

Ecology Impact

Legislative context

- 9.49. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.50. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.51. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may

proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.52. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

(1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?

(2) That there is no satisfactory alternative.

(3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.53. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.54. Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.55. Paragraph 193 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.56. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.57. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

- 9.58. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.59. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.59. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.60. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a field with mature trees and hedgerows adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.61. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.62. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.63. The Council's Ecologist initially raised concerns about the submitted information, further bat surveys were required and confirmation that the applicant was joining the NatureSpace District Licence Scheme. There were also questions about Biodiversity Net Gain particularly with regard to habitat creation. The applicant has addressed

these issues and submitted revised information. The Ecologist has been reconsulted and comments are awaited.

- 9.64. If the proposal could be mitigated against, and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Sustainable Construction

- 9.65. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraph 164 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 166 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Development Plan

- 9.66. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.67. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular using sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.67. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate

sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

- 1.68. The application is at outline stage; therefore, it is not clear how the dwellings will be constructed, and how many sustainable features would be used as part of the development of the scheme. Therefore, further consideration would be required at the reserved matters stage. There are no reasons why this application cannot accord with Policy.

Planning Obligations/Infrastructure

- 9.69. Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 58 continues by stating that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 9.70. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery.
- 9.71. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.72. Policy BSC 3 of the CLP 2015 states, amongst other things that at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and

30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.

- 9.73. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.74. This application is for up to 50 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.75. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 18 units. In line with new Government requirements.
- 9.76. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement. The Integrated Care Board has requested a contribution of £45,309 towards additional clinical capacity within Hook Norton or the immediate vicinity.
- 9.77. Due to the scale of the development the scheme would need to provide a play area in the form of a Local Area of Play (LAP) as required under Policy BSC11 of the CLP 2015. The proposed illustrative layout includes the provision of a LAP and this can be controlled by way of planning conditions/and or a S106 obligation.
- 9.78. It is expected that these matters will be negotiated to a conclusion following a resolution to grant. It is to be noted that the applicant has agreed with the S106 requests and has not asked for any reduction.
- 9.79. It is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 56 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

Other Matters

- 9.80. Several residents have objected to the proposal, due to the impact on existing services and facilities within Hook Norton and the number of additional housing developments in recent years. Although this is noted, Hook Norton is a Category A village and one of the larger, more sustainable villages within the District. It is acknowledged that housing can be accommodated on the edge of villages. Statutory Consultees do not object to the proposal and for the reasons outlined above the number of houses in this particular case is considered to be acceptable.

PLANNING BALANCE AND CONCLUSION

- 10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive Benefits Economic

- 10.2. The proposals would contribute to the Council's Shortfall in Housing Supply due to the size and duration of the project. The applicants are satisfied the development of the dwellings could be brought forward in a timely manner. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided this should also be afforded significant positive weight.

Social

- 10.3. The delivery of homes across the district is an important positive material consideration in the planning balance.
- 10.4. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing. Very significant weight is afforded to the provision of affordable housing.
- 10.5. The proposals would also provide significant social benefit from on-site recreation and play facilities, which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents
- 10.6. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy, thus carrying neutral weight in the planning balance.

Environmental

- 10.7. The proposals also commit to a minimum of 10% biodiversity net gain, but as this is to comply with policy it carries neutral weight in the planning balance
- 10.8. Hook Norton has a number of services and employment opportunities. It is a Category A village and is one of the more sustainable villages within the district; the site's relatively sustainable location is afforded some positive weight.

Negative Impacts

- 10.9. The site is positioned beyond the existing built-up limits of the village on the eastern side and is an area of countryside. There would be some urbanisation of the site, and it would result in some harm to the character and appearance of the locality. Significant weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

However, it is considered that the harmful impact could be mitigated. If developed as proposed in the indicative layout submitted with the application moderate harm would be caused; if conditions are imposed to restrict the extent of the development this impact would be significantly reduced.

Conclusion

- 10.10. On the basis that the Council is not able to demonstrate a five-year supply of land of housing, paragraph 11d of the NPPF is engaged and the 'titled balance' applies.
- 10.11. The proposal seeks permission for up to 50 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded 750, the numerical elements of the Council's housing policies are out of date given the Council's housing land supply position, and Hook Norton is a Category A village, is one of the more sustainable villages in the District.
- 10.12. Overall, subject to conditions as set out above and in the recommendation below, it is considered that the benefits of the scheme outweigh the harm it would cause and therefore the application for residential development on the site is recommended for approval.

2. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 35% affordable housing on site
- b) Payment of a financial contribution of £2,017.03 per dwelling towards off outdoor sports and recreation provision in the locality (index linked)
- c) Payment of a financial contribution of £2,017.03 towards off indoor sports and recreation provision in the locality of per dwelling (index linked)
- d) Payment of a public art contribution of £250 per dwelling towards public art in vicinity (index linked)
- e) Payment of a financial contribution towards public transport provision of £1,364 per dwelling (index linked)
- f) Payment of £3,840 towards Traffic Regulation Order (index linked)
- g) Payment of £25,000 public transport contribution (index linked)
- h) Payment of £944.30 per dwelling towards educational infrastructure (special school provision) (index linked)
- i) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £101.88 per dwelling (index linked)
- j) Payment of a financial contribution towards primary health care provision serving of £906.18 per dwelling (index linked)
- k) On-site provision of an equipped Local Area of Play and payment of a financial contribution to be confirmed (index linked) towards maintenance or other management provisions thereof.
- l) Payment of a financial contribution towards the maintenance of on-site Open Space (index linked)
- m) Provision of a Habitat Management and Monitoring Plan (including funding) to

secure long-term biodiversity net gain
n) Payment of the Council's monitoring costs to be confirmed.

CONDITIONS

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission and the development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as '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.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans and documents: 7243 100 - A, 7243 107 - E, 7243 108 - A, DWG-03 Rev B

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the local planning authority and comply with government guidance contained within the National Planning Policy Framework.

4. No development shall commence on a phase identified within an approved phasing plan until full details of the [layout, scale, appearance, access and landscaping] (hereafter referred to as the reserved matters') of the development proposed to take place within that approved phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in strict accordance with the approved phasing plan.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

5. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of

the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence, including any works of demolition until a Construction Environment and Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall provide for at a minimum:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition and construction working hours;

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

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

8. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- Full drainage calculations for all events up to and including the 1 in 100 year plus
- 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of

CIRIA

- C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.

Reason: Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

10. If a potential risk from contamination is identified as a result of the work carried out under condition 1, 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

11. If contamination is found by undertaking the work carried out under condition 10, 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 "Land Contamination Risk Management (LCRM)" 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

12. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

13. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs
- The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

14. Prior to first occupation of the development hereby approved a Biodiversity

Enhancement Plan shall be submitted and approved by the Local Planning Authority, the Plan shall include species specific enhancements, including at least one bat or bird box per dwelling, native planting, bee bricks in all dwellings, log piles and hedgehog passes. The development shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be informative granted.
2. The reserved matters submission shall include a lighting strategy for bats in line with Bat Conservation Trust (BCT) and Institute of Lighting Professionals (ILP) guidance.