



Appeal Decision

Hearing held on 24 June 2022

Site visit made on 5 July 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal Ref: APP/C3105/W/21/3278536

Land North of Station Road, Hook Norton

Easting (x) 436204, Northing (y) 233632

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Greystoke Land Ltd against the decision of Cherwell District Council.
 - The application Ref 21/00500/OUT, dated 12 February 2021, was refused by notice dated 21 June 2021.
 - The development proposed is the erection of up to 43 new homes, access from Station Road and associated works including attenuation pond.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 43 new homes, access from Station Road and associated works including attenuation pond at Land North of Station Road, Hook Norton Easting (x) 436204, Northing (y) 233632 in accordance with the terms of the application, Ref 21/00500/OUT, dated 12 February 2021, subject to the 22 conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Greystoke Land Ltd against Cherwell District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal scheme seeks outline planning permission including access. Matters of appearance, landscaping, layout and scale are all reserved for subsequent approval. Therefore, other than access, I have considered the remaining details on the plans provided on the basis that this information is shown for indicative purposes only.
4. At the Hearing, the Council's Landscape Architect referred to the Hook Norton Footpaths Document. However, as no exceptional circumstances were put forward to justify the late submission of this document, it has not informed my decision. Nevertheless, I saw for myself the relationship of the site with the nearest footpaths during my site visit.
5. The main parties have produced a statement of common ground which amongst other things confirms that the Council presently has a 3.5 year housing land supply. It was confirmed that this remains the position at the Hearing. As a result, paragraph 11d of the National Planning Policy Framework (the Framework) is engaged and the Council's policies relating to the delivery

of housing are out-of-date. I have taken this into account in my planning balance and conclusion.

Main Issues

6. The main issues are:

- (i) Whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy.
- (ii) The effect of the proposal on the character and appearance of the area including landscape character; and
- (iii) Whether the development would make adequate provision for affordable housing and any other necessary infrastructure requirements arising from the development.

Reasons

Whether the appeal site would be a suitable location for the proposed development

- 7. Policy Villages 1 (Village Categorisation) (PV1) of The Cherwell Local Plan Part 1 (2015) (LPP1) confirms amongst other things that minor development, infilling and conversions will be considered within the built-up limits of 'Category A Service Villages'. This includes Hook Norton. The appeal site is currently a field which evidently sits outside the built-up limits of the village, a point that the appellant confirmed at the hearing is not disputed. Therefore, the proposal does not fall to be considered against Policy Villages 1.
- 8. Even if the site does not adjoin the 'built-up limits' of Hook Norton, the boundaries of properties at Ironstone Hollow sit in close proximity to the site, to the other side of a permissive footpath. To the opposite side of Station Road, dwellings in the vicinity of The Sidings extend further to the east than the appeal site. The public footway and street lighting on Station Road continue alongside part of the appeal site's front boundary. The range of services, facilities and public transport links in Hook Norton are all reasonably accessible from the site. In these respects, the site has a close physical relationship to the built-up limits of Hook Norton and is not isolated in the terms described in the Framework.
- 9. As confirmed by the Council, the Hook Norton Neighbourhood Plan (made 2015) (NP) does not have a policy that prohibits the principle of residential development outside the 'built-up limits' of Hook Norton.
- 10. The first part of Policy Villages 2 (Distributing Growth across the Rural Areas) (PV2) of the LPP1 confirms that 'A total of 750 homes will be delivered at Category A villages' and that sites will be identified through, amongst other things, applications for planning permission. This is in addition to the rural allowance for small site 'windfalls' set out in Policy BSC1 of the LP.
- 11. The Council suggests that the latest Annual Monitoring Report (2020) indicates that 415 dwellings have been completed and 193 are under construction at Category A villages. While I have not been provided with a breakdown of the types of sites these figures relate to and whether they discount small site 'windfalls', the total figure in any case falls some way below the 750 home figure in PV2.

12. Given my conclusions above in respect of the close physical relationship of the site with the settlement, it could be described as being located 'at' Hook Norton. The Council has also conceded that the appeal proposal does not conflict with the first part of Policy Villages 2 but is subject to an assessment against the 11 bullet points under Policy Villages 2. I agree, and the second and third main issues consider the bullet points most pertinent to the Council's reasons for refusal.
13. I conclude, the appeal site is a suitable location for new housing development in principle subject to an assessment of the bullet pointed criteria under PV2.

Character and appearance

14. The appeal site is an arable field. It is substantively screened from Station Road by mature vegetation which sits close to the roadside boundary. Land within the site is relatively level with adjoining fields to the northeast rising towards a more raised topography. To the west, the mainly two-storey detached dwellings at Ironstone Hollow sit behind the estate's soft landscaped external boundaries. Opposite the site, the bungalows at Austins Way sit at a lower level to Station Road which gives them a discreet presence on this road. In contrast, the two-storey dwellings in the vicinity of The Sidings and The Grange along with the street signage, access road and ornamental planting which mark the entrance to them evidently form part of a residential character at the fringes of the village.
15. The main parties confirmed at the hearing that the site does not sit within a designated landscape. I saw for myself that the local topography and the well treed wider surroundings mean that the site does not sit within a prominent or highly sensitive part of the landscape. Nevertheless, it forms part of the countryside which surrounds Hook Norton and provides an attractive rural edge to the settlement. However, in the absence of a definition or hierarchy to establish what constitutes a site being of 'lesser environmental value', any conflict with the first bullet point under PV2 cannot be unequivocally quantified.
16. The scale of the development at up to 43 dwellings has the potential to intensify the presence of residential development to the northern side of Station Road. The illustrative plan envisages a layout which would retain the majority of the existing roadside vegetation and provide open space within the appeal site next to the boundary with Station Road. Existing and new planting could be tapered to facilitate visibility splays while also providing a soft landscaped frame to the access point. During my site visit, I saw that a similar approach to landscaping at Ironstone Hollow was very effective in maintaining a prevailing soft edge to the northern side of Station Road. By emulating this approach, it is likely that the development would be sympathetic to the village's gateway location and would minimise the visual impact for passers-by on Station Road.
17. I am not aware that the site sits within an important view or vista designated in the development plan. However, I accept that the site forms part of the established rural surroundings which will be well known and valued by those who frequent the local footpath routes to the east and north of the site. The indicative plan illustrates how planting belts measuring 7.5m in width could be provided to the eastern and northern boundaries. At the hearing a condition was discussed which could make this a requirement of the reserved matters. Furthermore, the indicative details also show how open space including an

attenuation pond could form a buffer towards the western margins of the site. Properties are shown to be laid out so that back gardens could generally back on to the northern and eastern boundaries with built form therefore set away from the adjoining fields.

18. A development of the quantum proposed would result in a degree of change to the character and appearance of the landscape. During my site visit, I walked along the permissive footpath to the west of the site and also along the public rights of way (PROW) beyond the northern boundary of the site. Views along the permissive footpath would be filtered by existing vegetation and could be supplemented by the envisaged planting and open space. To the initial section of the footpath towards Station Road, the development would be appreciated as sitting in close context to the development at Ironstone Hollow. However, further to the north and particularly beyond the existing tree lines along the northern boundary of the site, the development would inevitably be seen to intrude upon the rural landscape in some views.
19. On my site visit, I noted that the dwellings at The Sidings / The Grange are also perceptible from some of the above viewpoints to the north for example as shown in viewpoints 10 and 11 of the appellant's Landscape and Visual Appraisal (LVIA). At the hearing, it was confirmed that two-storey dwellings of a traditional form are envisaged. Provided that the reserved matters design details follow the general principles of the illustrative plan and the buildings draw upon the local vernacular, the scale and appearance of the development would be seen to reflect and closely align with the existing built environment at the fringes of the settlement. In that regard, the proposal has the potential to add to and enhance the local built environment. Consequently, I agree with the LVIA that the development would continue an established pattern of settlement growth and would form a logical extension of the settlement seen in the context of Ironstone Hollow, The Sidings and The Grange.
20. The visual effects in some views from the north of the site have the potential to be more stark in the early years of the development. However, any harm would be relatively localised and softened in more distant views by trees in the surrounding landscape. The supplementary landscaping envisaged would further assist containment of the development in these views and would facilitate a sensitive transition into the countryside. The new planting could be required at an early stage of the development with heavy standards of locally characteristic species incorporated. This would assist in assimilating the development and reduce the initial impact of the development on the landscape. Over time as the soft planted boundaries would mature and the harm to landscape character would substantially diminish.
21. Taking all the above factors into account, I conclude that there would be some moderate harm to the character and appearance of the area and this includes landscape character where such harm would be moderately adverse. In that regard, significant adverse landscape impacts would be avoided in line with the requirements of PV2 of the LPP1.
22. However, the harm identified would result in some moderate conflict with the design, context and landscape character requirements in Saved Policy C28 (Layout, design and external appearance of new development) of the Cherwell Local Plan 1996, Policies ESD 13 (Local Landscape Protection and Enhancement) and ESD 15 (The Character of the Built and Historic

Environment) of the LPP1 and Policies CC1 (Protection and enhancement of local landscape and character of Hook Norton) and CC2 (Design) of the NP.

Affordable housing and any other necessary infrastructure requirements

23. At the hearing the main parties confirmed that they were in agreement that the obligations set out in the appellant's draft Section 106 agreement (s106) would meet the affordable housing and other infrastructure requirements arising from the development. This agreement has now been completed and signed by all interested parties dated 5 July 2022. As a result this main issue is no longer disputed between the main parties.
24. During discussions at the hearing, the Parish Council queried why no public health contribution was included in the s106. They also suggested that there was already pressure on health and school provision in the locality and that the sewer, telecommunications, water and road infrastructure in the area were at a tipping point. Furthermore, the Parish Council also queried whether financial contributions could be better spent in other areas including for example traffic calming measures or for the creation of a woodland.
25. However, any contributions sought must be directly related to the development. There is no objective evidence before me to demonstrate that the provision of health services in the area would be materially impacted as a result of the development, that the development would trigger a policy requirement for such a contribution, nor to suggest the capacity of the other infrastructure mentioned by the Parish Council would be unable to accommodate the development or be adapted to do so.
26. The County Council has confirmed that there is sufficient capacity at the local primary and secondary schools to cater for the development. The Highway Authority has not identified a need for traffic calming measures on existing roads in the locality directly resulting from the proposal. The provision of an off-site woodland would be on land outside the appellant's control and therefore could not be guaranteed, nor given the potential for substantial planted borders within the site am I persuaded it would be necessary. Therefore, the Parish Council's additional suggestions would not be justified.
27. The s106 includes provisions for 35% of the new homes to be provided as affordable housing which complies with the requirements of Policy BSC3 (Affordable Housing) of the LPP1. The s106 also includes provisions for the delivery and future maintenance of on-site open space including a Local Area for Play (LAP) and a sustainable urban drainage systems (SUDS), a community hall contribution to be used towards the delivery and/or enhancements at Hook Norton Memorial Hall, off-site indoor and outdoor sports facilities contributions, a public art and public realm contribution, a refuse contribution and a bus services contribution. Based on the evidence before me, I am satisfied that the infrastructure contributions have been adequately justified and meet the relevant tests at Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations.
28. I conclude that the development would make adequate provision for affordable housing and any other necessary infrastructure requirements arising from the development. In that regard, it would comply with the infrastructure requirements in Policies BSC3 (Affordable) and INF1 (Infrastructure) of the LPP1.

Other Considerations

29. Other than the bullet points of PV2 considered under the second main issue, the Council has not identified any further conflict with the remaining bullet points under this policy. From the evidence before me, I find no reason to conclude differently.
30. Policy CC 3 (Local distinctiveness, variety, and cohesiveness) of the NP sets out amongst other things that the traditional pattern of growth which characterises Hook Norton is small and gradual change. Policy H1 (Sustainable housing growth) of the Hook Norton Neighbourhood Plan (NP) defines sustainable housing growth for Hook Norton as conversions, infilling and minor development with the latter described as 'small scale development proposals, typically but not exclusively for less than 10 dwellings' and that to maintain a sustainable community proposals for up to 20 dwellings may be permitted where this does not result in more than 20 dwellings being built in any one location at any time.
31. The NP is nearly seven years old. With reference to paragraph 14 of the Framework and being mindful that the housing policies of the development plan cannot be considered up-to-date due to the housing land supply position in the area, this limits the weight which the conflict with the above policies of the NP carries.
32. In any case, developing the appeal site in one phase would help to meet the more immediate need for housing in the District. In that regard, the appellant confirmed at the hearing that they anticipated that the dwellings could be delivered within the next 5 years. A single phase of development would also encourage a more comprehensive approach and allow for the landscaping to the perimeter of the site to be provided early in the process. Taking these factors into account and my conclusions on the main issues, the Secretary of State's decision relating to the appeal at Sibford Road, Hook Norton¹ is pertinent in that I similarly find that a more rapid delivery would also not result in any significant harm in this instance.
33. The Council suggests that there is limited need for market housing in Hook Norton. However, the significant shortfall in the Council's housing land supply is a district wide issue and the Council has accepted in its statement of case that significant weight should be given to the benefits of both the market and affordable housing that would be provided.
34. The proposal would result in economic benefits through jobs relating to the development of the site as well as expenditure in local shops and services by future occupiers of the development. The main parties also agree that there is the potential for biodiversity enhancement on the site, particularly in terms of the open space and planted buffers. Given the landscaping details would be finalised under the reserved matters, any biodiversity net gains cannot yet be accurately quantified. Even so, these are all matters which attract positive weight in favour of the development.
35. The Council's statement of case draws my attention to a further 13 appeal decisions. As the Council points out, all were determined in light of site-specific circumstances and none involved land at Hook Norton. I have therefore

¹ Appeal Ref APP/C3105/A/14//2226552

determined the appeal before me on its own merits and in light of the current circumstances relating to housing land supply in the area.

36. The Parish Council has raised several concerns relating to the provision of access to the site and highway safety. There is a drop in levels between the field and the boundary with Station Road. Even so, the level changes are not so substantial that the spine road and access point could not be gradually graded from the junction to ensure they successfully respond to visual and highway safety requirements.
37. There is no detailed counter evidence before me to suggest that the traffic count in the appellant's Transport Statement cannot be relied upon nor that the residual cumulative impacts on the road network would be severe. The finer technical details for the access point can be secured by a condition and details including swept paths and a safety audit are matters that can be addressed once the details of the spine road are provided at the reserved matters stage.
38. During the hearing it was also suggested by the Parish Council that a tunnel in the vicinity of the site could inhibit the provision of access. The appellant drew my attention to their Heritage Desk Based Assessment dated July 2020 which amongst other things identifies the position of a former tramway within the western boundary of the site. I saw for myself at the site visit that a blocked-up tunnel relating to a former subway under Station Road sits close to the southwestern corner of the site. Given its position set away from the proposed access point, I am satisfied that the former tunnel would be unlikely to be affected, nor would it prohibit the provision of the proposed access.
39. The Parish Council also raised concern that access to the remaining section of the field had not been addressed. I saw on my site visit that an access to the field already exists further to east along Station Road. Overall, the Highway Authority has not raised an objection to the development and the Council did not refuse the proposal on such grounds. Having regard to all the above factors, I am also satisfied the proposal is acceptable in these respects.
40. Finally, with regards to the Parish Council's concerns in respect of utility infrastructure, there is no objective evidence before me to suggest that provision could not be made to upgrade infrastructure to increase capacity should this be required.

Conditions

41. At the hearing, a discussion took place in respect of the conditions suggested by the Council. I have not included the Council's suggested condition relating to wastewater capacity. Wastewater infrastructure within the site would be a building regulations requirement. Any off-site works would not be within the appellant's control and a matter for separate discussion and agreement with the statutory undertaker. Such a condition would not therefore be reasonable.
42. The other suggested conditions are broadly reasonable and necessary. However, I have made some minor drafting changes in line with the discussions that took place at the hearing. I have not included provisions in respect of the phasing of the development for the reasons set out above.
43. Conditions relating to the approved plans, the submission and implementation of reserved matters and associated time limits are necessary in the interests of certainty. I attach a condition to allow for further technical details at the access

point to be refined if necessary in the interests of highway safety. A condition requiring a Construction Method Statement is necessary in the interests of minimising impacts on the local environment during the construction phase. Conditions requiring cycle parking and a travel plan are reasonable in the interests of promoting sustainable travel modes.

44. Conditions regarding surface water drainage are necessary in the interests of highway safety and to ensure sustainable arrangements are made for the disposal of surface water. Conditions are also reasonable to address the potential for any archaeological remains or contamination within the site. Conditions relating to details of landscaping, tree protection and ecological management are necessary in order to ensure that these matters are integrated into the design and implementation of the scheme as well as to minimise the impact on biodiversity.
45. Conditions requiring demonstration of sustainable construction methods and renewable energy measures as well as a requirement to meet, as a minimum, the higher Building Regulation standard for water consumption limited to 110 litres per person per day are reasonable in the interests of sustainability and to meet the requirements of Policy ESD3 of the LPP1.

Planning Balance and Conclusion

46. The Council can only demonstrate a 3.5 year housing land supply and this represents a significant shortfall in its housing requirements. In the circumstances, paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
47. The harm arising to the character and appearance of the area would be moderate and the resultant conflict with the development plan as a whole carries moderate weight.
48. However, in the context of the Government objective to significantly boost the delivery of housing, up to 43 dwellings would make a fairly significant contribution towards addressing this shortfall. In addition, I have found that the proposal would be sustainably located next to a 'Category A service village' and in reasonable proximity to the services and facilities it has to offer including the alternative options to car travel. I have also identified that there would be economic benefits for the area, including through the development of the site. These are matters which together carry significant weight in favour of the development.
49. In the circumstances, I find that the considerations in favour of the development are of sufficient weight to outweigh the harm identified, notwithstanding the conflict with the development plan. The proposal benefits from the presumption in favour of sustainable development and planning permission should be granted.
50. I therefore conclude that the appeal is allowed.

M Russell INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Hutchison	Pegasus Group
Paul Harris (MHP)	Landscape
Ian Ponter	Barrister Kings Chambers
Graham Eves	PFA Consulting Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Andy Murphy BA(Hons) MSc MRTPI	Director, Stansgate Planning Limited
Tim Screen CMLI	Landscape Architect, Cherwell District Council
Wayne Campbell MRTPI	Principal Planning Officer, Cherwell District Council

INTERESTED PARTIES:

Caroline Gregory	Hook Norton Parish Council
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DOCUMENTS SUBMITTED AFTER THE HEARING

Copy of written statement of Hook Norton Parish Council as presented verbally by Caroline Gregory at the hearing.

Schedule of Conditions

- 1) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five 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.
- 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.
- 3) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the following plans: Location Plan (Drawing No.2147.201) and Proposed Site Access (Drawing No.22263-01 Revision C)
- 4) Prior to the commencement of the development hereby approved, further technical details of the means of access between the land and the highway on Station Road shown on approved drawing – Proposed Site Access (22263-01 Revision C), including precise position, layout and vision splays shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details.

- 5) No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours.

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

- 6) No dwelling of the development hereby permitted shall be occupied until cycle parking has been provided according to a plan showing the number, location and design of cycle parking for the dwellings that has previously been submitted to and approved in writing by the Local Planning Authority. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.
- 7) Prior to first occupation of the dwellings, a Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the Residential Travel Information Pack shall then be distributed to all residents at the point of occupation.
- 8) Before development commences, a detailed drainage scheme to prevent surface water from the development being discharged onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to first use or occupation of the development hereby approved.
- 9) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out at paragraph 169 of the National Planning Policy Framework, and the results of the assessment

provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The sustainable drainage scheme shall be managed and maintained thereafter for the lifetime of the development in accordance with the agreed management and maintenance plan.

- 10) No development shall take place until a programme of archaeological work consisting of a Written Scheme of Investigation and a timetable for that work has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.
- 11) Following the approval of the Written Scheme of Investigation referred to in condition 10, 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.
- 12) No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
- 13) If a potential risk from contamination is identified as a result of the work carried out under condition 12, 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.

- 14) If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- 15) If remedial works have been identified in condition 13, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. 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.
- 16) 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.
- 17) Before development commences a Landscape and Ecology Management Plan (LEMP) which takes account of the mitigation, enhancement and monitoring requirements set out at Section 5.0 of the Preliminary Ecological Appraisal of the Land North of Station Road, Hook Norton by Harris Lamb Property Consultancy dated 11/01/2021 shall be submitted to and approved in writing by the LPA. Once approved, the development shall be carried out in full accordance with the details and timescales for implementation set out in the LEMP.
- 18) No development shall take place until the existing trees to be retained have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;
 - a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
 - b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.

- c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
 - d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.
- 19) The landscaping scheme to be provided as part of the reserved matters submission shall include timescales for implementation and details of a planting belt along the eastern and northern boundaries of the site to a depth of not less than 7.5 metres. The landscaping details shall show a mix of species of trees, hedgerow and plants to these boundaries. The trees to these boundaries shall be to a height of not less than 3 metres and shall be completely implemented within the first planting season following the first date on which any part of the approved development is completed or in accordance with the timescales provided with the landscaping scheme, whichever is the earliest.
- 20) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either in the first planting and seeding seasons following the completion of the development, or in accordance with any other timescales approved under conditions 17 or 19 whichever is the earlier. All planting, seeding or turfing shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- 21) Prior to the commencement of development above slab level, a design stage confirmation that the development shall, demonstrate sustainable construction methods and renewable energy measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 22) The development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.