

Case Officer: Katherine Daniels

Applicant: L&Q Estates, Helena Paula Clarke, James William Cl

Proposal: Outline application for up to 71 dwellings (Use Class C3) with associated open space and vehicular access off The Bourne, Hook Norton. All Matters Reserved except for accessibility to the site, for vehicles in terms of the positioning and treatment of access to the site

Ward: Deddington

Councillors: Councillor Rogers, Councillor Reeves, Councillor McHugh

Reason for Referral: Major Residential Development

Expiry Date: 24 March 2025

Committee Date: 20 March 2025

This application was subject to a Committee Members Site Visit, taking place on 20th March 2025

SUMMARY RECOMMENDATION: DELEGATE TO THE ASSISTANT DIRECTOR TO GRANT PERMISSION SUBJECT TO OVERCOMING OBJECTIONS FROM LOCAL LEAD FLOOD AUTHORITY AND NATURE SPACE AND SUBJECT TO CONDITIONS/ S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. Site is located to the north of The Bourne and to the east of Clay Bank on the north-western edge of Hook Norton.
- 1.2. To the east is Hook Norton Sports and Social Club, to the south (north side of The Bourne) is Hook Norton Surgery and to the south side of The Bourne is residential development (the main settlement of Hook Norton). A single dwelling lies to the west of the site, east of Clay Bank, but is not within the application site. Beyond Clay Bank to the west and to the north is open countryside.
- 1.3. The site is an irregular shape, and the site raises in the north-western corner. The site comprises of three parcels of land separated by a mature hedge line. The boundary to the west with Clay Bank comprises of a hedgerow.

2. CONSTRAINTS

- 2.1. The boundary with The Bourne and Clay Bank is a Conservation Area. Clay bank Farmhouse (Grade II Listed) is located to the south of the site. The site also is designated a Best and Most Versatile Land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is an outline application for residential development (up to 73 dwellings), with all matters reserved bar access. The applicants have provided further information on how the site can be developed. However, this is indicative only.

4. RELEVANT PLANNING HISTORY

There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

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

22/02707/PREAPP – Up to 75 dwellings as well as associated drainage works, open space, landscaping, and access.

- 5.2. Negative, if we could demonstrate a 5 year housing land supply.

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 **17 September 2024**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. 126 objections raised by third parties are summarised as follows:

- Housing not required.
- Impact on local services (Dentists, school, doctors, etc.)
- Drainage/Flooding
- Impact on the character and appearance of the locality
- Highway Safety
- Residential Amenity
- Hook Norton has had enough development.
- Impact on 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 following grounds:

- Lack of consideration of public feedback
 - Overdevelopment of the site – 73 is too many.
 - Doctors' surgery is at capacity.
 - Highway safety
 - Loss of potential green space for sport
- 7.3. OCC HIGHWAYS: **no objections** subject to S106 for public transport services and public transport infrastructure, an obligation to enter into a S278 or S38 agreement, conditions on travel plan statement and travel information pack.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY (LLFA): **Holding objection** for addition confirmation and allowance of urban creep.
- 7.5. OCC EDUCATION: **No objection** subject to S106 contributions to special educational needs
- 7.6. OCC ARCHAEOLOGY: **No objections** subject to conditions to require archaeological investigation works.
- 7.7. OCC WASTE MANAGEMENT: **No objections** subject to S106 contributions
- 7.8. CDC ENVIRONMENTAL HEALTH: **No comments** on light, odour, and air quality. **No objections** subject to conditions on a construction environment management plan and contamination.
- 7.9. THAMES VALLEY POLICE, CRIME PREVENTION DESIGN ADVISOR: **No objection.**
- 7.10. ACTIVE TRAVEL ENGLAND: No comments
- 7.11. CDC CONSERVATION: **Objects** to the proposal as need further information to demonstrate the full impact on the designated and non-designated heritage assets.
- 7.12. BUCKS, OXON, AND BERKS INTEGRATED CARE BOARD: **No objections** subject to S106 contributions.
- 7.13. CDC URBAN DESIGNER: **Objection**, proposals do not reflect the settlement morphology; the proposed disposition of land has a weak relationship to the existing settlement pattern; the proposed arrangement of land uses has no regard to the local landform and settlement morphology. Residential development would cover higher ground including the lower and middle slopes of Round Hill. This higher ground provides natural containment to the north-western side of the village. Landscape guidelines are clear that development should not extend beyond the constraints imposed by landform. Makes further detailed comments. Recommends several conditions if the application is approved – no development above the 166m contour, development not to exceed 2 stories and to include a mixture of 1 and 2 stories, and submission of a masterplan and design code.
- 7.14. CDC HOUSING: **No objection** in principle subject to affordable housing provision.
- 7.15. CDC ECOLOGY: No comments received to date.
- 7.16. NATURESPACE: **Holding Objection** subject to additional information.

- 7.17. THAMES WATER: **No objections**, subject to imposition of planning conditions and informatives.
- 7.18. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objection** – not allocated for housing, would extend the built up limit of the village; appears to result in best and most versatile agricultural land; would not be sustainable development; would impact on residents' safety through provision of only one vehicular access; impact on ecology; if granting permission then a shorter time scale should be imposed for submission of reserved matters, to ensure the proposal was able to deliver within five years

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:

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

SAVED POLICIES CHERWELL LOCAL PLAN 1996

TR7: Development attracting development on minor roads.
Policy H18: New Dwellings in the Countryside

- 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:

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

8.4. 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
- Highways
- Character and appearance, landscape impact
- Heritage and archaeology
- Residential amenity
- Flood risk and Drainage.
- Ecology
- Sustainable Construction
- Infrastructure Requirements

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”) and the saved policies of the Cherwell Local Plan 1996. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built-up limits of the village given its physical and visual relationship to the existing built form.

- 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. In order to meet the rural areas housing needs Policy Villages 2 (“PV2”) of the CLP 2015 states that: a total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2 (now the review of the Local Plan), through a Neighbourhood Plan where applicable, and through the determination of planning applications.
- 9.5. The central purpose of the PV2 was to allocate some housing to the rural areas, recognising that even with a housing strategy focused on the urban areas there would be a need to identify “sites for housing across the rural areas to meet local needs in sustainable locations”. The allocation of 750 features in Policy BSC1 and at the outset of PV2 and is described as a ‘total’. If the 750 figure is ignored the effect is to ignore the urban focus of the Development Plan’s housing strategy.
- 9.6. So that sustainable development is pursued in a positive way, the NPPF includes a ‘presumption in favour of sustainable development’ (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or 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.
- 9.7. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the ‘tilted balance.’
- 9.8. Paragraph 12 advises, *‘The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but*

only if material considerations in a particular case indicate that the plan should not be followed.'

- 9.9. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'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 groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 9.10. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case).

Assessment

- 9.11. The 2024 Annual Monitoring Report confirms that the LPA can only demonstrate a 2.3 year housing land supply at present, in light of which paragraph 11(d) of the NPPF is engaged.
- 9.12. Engagement of the 'tilted balance' under paragraph 11(d) does not mean that the Local Development Plan is set aside, as the assessment of a proposal against adopted LDP Policies can facilitate the overall assessment of the benefits and adverse impacts of a scheme in relation to the NPPF as a whole, but it does mean that the relevant local plan policies i.e. those relating to housing are afforded less weight, in particular, the numerical elements of those policies.
- 9.13. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 71 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Hook Norton is therefore in open countryside.
- 9.14. 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 Cherwell Local Plan 2031 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. 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 Bloxham, Banbury and Chipping Norton. The site is bounded by a road to the west, and sport field, residential development to the east, and the doctor's surgery to the south/east. Open countryside is located to the north, and residential dwellings are located to south. 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. The southern part of the site has most connection to the existing built form, but it is considered that the northern part of the site could be developed in a way that ensures it has connection to the existing built form.
- 9.15. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of, the proposed development would create jobs both directly and indirectly. Socially, the development would provide much needed market and affordable housing

on the edge of a sustainable main settlement and immediately alongside a wide range of local community facilities served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of ecological habitats available for wildlife and the setting of the site. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and could be considered sustainable. These aspects are explored in greater detail through the coming paragraphs.

Conclusion

- 9.16. 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.
- 9.17. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years. As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. 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. Whilst there may be some impact upon the character and appearance of the open countryside and locality through the development of this greenfield site, it is considered that the harmful impact could be mitigated.

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

Legislative and policy context

- 9.18. The site or affects the setting of a Conservation Area and has the potential to impact to affect the setting of nearby Listed Buildings.
- 9.19. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.20. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.21. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.22. 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.

- 9.23. 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 Cherwell Local Plan 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.
- 9.24. 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.
- 9.25. Further as noted above, Policy Villages 2 of CLP 2015 states that in identifying site, 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
- 9.26. Hook Norton Neighbourhood Plan 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.

Assessment

- 9.27. Housing Land Availability. In this instance the most recent published review undertaken by the Council is the Housing & Economic Land Availability Assessment (“HELAA”) (February 2018). The site subject of your enquiry was reviewed in the HELAA as site referenced HELAA139, with the following conclusion:

“Greenfield site outside the built-up limits... The site is substantially enclosed, constrained in extent, reasonably well related to the built form of the settlement, with good access to services and facilities. Most of the site is considered to be unsuitable for development given the potential adverse impacts on the character and appearance of the village and its setting. However, a small part of the village southern edge of the site, adjacent and to the west of the doctor's surgery could be developed for a small scale residential development which would maintain the appearance of the village in this location. The developable area is approximately 0.2 ha. The site is within close proximity to the Hook Norton Conservation Area (the boundary of the Conservation Area abuts the southwestern corner of the site) with Grade 2 listed buildings to the south and southwest. In light of the low density of development of the historic properties nearby 20 dph would be appropriate, therefore the site could accommodate 4 dwellings. Due to the size of the site, it is unlikely to meet the HELAA threshold, therefore the housing potential has been reduced to zero to avoid overlap with small site windfalls. There is a made neighbourhood [plan].”

- 9.28. There are concerns regarding the impact of the development, especially on the higher land. The applicants have revised their masterplan moving the development away from the north-west corner of the application site. Layout is not considered as part of this application; therefore, there is no guarantee the development would be built out in accordance with the masterplan. The purpose of the masterplan is to inform how the development could be built.
- 9.29. It is considered that the proposal would result in harm to character and appearance of the area, as there would be loss of a green space on the outskirts of the village of Hook Norton, and the northern part of the site is elevated and forms part of the lower and middle slopes of Round Hill. This higher ground provides natural containment to the north-western side of the village. The development area shown on the indicative layout concentrates itself away from the built form of the village, which detaches the development from the village, emphasises its visual impact and is not in keeping with the character and appearance of the locality, including the historic core. The Conservation Officer and the Council's Urban Designer agrees that the proposals would result in this harm.
- 9.30. Keeping development off the higher ground has been suggested to the applicants; however, the applicants consider that they have provided sufficient information to demonstrate that this development would not have an adverse impact on the character and appearance of the locality. The applicants consider that the impact on the landscape is outweighed by the benefits of providing housing, given the Council's lack of 5 year housing land supply.
- 9.31. The Council acknowledges that it does not have a five-year housing supply position; however, the impact of the scheme of the still has to be considered, and whether the proposal results in an adverse impact to the character and appearance of the locality. Officers consider the landscape and visual impact to be substantial and that a badly designed development may outweigh even a 2.3 year housing land supply. However, officers consider that this impact could be mitigated: Given the masterplan is only indicative, the council could impose planning conditions to restrict development in certain areas. Conditions can be imposed for a Design Code to be submitted to the Council prior to the submission of a reserved matters application.
- 9.32. Officers consider there is harm to the designated heritage asset, and as a result the benefits of the scheme have to be weighed against the impact.

Conclusion

- 9.33. The proposal would result in significant change to the overall landscape and the setting of designated heritage assets. Some of the impact can be mitigated by way of the imposition of planning conditions, i.e. officers consider that the site could be developed in a way that significantly mitigates the impact that the indicative layout would have, and there are some benefits to the scheme which could outweigh this harm to the character and appearance of the locality. These are considered further in the paragraphs below.

Highway Safety

- 9.34. 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.

- 9.35. 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.
- 9.36. 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.
- 9.37. The proposal would be accessed from Bourne Lane, via an existing junction and side road, which currently provides access to the GP surgery, and which would be incorporated into the street that would feed the development.
- 9.38. 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. Based on the comments from the Local Highway Authority, it is unlikely to result in highway danger.
- 9.39. Therefore, the proposal is considered to be acceptable in highway terms.

Drainage

- 9.40. 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.
- 9.41. 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.

9.42. 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.

9.43. 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.

9.44. 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 has submitted a holding objection to the proposal. Information has been submitted to overcome to the holding objection. At the time of writing the report, no comment has been received from the LLFA. However, this is a technical matter and is likely to be able to be overcome. Further updates will be provided as part of the written updates.

Residential amenity

9.45. 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.

9.46. 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.

9.47. It is therefore considered that the limited impact on residential amenity is not sufficient to refuse the application.

Ecology Impact

Legislative context

9.48. 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.

- 9.49. 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.
- 9.50. 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.
- 9.51. 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.
- 9.52. 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, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.53. 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.
- 9.54. 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.

- 9.55. 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.
- 9.56. 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.
- 9.57. 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.
- 9.58. 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 is 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 is 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 are not 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 contains buildings of traditional construction, there are a number of mature trees and hedgerows within and 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 local planning authority 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. Officers are satisfied, on the basis of the advice Naturespace, 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

- 9.64. 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

- 9.65. 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).
- 9.66. 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

- 9.68. 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 by:
- 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 another 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 71 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 21 units. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes.
- 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.
- 9.77. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the CLP 2015. The proposed masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, 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. Although the draft heads of terms does not cover all the areas where a contribution would be required it does show a commitment of the applicant to opening negotiations on an agreement. As such 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.

10. 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; therefore, the village is one of the more sustainable villages within the district and 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, including harm to the designated heritage assets in the vicinity. 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. If developed as proposed in the indicative layout submitted with the application substantial 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 71 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. In such a scenario, this policy

is considered simply to be reflective of a strategy to direct residential development to the most sustainable settlements in the District. 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.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO

- (a) NO OBJECTIONS FROM NATURE SPACE AND LEAD LOCAL FLOOD AUTHORITY**
- (b) THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS AND INFRASTRUCTURE AS SET OUT IN APPENDIX 1 (AND TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY); AND**
- (c) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

CONDITIONS

Time Limit

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, access, 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).

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans Site Location Plan (Titled: edp3030 D013 Rev A), Proposed Access (Titled: 081424 Cur Xx 00 D Tp 75001 Rev P09)

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.

CONDITIONS TO BE DISCHARGED PRIOR TO THE SUBMISSION OF THE RESERVED MATTERS

Design Code

4. Prior to the submission of any reserved matters application, a Design Code to include the distribution of land uses, form of buildings, street frontage, materials, servicing, parking, and sustainability features shall be submitted to and approved in writing by the local planning authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Design Code.

Reason: To ensure a high quality development and appropriate infrastructure in accordance with Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

CONDITIONS TO BE DISCHARGED PRIOR TO COMMENCING DEVELOPMENT

5. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2023).

6. Following the approval of the Written Scheme of Investigation referred to in condition 5, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research, and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2023).

7. No development shall commence [on any phase], including any works of demolition until a Construction Environment and Traffic Management Plan [for that phase] 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 mitigation measures recommended at [Add References] of the submitted Environmental Statement [Date]

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.

8. No development shall commence, including any demolition and any works of site clearance, until a mitigation strategy for great crested newts, which shall include timing of works, the location and design of alternative ponds/habitats together with the timing of their provision, has been submitted to and approved in writing by the local planning authority. Thereafter, the mitigation works shall be carried out in full accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION

9. Prior to first occupation of any of the dwellings hereby approved, a Travel Information Pack shall be submitted to and approved in writing by the local planning authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

COMPLIANCE CONDITIONS

10. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and 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.

INFORMATIVES

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

CASE OFFICER: Katherine Daniels