

Hook Norton
Neighbourhood Plan 2014-2031
Publication Plan

Consultation Response

Gladman Developments Limited.



October 2014

1 EXECUTIVE SUMMARY

1.1 Context

1.1.1 These representations are made in response to the Publication version of the Hook Norton Neighbourhood Plan (HNNP) 2014-2031.

1.1.2 Gladman Developments specialise in the promotion of strategic land for residential development with associated community infrastructure. Gladman are currently promoting a number of sites within Cherwell District for residential development, most relevantly to this consultation; land East of Sibford Road, Hook Norton. Gladman have recently submitted a second outline planning application on the site for 54 dwellings.

1.2 Neighbourhood Plan Process & Basic Conditions

1.2.1 In its current form the HNNP would not meet the Basic Conditions as set out in Paragraph 8(2), of Schedule 4B of the Town and Country Planning Act 1990.

1.2.2 In particular, Gladman consider that the GHNP does not meet basic conditions 8(2) (a), (d), (e) and (f) of Schedule 4B of the Town and Country Planning Act 1990.

1.3 Comments on policies

1.3.1 This section of the representations provides comments on the policies contained within the Neighbourhood Plan, highlighting specific areas of the Plan which are not compliant with the basic conditions and require removal and/or significant amendment.

1.3.2 Gladman raise particular concerns with HN-H1; which is restrictive in nature and would have negative implications for growth in Hook Norton, which is one of the largest and most sustainable settlements in the District and has a capacity and need for growth. The Plan cannot include policies which seek to restrict growth especially where the emerging local plan seeks more growth in the area (paragraph 8(2)(e). Equally, the Plan fails to have regard to national policy on the provision of housing and neighbourhood plan-making (paragraph 8(2)(a)) and does not contribute to sustainable development (paragraph 8(2)(d).

1.3.3 Policy HN-H2 does not allocate or provide an assessment of what capacity the implementation of the policy could deliver in Hook Norton. The approach taken by the policy (and in combination with Policy HN-H1) provides no certainty that future growth needs outlined by the emerging plan will be met in Hook Norton and is in conflict with the approach outlined by MM9 of the Main Modification to the emerging Local Plan.

1.4 Critique of Evidence Base

- 1.4.1 The HNNP fails to respond to recent suspension of the examination of the Cherwell District Local Plan, and the revised strategy (and evidence) advanced by the recently published Main Modifications. The most recent evidence base is critical in defining the future strategy of Cherwell District and it is fundamental that the HNNP is in conformity with this. The omission of any consideration towards the emerging strategy by the Parish Council in preparing the plan means that the HNNP cannot be found to be consistent with the Local Plan. The HNNP does not meet Basic Condition (e).

1.5 Sustainability Appraisal

- 1.5.1 The failure by the HNNP to respond to the Main Modifications of the submitted Cherwell District Local Plan means that it that the submitted Sustainability Appraisal does not provide a full assessment of the reasonable alternatives, and assesses the implications of the implementation of proposed policies against the incorrect context provided by the Local Plan. The assessment does not therefore comply with the SEA directive and is therefore contrary to Basic Condition (f).

1.6 Conclusions

- 1.6.1 The HNNP is not sufficiently growth orientated or aspirational. The proposals through the neighbourhood plan would effectively restrict growth in Hook Norton. This directly contradicts the policy “imperative” within paragraph 47 of the Framework to boost significantly the supply of housing (*Gallagher Homes Ltd v Solihull MBC* [2014] EWHC 1283 (Admin), 31(ii) and *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin), [108])
- 1.6.2 The HNNP provides insufficient clarity on where the emerging growth needs of the Local Plan will be met placing stringent restrictions on the scope of new developments. The HNNP does not support the emerging local plan, contravenes national policy and prevents sustainable development. The HNNP is therefore in conflict with Basic Conditions (a), (d) and (e), and should not be advanced to examination at this time.

2 INTRODUCTION

2.1 Context

- 2.1.1 These representations are made in response to the current consultation of the Public Hook Norton Neighbourhood Plan (HNNP) 2014-2031.
- 2.1.2 Gladman Developments specialise in the promotion of strategic land for residential development with associated community infrastructure. Gladman are currently promoting a number of residential sites within Cherwell District, and have recently submitted an outline planning application on Land at Sibford Road, Hook Norton for 54 dwellings.
- 2.1.3 Gladman developments have activity taken part in the ongoing examination of the Cherwell Local Plan that has been suspended, with hearings scheduled to resume in December 2014.
- 2.1.4 This submission identifies fundamental concerns with the submitted HNNP, which directly contradicts with the whole ethos of the Framework and would fail to meet the required basic conditions.

2.2 Structure

- 2.2.1 The remainder of this representation is structured as follows:
- Chapter 3 – The Neighbourhood Plan Process & Basic Conditions
 - Chapter 4 – Comments on Policies
 - Chapter 5 – Critique of Evidence Base
 - Chapter 6 - Conclusions

3 NEIGHBOURHOOD PLAN PROCESS & BASIC CONDITIONS

3.1 National planning policy establishes the Government’s expectations as to the contents and role of Neighbourhood Plans and their relationship with wider development plan documents. §16 and §184 of the National Planning Policy Framework (the Framework) clearly underline that Neighbourhood Plans cannot be in conflict with a Local Plan’s strategic policies or those contained within National Policy. Gladman’s position is that a neighbourhood plan that contains housing policies that seek to constrain housing delivery cannot lawfully be recommended for referendum and be “made” in advance of adoption of up-to-date strategic policies at the local plan level.

3.2 Paragraph 8(2), of Schedule 4B of the Town and Country Planning Act 1990 sets out that *“only a draft Neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum.”* This is also supported by Paragraph 065 of the Neighbourhood Planning chapter of National Planning Practice Guidance (NPPG). The basic conditions are outlined as:

- (a) Having regard to **national policies and advice** contained in guidance issued by the Secretary of State, is it appropriate to make the order;
- (b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
- (c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
- (d) The making of the order contributes to the **achievement of sustainable development;**
- (e) The making of the order is in **general conformity with the strategic policies** contained in the development plan for the area of the authority (or any part of that area);
- (f) The making of the order does not breach, and is otherwise compatible with, **EU obligations;** and
- (g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

- 3.3 In section 4 of this representation Gladman test the Vision, Objectives and Policies proposed by the HNNP against the basic conditions listed above in order to determine whether the plan in its current form can be considered compliant with the basic conditions.
- 3.4 To proceed with the plan in its current form would represent a waste of resources for all parties and it is Gladman's view that the publication plan requires substantial amendment and reconsideration prior to examination.
- 3.5 The un-adopted Non-Statutory Cherwell Local Plan 2011 (December 2014) was intended to review and update the Local Plan adopted in 1996, however due to changes in the planning system, work on this plan was discontinued prior to adoption. The un-adopted plan is not part of the statutory development plan.
- 3.6 The emerging Local Plan is currently at examination. Following the conclusion of the initial hearings in June 2014, the inspector suspended the examination due to his findings that the submitted plan requirement did not reflect the most up-to-date objective assessment of needs, that was instead provided by the 2014 Oxfordshire SHMA. The Council are now in the process of revising the submitted strategy in order to deliver the full requirements set out in the 2014 SHMA.
- 3.7 The submitted HNNP is in conflict with the revised development plan that has been radically altered since its submission for examination and the Neighbourhood Plan's submission to the Council.
- 3.8 The document seeks to make policy judgements that are not supported by the Main Modifications to the Local Plan. The HNNP as proposed is inflexible and provides a restrictive approach to growth within the area. This is contrary to the whole ethos of the Framework and the presumption in favour of sustainable development.
- 3.9 The submitted Sustainability Appraisals fail to assess and account for the implications of the Main Modifications to the Cherwell Local Plan. The assessment undertaken is therefore both unsound and contrary to the SEA directive.
- 3.10 Having regard to the points set out above, if progressed and submitted in its current form the HNNP would be in conflict with basic conditions 8(2) (a), (d), (e) and (f).

4 COMMENTS ON POLICIES

4.1 Goals & Objectives

- 4.1.1 The HNNP outlines the plan's goals for the period 2014-2031 forming the basis on which the objectives and policies have been formulated. The goals of the plan are both aspirational and realistic and are supported by Gladman
- 4.1.2 Gladman consider several of the objectives of the plan to be unsound and fail to support the delivery of the Parish Council's goals. The Goal for housing, for example, seeks to provide existing and future residents with the opportunity to live in a decent home, yet objectives 1.4 and 1.6 both explicitly set out to limit development.

4.2 Land Use Policies

Policy HN – CC1: Protection and enhancement of local landscape and character of Hook Norton

- 4.2.1 The expression of preference towards brownfield development in this policy has not been made in compliance with the Framework. §17 and §111 of the Framework only seeks to encourage brownfield development. The effect of the policy is to restrain Greenfield development, directing future growth towards brownfield sites regardless of sustainability, viability or deliverability. The policy goes beyond that of the Framework and Objective 2.2 of Goal 2 of the Environmental goals. The policy must be revised to state "encourage" to be found in compliance with national policy.

Policy HN – CC2: Design

- 4.2.2 When proposing policy provisions that place the onus on developers to meet certain criteria and standards outside of that normally arising, the Neighbourhood Planning body must ensure that requirements are fully evidenced and justified. The application of design rules typically applied within the conservation area to the whole parish is not justified. Whilst Gladman appreciate the aims of the Parish Council in preparing this policy the lack of definition provided as to what the Parish Council requires to see and onerous requirements leads to greater uncertainty. Gladman find that the current policy is potentially in conflict with both §173 and §182 of the Framework. The policy should therefore be deleted.

Policy HN – CC3: Local distinctiveness, variety and cohesiveness

- 4.2.3 Gladman object to this policy as it lacks sufficient justification and is in conflict with national policy. The policy outlines that "*the traditional pattern of growth which characterises Hook Norton is small scale and gradual change. This must be reflected in the extent and amount of any development in Hook Norton.*" This statement does not reflect the truth and is therefore misleading. The growth of the village was in fact more or less static until the 1970's, with more rapid expansion experienced since. In any event, the Framework which now provides the national policy context,

seeks to significantly boost to housing land supply. Therefore any policies that seek to constrain growth on the basis of past trends is in conflict with national policy. Furthermore there is both recognition and support by Government of the need to maintain and enhance rural services and vitality in supporting thriving communities. The provision of rural housing is seen as central in delivering these objectives. A policy actively restraining rural housing growth is therefore contradictory in achieving these aims.

- 4.2.4 Gladman believe that the provision of the policy to require developments to be built predominantly out of local ironstone, and provide quality in design for car parking, boundary treatment bin storage, meter boxes and lighting lacks sufficient justification. Gladman submit that Policy HN-CC3 simply reads the following;

“Proposals promoting variety in density, layout, building orientation and sizes in reflection the local context will be considered favourably. Building styles and materials should be considerate of existing local character. “

Policy HN – CC4: Resource efficient

- 4.2.5 No definition is provided by this policy as to what “high levels of resources efficiency” means. Gladman consider that the application of national standards and requirements is applicable to meet the Parish Council’s goals and objectives connect to the implementation of this policy. There is no need therefore for this policy to be included within the HNNP.

Policy HN – COM1: protection of Locally Valued Resources

- 4.2.6 Gladman support the provision of this policy as it prevents existing identified facilities and services in the village from being developed in a way that would result in their loss. Gladman believe that the Parish Council should consider what role new development has in securing the future viability of these identified “crown jewels”. Both the Framework and Planning Practice Guidance (PPG) published by the Government in April 2014 set clear guidance towards the support services in the rural area¹, with PPG establishing the role of new housing in securing rural sustainability. To meet Basic Condition (a), the HNNP must therefore be produced along these lines.

Policy HN – COM2: Public Rights of Way (PROW)

- 4.2.7 The Parish Council should not use this policy as a method to block the delivery of sustainable developments proposed for sites with existing PROW crossing the site. The Framework does not consider the loss or diversion of PROW or change to amenity along PROW’s as a reason to refuse planning applications. A planning application must be weighed on its merits and should the merits of an application outweigh the loss to public amenity along an existing PROW then the application should be approved with appropriate mitigation sought.

¹ See §28 of the Framework and PPG ID Ref ID: 50-001-20140306

Policy HN – COM3: Developer Contributions to Community Infrastructure

- 4.2.8 Gladman consider this policy to be a missed opportunity for the Parish Council. Instead of setting out that the local planning authority must consult the Parish, the HNNP should instead identify what funds secured will be used for. The Parish Council should identify a list of priorities to secure the goals and objectives of the plan and ensure the future vitality and vibrancy of the village of Hook Norton.

Leisure facilities (Not outlined as a policy)

- 4.2.9 Whilst there are objectives in the plan to maintain and enhance facilities for children and young peoples' activities, and a range of sporting and non-sporting leisure activities beyond the retention of facilities outlined in Policy HN - COM1 the plan does not set out how such enhancements will be secured. The Council should consider the role of new development in providing community benefits and plan for growth in the village.

Policy HN – COM4: Broadband

- 4.2.10 This policy is provided in an attempt to secure the delivery of high speed broadband in the village should the promises of the County Council not be fulfilled. The provision of the policy on this basis is acceptable, however Gladman do not consider it to be deliverable. The scale of growth proposed by the HNNP (Policy HN - H1) will not in Gladman's view secure broadband provision for the village. Should the Parish Council wish to secure the full delivery of faster broadband services to the village it should consider revising its development strategy to propose greater levels of growth.

Policy HN – COM5: Retention of Local Employment

- 4.2.11 The policy outlined is the aim of securing existing employment sources in the village. It is a policy that mirrors the existing approach towards proposals on employment land taken by decision makers and by national policy, the policy in this sense is not required.

Support for employment by the HNNP

- 4.2.12 Gladman do not consider the policies outlined by the plan adequately support the future economic growth prospects of the village to sufficiently delivery the goals and objectives of the plan.
- 4.2.13 Objectives 1.1 and 1.3 outline respectively that the plan will "*encourage and support local agriculture and businesses in suitable locations*" and "*encourage new business start-ups and opportunities for local people.*" Yet despite this no policy or allocations are provided to encourage new employment/business development in the village. The Parish Council should think about how the plan can be used to support local business beyond broadband provision. Whilst the installation of fast broadband to the village will provide better access to the wider world, it far from guarantees the delivery of economic growth. The plan should support the provision of new

business facilities, start-up units and live work units to create greater certainty that the economic objectives of the plan.

Policy HN – H1: Sustainable housing growth

- 4.2.14 Policy HN-H1 sets out the plans approach to new residential development proposals. The policy defines sustainable housing growth as “conversions, infilling and minor development”, with minor development outlined as being typically less than 10 dwellings. The policy outlines that if justified by objectively assessed “local” housing need and where proposals do not result in more than 20 dwellings being built in any location at any time, proposals for up to 20 dwellings will be allowed.
- 4.2.15 The approach taken in the Parish Council’s view does not place a cap upon development but rather reflects significant recent permissions and community opinion. The Council justify the policy with reference to the submitted plan strategy that sought to allocate 252 dwellings towards Policy 2 Villages. As of 30th June 2014, 528 dwellings have permission in these villages as a result of Cherwell District Council’s failure to demonstrate a five year land supply. The proportion of growth supported by the plan is also a reflection of the CRAITLUS report that gives Hook Norton as poor sustainability rating.
- 4.2.16 Gladman do not consider the approach taken by the policy to be sound. Constraining the provision of housing land is contrary to the very ethos of the Framework. Greg Clark, in the Ministerial foreword to the Framework stated *“sustainable development is about positive growth – making economic, environmental and social progress for this and future generations... Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.”* The Framework lists a number of Core Planning Principles, one of which states *“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*²
- 4.2.17 Furthermore Gladman find that the basis against which this policy is justified is now out-of-date and inconsistent with the strategy of the emerging local plan. Following the initial findings of the inspector examining the Cherwell Local Plan, the Council have recently consulted on Main Modifications to the submitted plan to accommodate the inspectors findings that the plan must meet the full objectively assessed housing need (1140 dwellings per year) as identified in the 2014 Oxfordshire SHMA produced by GL Hearn; a figure that is approximately 41% higher than that originally submitted by the District Council (670 dpa).
- 4.2.18 Gladman in particular draw the Parish Council’s attention to page 155 of the Main Modifications which sets out the revised Housing Trajectory for the emerging local plan. The table confirms MM9 which allocates 750 dwellings of new growth towards the tier within which Hook Norton is

² Paragraph 17, bullet point 3, NPPF

identified. The 750 dwellings proposed by MM9 are confirmed as being required **in addition** to the 247 completions seen in this tier between 2011 and 2014 and 888 dwellings permitted as of 31st March 2014. Cross referencing Appendix C of the submitted HNNP with the 2014 SHLAA it is evident that on sites over 10 dwellings only 135 dwellings have been permitted since the 31st March 2014 in Hook Norton's settlement tier, with none of these being delivered in Hook Norton Parish itself. Therefore in terms of the growth with locations yet to be identified by the emerging plan, Hook Norton has yet to deliver any.

- 4.2.19 Whilst Hook Norton is less sustainable than the main towns of Banbury and Bicester, the village is one of the most sustainable and suitable villages in the District to accommodate future housing needs. The recognition of the village's sustainable merits is recognised by Cherwell District Council by its identification as a Policy 2 Village with some growth directed towards it during the plan period. The Parish Council need to recognise the value of development in securing the future vitality and vibrancy of the settlement, supporting existing "crown jewel" services recognised as of critical importance by Policy HN-COM1 in common with §28 of the Framework and the Rural Housing Chapter of PPG. New development can also secure the delivery of key benefits such as contributions towards improved sustainable transport links, open space improvements and support for local business start-ups.
- 4.2.20 Policy HN-H1 should be revised in order to ensure that the emerging local plan requirement can be delivered in full. The policy does not meet Basic Condition (e).

Policy HN-H2: Location of Housing

- 4.2.21 The plan does not allocate sites for housing, instead referring to criteria established by the policy against which the suitability of sites will be assessed.
- 4.2.22 Gladman do not consider the approach applied by this policy to be compliant with that set out by the emerging local plan. Main Modification 9 (MM9) states that the additional 750 dwellings will be identified through the preparation of neighbourhood plans and through the determination of applications for planning permission. Despite this clear guidance, the neighbourhood plan fails to allocate sites, instead making passing references to ones preferred or not favoured.
- 4.2.23 Gladman question the capacity of the approach taken by the Parish Council to meet identified needs in the emerging plan. On page 18 of the HNNP outlines that 11 SHLAA sites were assessed by the community and then ranked according to their suitability in their view for housing. How the criteria outlined in Policy HN-H2 affects the future capacity of the village in combination with Policy HN-H1 is unknown as the evidence supporting land supply on the Council's website is notably absent. In addition it is now the case that the 2013 SHLAA is now out-of-date and has since been superseded by the 2014 edition. The basis of this policy is therefore out-of-date. To ensure the delivery of full housing needs in the village, the HNNP should look to allocate sites using the 2014 SHLAA as a starting point.

Policy HN – H3: Housing Density

4.2.24 No comments.

Policy HN – H4: Types of Housing

4.2.25 The policy establishes the need for developments of 3 or more homes to provide a mix of housing types and tenures reflecting identified needs. The policy places the onus on the applicant to establish what need there is. This is not a sound approach and creates uncertainty. It is the policy maker that should establish and justify requirements not the applicant. The policy must be revised to outline that needs should align with the need outlined in the Local Housing Needs Survey and wider evidence base.

Policy HN – T1: Access and Parking

4.2.26 Gladman object to the requirement set out in this policy. The requirement to take into account future needs goes beyond the tests of planning obligations as set out by §204. This section of the Framework sets out that planning obligations should only be sought where;

- They are necessary to make the development acceptable in planning terms.
- Directly related to development.
- Fairly and reasonably related to the scale and kind to the development.

4.2.27 Gladman believe that the Policy should simply read;

“Any new development must provide access to the local road network which is suitable and sympathetic to the surroundings and must provide sufficient off road parking (where possible) in line with Oxfordshire County Council’s Parking Standards.”

Policy HN – T2: Non-car transport

4.2.28 Gladman support the rationale of the Council for the inclusion of this policy; the provision and maintenance of public transport and footpath/cycleway network is critical in promoting sustainable travel. Gladman doubt how realistic the policy is as currently written. Not all developments are of sufficient scale to justify and support improvements local sustainable transport methods. Gladman again here refer back to §206 from the Framework as quoted above and §173 of the Framework on viability. Provision towards these facilities cannot and should not come from all development.

4.2.29 The Council should also consider just what improvements it wants beyond improvements to the bus service in Hook Norton and determine what costs are required to deliver these. Depending on how critical the delivery of the schemes is to the local population, the plan should then allocate sites accordingly. Only through this way will the plan be successful in delivering its transport objectives.

CRITIQUE OF EVIDENCE BASE

4.2.30 The evidence base of the HNNP is set out as follows:

- 2013 Annual Monitoring Report (2013)
- Approved Allocation Scheme (2012)
- Cherwell Local Plan (1996)
- Cherwell Local Plan Saved Policies (1996)
- Countryside Design Summary SPD (1998)
- Hook Norton Conservation Area Appraisal (2007)
- Cherwell Local Plan 2006-2031 Proposed Submission (2012)
- Cherwell Local Plan 2006-2031 Proposed Submission Focused Consultation (2013)
- Strategic Housing Market Assessment Review and Update (2012)
- Strategic Housing Land Availability Assessment (2013)
- Cherwell Local Plan 2006-2031 Submission (Jan 2014)
- CRAITLUS Report (2009)
- Cherwell DC Landscape Assessment (2005)
- Hook Norton Neighbourhood Plan Survey Report (2013)
- Rural Community Profile for Hook Norton (2013)
- Oxfordshire Wildlife and Landscape Study (2004)
- Rights of Way Improvement Plan
- Better Broadband for Oxfordshire
- Advisory Lorry Route Map
- 2011 Census

4.2.31 Gladman note that the list cited above most notably excludes the District Council's proposed Main Modifications to the submitted Cherwell Local Plan (October 2014), the 2014 Oxfordshire SHMA and the 2014 Cherwell District SHLAA. These documents are the most up-to-date, and provides for the revised strategy that is to be examined in December. These documents are the most critical in defining the spatial approach to be applied by the District Council. The omission of any consideration towards the most up-to-date evidence by the Parish Council during the preparation stages means that the HNNP cannot be found to be consistent with the emerging local plan. The HNNP does not therefore meet Basic Condition (e).

5 STRATEGIC ENVIRONMENTAL ASSESSEMENT

- 5.1.1 GDL consider the submitted Sustainability Appraisal (SA) to be unsound in terms of the scope and assessment made.
- 5.1.2 The submission of the HNNP ahead of the conclusion of the examination of the Cherwell District Local Plan means that that the neighbourhood plan has not been made in compliance with the strategy outlined by the recent Main Modifications. These Modification's, significantly alter the strategic context against which the HNNP is made. There is now a need to accommodate at least 750 dwellings within the settlement tier within which Hook Norton is identified. The submitted Sustainability Appraisal fails to take this into account both as providing a reasonable alternative to the assessed option identified in the submitted HNNP and against which to assess the goals, objectives and policies of the plan. As a result the assessment made by the SA is both inaccurate, and out-of-date in context of identified needs. The SA has therefore not been made in full compliance with the requirements of the SEA directive and UK regulations.
- 5.1.3 Policy HN-H1 is now in conflict with the development and this should be reflected in the scoring of the SA. Policy HN-H2 fails to support the delivery of 750 dwellings, and this needs to be reflected in the SA.
- 5.1.4 In context of the findings above it is clear that the submitted Sustainability Appraisal does not meet basic condition (f) and must be revised to constitute a sound assessment.

6 CONCLUSIONS

6.1.1 In conclusion Gladman are concerned that the HNNP is not sufficiently growth oriented and would effectively act to restrict growth. The HNNP is contrary to the whole ethos of the Framework and fails to meet a number of the basic conditions required for neighbourhood plans. Specifically, Policy HN-H1 is fundamentally flawed and would result in significant constraints to development, failing to deliver the proportion of growth required to be delivered by the Local Plan.

6.1.2 In conclusion the HNNP is fundamentally unsound and does not meet the basic conditions. The HNNP is a plan which has been developed against and reflects an out-of-date evidence base and is inconsistent with the emerging development plan. As outlined through this representation, the HNNP contains a number of flaws which contravene the following basis conditions:

(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

- Policy HN- H1 seeks to constrain development, applying a cap to development in the village based on an irrational assessment of sustainable and against an out-of-date growth target. The HNNP includes policies that provide no certainty to developers, transferring the onus of justifying policy decision on to applicants and sets obligations that are unrealistic This is in conflict with national policy as established by the National Planning Policy Framework and Planning Practice Guidance.

(d) The making of the order contributes to the achievement of sustainable development,

- The approach taken by Policy HN – H1, imposing a cap new development is overly restrictive and is not supported by a sufficient evidence base/justification. Policy HN- H1 as proposed could restrict otherwise sustainable development from being delivered.

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

- There is currently no sound or up-to-date local development plan against which the HNNP could be prepared. Production of the emerging Cherwell Local Plan is at a very advanced stage in the plan making process, and therefore its strategy and evidence should be considered a significant material consideration.

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations,

- The Sustainability Appraisal submitted alongside the publication HNNP does not comply with the Strategic Environmental Assessment Directive and the

implementing UK Regulations. The SA does not identify, describe or evaluate the likely significant effects on the environment of implementing the plan and assess reasonable alternatives – such as the revised Local Plan requirement..

- 6.1.3 If the HNNP was to proceed to examination, Gladman believe the plan should be found to have failed to comply with the basic conditions and would not be recommended to proceed. In relation to the significant objections raised Gladman would wish to participate in the relevant hearing sessions.

Date: 20 October 2014
Our ref: 131891



FAO: Kate Gordon,
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BY EMAIL ONLY

Dear Ms Gordon,

Planning consultation: Publication of Plan Proposal, Hook Norton Neighbourhood Plan
Location: Cherwell District Council

Thank you for your consultation on the above dated 12 September 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Wildlife and Countryside Act 1981 (as amended)
Neighbourhood Planning (General) Regulations 2012 Regulation 16 and Localism Act 2011**

Hook Norton Neighbourhood Plan:

Having taken a look at the current publication version of the Hook Norton Neighbourhood Plan and given Natural England's previous comments on this it is clear that there aren't any further issues to be highlighted. Provided that the two Sites of Special Scientific Interest (SSSI's) are considered appropriately as mentioned in the plan then there should not be an issue going forward with the policies as they are set out for the neighbourhood.

Given the proximity to the Cotswolds Area of Outstanding Natural Beauty (AONB), lying directly to the west of the plan area, the consideration given to this is welcomed and landscape should be a factor in any decisions going forward.

The plans Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) as well as Habitats Regulations Assessment (HRA) conclusions do not highlight any issues that will need addressing and overall a positive outcome is likely should the plan go ahead as documented. Natural England would have no further comments to make in relation to these documents at this stage.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Piotr Behnke on 0300 060 1963. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a



feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Piotr Behnke
Sustainable Development and Regulation
Thames Valley Team



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Neighbourhood Plan Proposal – Hook Norton Parish **Consultation Response Form**

Hook Norton Parish Council has submitted its proposed Neighbourhood Plan to Cherwell District Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. The proposed Neighbourhood Plan and related documents can be viewed online at www.cherwell.gov.uk/neighbourhoodplanning or as a hard copy at our Bodicote House offices, Banbury OX15 4AA and at Hook Norton Library, High Street, Hook Norton OX15 5NH.

Under Regulation 16, we are now required to undertake a six-week consultation on the proposed Neighbourhood Plan before it is submitted for Examination. This period will run between **Thursday, 11 September** and **Thursday, 23 October 2014**. **Representations received outside this period may not be accepted.**

Representations can be made using this form and should be emailed to planning.policy@cherwell-dc.gov.uk or posted to Planning Policy, Cherwell District Council, Bodicote House, Bodicote, Banbury OX15 4AA.

Neighbourhood Plans are not examined in the same manner as plans produced by Local Authorities. **Importantly, the Examiner is not to consider any matter other than those in the box below. As such, representations should relate only to such matters.**

When examining the Neighbourhood Plan, the Examiner is required to consider the following:

- A** whether the draft neighbourhood development plan meets the basic conditions (see paragraphs E-H)
- B** whether the draft neighbourhood development plan complies with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004
- C** whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates
- D** whether the draft neighbourhood development plan is compatible with the European Convention on Human Rights

The draft neighbourhood development plan meets the basic conditions if:

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- F** the making of the neighbourhood development plan contributes to the achievement of sustainable development
- G** the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area,
- H** the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

Please include your contact details below

Name Theresa Goss, Bloxham Parish Council

Email/Postal Address

<p>bloxhampc@aol.com 3 Tanners Close, Middleton Cheney, Northants, OX17 2GD</p>
--

Please indicate if you wish to be notified about subsequent progress of the neighbourhood plan, including when the District Council makes a decision about 'making' the plan (under Regulation 19), by marking 'X' in the box below:

X

Using information contained in the box on Page 1, please indicate which paragraph your representation relates to by marking an 'X' in the appropriate box(es) below:

A <input type="checkbox"/>	B <input type="checkbox"/>	C <input type="checkbox"/>	D <input type="checkbox"/>
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If your representation relates to paragraph A, please identify which of the following your representation relates to by marking 'X' in the appropriate box(es)

E <input type="checkbox"/>	F <input type="checkbox"/>	G <input type="checkbox"/>	H <input type="checkbox"/>
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Please use the following space to write your representation, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets, as necessary.

<p>The following is a comment on the whole plan</p> <p>The Hook Norton Neighbourhood Plan has been prepared with extensive research, local consultation and examination. It is a robust, succinct, well reasoned document and should be brought into force as soon as possible, especially considering the delay to the local Plan. In the meantime, it should be considered as a material consideration in planning applications.</p>
--

A large, empty rectangular box with a thin black border, occupying the upper half of the page. It is intended for providing a detailed response or explanation.

(continue on a separate sheet if necessary)

Do you have any comments to make on the supporting documents?

A smaller, empty rectangular box with a thin black border, located below the question. It is intended for providing a concise answer to the question.

(continue on a separate sheet if necessary)



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Neighbourhood Plan Proposal – Hook Norton Parish **Consultation Response Form**

Hook Norton Parish Council has submitted its proposed Neighbourhood Plan to Cherwell District Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. The proposed Neighbourhood Plan and related documents can be viewed online at www.cherwell.gov.uk/neighbourhoodplanning or as a hard copy at our Bodicote House offices, Banbury OX15 4AA and at Hook Norton Library, High Street, Hook Norton OX15 5NH.

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- G** the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area,
- H** the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

Please include your contact details below

Name Cotswolds Conservation Board

Email/Postal Address

<p>malcolm.watt@cotswoldsaonb.org.uk</p> <p>Fosse Way Northleach Glos GL54 3JH</p>

Please indicate if you wish to be notified about subsequent progress of the neighbourhood plan, including when the District Council makes a decision about 'making' the plan (under Regulation 19), by marking 'X' in the box below:

X

Using information contained in the box on Page 1, please indicate which paragraph your representation relates to by marking an 'X' in the appropriate box(es) below:

A <input type="checkbox"/>	B <input type="checkbox"/>	C <input type="checkbox"/>	D <input type="checkbox"/>
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If your representation relates to paragraph A, please identify which of the following your representation relates to by marking 'X' in the appropriate box(es)

E <input type="checkbox"/>	F <input type="checkbox"/>	G <input type="checkbox"/>	H <input type="checkbox"/>
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Please use the following space to write your representation, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets, as necessary.

<p>The Cotswolds Conservation Board has no adverse comments to make on the documentation.</p>

A large, empty rectangular box with a thin black border, occupying the upper half of the page. It is intended for providing a detailed response to the question above.

(continue on a separate sheet if necessary)

Do you have any comments to make on the supporting documents?

A large, empty rectangular box with a thin black border, occupying the lower half of the page. It is intended for providing a detailed response to the question above.

(continue on a separate sheet if necessary)

Thank you for consulting Sport England on the above Neighbourhood Plan.

Planning Policy in the **National Planning Policy Framework** identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.

It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Parts 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide, '**A Sporting Future for the Playing Fields of England – Planning Policy Statement**'.

<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>

Sport England provides guidance on developing policy for sport and further information can be found following the link below:

<http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations.

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/>

If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If you need any further advice please do not hesitate to contact Sport England using the contact details below.

Tom Bowkett
Planning Administrator

T 020 7273 1768

F 01509 233 192

E Tom.Bowkett@sportengland.org



Creating a sporting habit or life



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Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF

Neighbourhood Plan Proposal – Hook Norton Parish Consultation Response Form

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- H** the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

Please include your contact details below

Name

Email/Postal Address

Neil Warner JPPC Bagley Croft Hinksey Hill Oxford OX1 5BD [REDACTED]
--

Please indicate if you wish to be notified about subsequent progress of the neighbourhood plan, including when the District Council makes a decision about making the plan (under Regulation 19), by marking an in the box below:

x

Using information contained in the box on Page 1, please indicate which paragraph your representation relates to by marking an in the appropriate box(es) below:

A <input checked="" type="checkbox"/>	B <input type="checkbox"/>	C <input type="checkbox"/>	D <input checked="" type="checkbox"/>
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If your representation relates to paragraph A, please identify which of the following your representation relates to by marking an in the appropriate box(es)

E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	G <input checked="" type="checkbox"/>	H <input type="checkbox"/>
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Please use the following space to write your representation, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets, as necessary.

<p>My comments relate to section 3.1 and Table 1 of the HNNP Submission version.</p> <p>There is no such premises as The Bell Public House. There is a building known as The Bell Inn, this is a photocopy shop.</p> <p>Policy HN-COM1 is not consistent with the Development Plan or Government Guidance in the NPPF.</p> <p>Policy S29 states that proposals which involve the loss of an existing village service which serves the basic needs of the local community will not normally be permitted. Paragraph 70 of the NPPF seeks to guard against the loss of valued services and facilities, particularly where this would reduce the community's ability to meet its day-to-day needs.</p>

I would question whether all of the resources listed in Table 1 are required for the community's day to day needs. A brewery is not essential to the day to day needs of a village and neither is a photocopying shop (the former Bell Inn). As a comparison, the petrol station and car sales garage has not been included, despite the ability to move around being a more significant daily need than having access to alcohol or photocopying services.

The requirement for the loss of those resources listed as being 'exceptional' is not consistent with the Development Plan or NPPF. The policy should only seek to protect resources that are required to meet the day to day needs of the local community.

To include resources that are not essential to the day to day needs of the community and seek to control how they are used would be contrary to Article 1 of the First Protocol of the European Convention on Human Rights which gives 'every natural or legal person is entitled to the peaceful enjoyment of his possessions'. This is also a right of protection of property. The protection of property gives every person the right to peaceful enjoyment of their possessions. This imposes an obligation on the State not to interfere with peaceful enjoyment of property; deprive a person of their possessions; or subject a person's possession to control.

(continue on a separate sheet if necessary)

Do you have any comments to make on the supporting documents?

(continue on a separate sheet if necessary)



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Neighbourhood Plan Proposal – Hook Norton Parish **Consultation Response Form**

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Please include your contact details below

Name

Email/Postal Address

Mike Gilbert

mg.planning@btinternet.com

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Using information contained in the box on Page 1, please indicate which paragraph your representation relates to by marking an 'X' in the appropriate box(es) below:

A

B

C

D

If your representation relates to paragraph A, please identify which of the following your representation relates to by marking 'X' in the appropriate box(es)

E

F

G

H

Please use the following space to write your representation, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets, as necessary.

1. The Submission Neighbourhood Plan does not play a positive enough role in helping to meet the objectively assessed housing needs of the District as set out in the Oxfordshire Strategic Housing Market Assessment (SHMA). This is particularly important given the status of Hook Norton as one of the largest villages in the District, which makes it a reasonably sustainable location capable of accommodating a reasonable amount of growth. The Neighbourhood Plan needs to promote proportionate and appropriate development opportunities to meet the housing needs of the local area.
2. The Submission Neighbourhood Plan has been prepared using the same out-of-date evidence used in the original Submission Cherwell Local Plan. The Submission Local Plan has recently had to be substantially modified in

the light of the up-to-date evidence in the SHMA. Restrictive Policy HN - H1 (*Sustainable housing growth*) of the Submission Neighbourhood Plan, therefore, also needs to be revised to take into account the more up-to-date evidence in the SHMA and to ensure compliance with the modified Submission Local Plan.

3. Given the good sustainability credentials of Hook Norton and the extent of the District-wide housing needs identified in the SHMA, the Hook Norton Neighbourhood Plan should proactively allocate a suitable site on the edge of the village which is the locally preferred location for a new housing development.
4. This submission is made on behalf of the owners of 2.3 hectares of the field on the north side of Station Road, between Ironstone Hollow and the old railway. The land is promoted to be allocated in the Neighbourhood Plan for a development of 48 houses. The land is referred to not unfavourably in section 4.2 of the Submission Neighbourhood Plan:

"The area between Ironstone Hollow and the old railway evoked a close split between respondents who thought it appropriate for housing and those who did not.

"Sites suggested as potentially suitable in part only were: land between Ironstone Hollow and the old railway; off Bourne Lane (subsequent to the consultation, the whole site was consented), and the land near the Doctor's surgery. In each of these cases, the smaller potentially suitable areas identified were those closest to existing housing."

5. An outline planning application for a development of 48 houses on the site has recently been submitted to Cherwell District Council by the landowners, a local house building company. The application number is 14/01738/OUT. The documents accompanying the planning application clearly set out the case in favour of the development, in particular the site's suitability and immediate availability for development. A site location plan and the illustrative site layout plan submitted with the planning application are attached to this submission.

6. To ensure general conformity to the strategic policies in the Submission Cherwell Local Plan, it is important that appropriate small-scale sites such as the land off Station Road are allocated for housing development. 70% of the new homes required by 2031 (i.e. 15,219 homes) are proposed in the Submission Local Plan (as proposed to be modified) on 16 large-scale strategic allocations. Land ownership and / or infrastructure complications often delay the delivery of such larger-scale developments, so these schemes will not contribute fully to meeting Cherwell's acute short-term housing needs. Cherwell District Council currently has only 2.55 years supply of housing land. A significant amount of new housing, therefore, needs to be delivered in the short-term (i.e. within the next five years). The required rate of delivery is a substantial 2,210 homes per annum between 2014 and 2019. It is the development of a good number of appropriate available and deliverable smaller sites such as the land off Station Road which will ensure that the high number of new homes which are needed in the short-term will be built.
7. The development of the land off Station Road offers the following benefits:
 - providing a good mix of 48 high quality homes to help meet the objectively assessed needs for market and affordable housing identified in the Oxfordshire SHMA;
 - delivering the houses immediately to help Cherwell make up its substantial short-term housing deficit;
 - providing 17 affordable houses;
 - generating additional spending power in the local economy;
 - creating jobs for a local house building company;
 - securing a substantial New Homes Bonus;
 - securing appropriate Section 106 contributions to improve local services and facilities;
 - creating ecological and landscape enhancements.
8. The localised landscape impact of the development can be appropriately mitigated by a substantial landscaping belt along the whole of the eastern

boundary of the site. The site's suitability for development is explained more fully in the planning application documents.

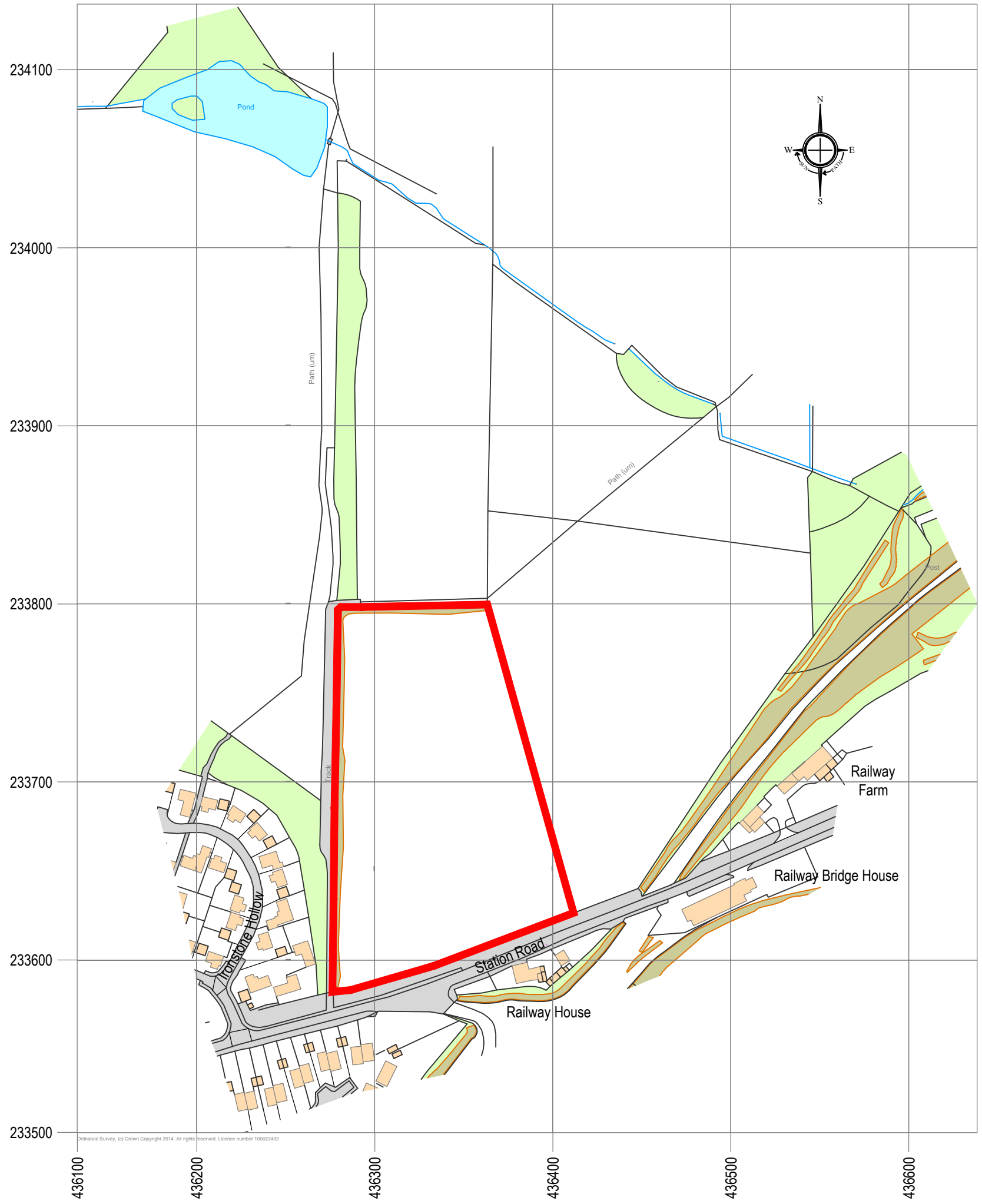
9. It is incumbent on emerging Neighbourhood Plans to acknowledge and help to meet the identified high level of housing need in the short-term by allocating locally preferred sites for small-scale developments of up to 50 houses. The Hook Norton Neighbourhood Plan, therefore, should allocate the land off Station Road, as shown on the accompanying site location plan, for a development of 48 houses. The site is suitable for development and it can be developed without delay.

10. Policy HN - H1 of the Submission Neighbourhood Plan will also need to be amended to make appropriate reference to the proposed housing allocation of the land off Station Road.

Do you have any comments to make on the supporting documents?

No

22 October 2014



Legend:
— Denotes Site Boundary

Land at Station Road, Hook Norton, Banbury, Oxfordshire:
 2.264 Hectares / 5.59 Acres

NOTES:
 1. This drawing must not be scaled. work to figured dimensions only.

P1	FIRST ISSUE	M.H.	N.P.
Rev.	Description	Date	Chkd
		19.06.2014	

Glanville
 3 Grovelands Business Centre
 Boundary Way
 Hemel Hempstead, Herts. HP2 7TE
 Tel: (01442) 835999 Fax: (01442) 258924
 postbox@glanvillegroup.com www.glanvillegroup.com

Client :

Project :
**LAND AT STATION ROAD
 HOOK NORTON
 BANBURY, OXFORDSHIRE**

Title :
PROPOSED SITE AREA

Project Engineer : NP Scale : 1:2500@A3
 Project Director : NP Date : 19.06.2014

Status : **APPROVAL**

Drawing No. 4140177 - SK01 Rev P1

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NOTE:
ALL DIMENSIONS MUST BE CHECKED ON SITE AND NOT SCALED FROM THIS
DRAWING.
FOR USE IN PRECISE NAMED LOCATION ONLY. COPYRIGHT RESERVED.

ESTIMATED ACCOMMODATION SCHEDULE		
AMOUNT	HOUSE TYPE	GIA (sqm/sqft)
8	4 bed house	157sqm/ 1690sqft
17	3 bed house	90.7sqm/ 976sqft
18	2 bed house	81.2sqm/ 880sqft
2	1 bed house	61.4sqm/ 660sqft
1	3 bed house	95.8sqm/ 1031sqft
1	3 bed house	114.9sqm/ 1236sqft
1	3 bed house	97.6sqm/ 1050sqft



revision date description

status
PLANNING

project title
LAND NORTH OF STATION ROAD,
HOOK NORTON

drawing title
PROPOSED SITE PLAN

client name

-

first issued
07/10/14

drawn
DC

scale
1:500 @ A2

lob/drawing no/revision

14045 - P01 -

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Anderson Orr
Architects