

Site Address: OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm, Sibford Road, Hook Norton

14/00844/OUT

Ward: Hook Norton

District Councillor: Councillor Ray Jelf

Case Officer: Linda Griffiths

Recommendation: Refusal

Applicant: Gladman Developments Ltd

Application Description: Outline – Erection of 54 dwellings, Landscape, Public Open Space and Associated Works

Committee Referral: Major and Departure from Policy

1. Site Description and Proposed Development

- 1.1 The application site is situated at the northern end of the village of Hook Norton and relates to approximately 2.70 ha of agricultural land located to the east of the Sibford Road between the Hook Norton Primary School and Redland Farm, an intensive dairy farm. The land is relatively flat agricultural land and is currently in arable use and has an existing field gate access onto the Sibford Road just north of the primary school entrance. The site is bounded by hedgerows and trees to all boundaries of the site. A denser tree belt currently exists along the northern boundary of the site within the Redlands Farm control. To the east and west of the site lies open agricultural land. To the south west are residential properties set back behind a wide verge, fronting Sibford Road.
- 1.2 The proposal seeks consent for up to 54 dwellings, 35% of which will be affordable to include an area of open space in the south eastern corner of the site and a single vehicular access onto the Sibford Road. An attenuation pond is indicated along the northern boundary at the low point of the site. It is proposed to retain existing trees and hedgerows where possible.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and an advert in the local press.

95 letters of objection have been received to date. The following issues are raised

- Further destruction of the environment in and around Hook Norton
- Local services and infrastructure cannot cope with current demand, the school is full and local residents already have difficulty getting children into school
- The sewage system is insufficient to cope with the development
- In periods of heavy rain water runs down Sibford road and not into the drains
- School is in danger of losing its village ethos
- Bus service is erratic and it is ludicrous to promote cycling as an alternative when we are miles away from alternative transport on narrow, unlit roads
- Congestion at peak times being located adjacent to the school
- Need our local plan framework in place to protect us from this
- Road infrastructure simply cannot take any more new homes and roads are very narrow and increased traffic outside the school at peak times does not appear to have been taken into consideration in the TA
- Within the space of less than 2 years, hook Norton is subjected to another

significant housing development

- The only viable heating fuel is oil, a rapidly dwindling resource and a high carbon footprint, is this to be off-set by tree planting
- Greenfield site
- Hook Norton has had its fair share of new development
- Contrary to the NPPF
- The bus service does not serve the working population because of the late and infrequent times and no link to local trains
- In a village which prides itself for its low carbon credentials, in all the plans put forward so far not a single alternative energy solution has been put forward, nor insisted on by the council in compliance with the NPPF
- Too many houses crammed into a small space, spoiling the look of the village
- It will compromise the farm which has been there for generations, the slurry pit is very close to the site
- No local employment means people have to commute long distances for work
- It will not cater for local residents
- Foul farm smell, unable to open windows, sit in your garden or hang out washing, this is obnoxious for us but to live on top of it would be unbearable.
- Such development, when taken together with the planning permissions already granted, would fundamentally undermine the intrinsic character of the village and would do nothing to support what is currently a thriving community.
- CDC has been lagging in its duty to protect us by not producing a five year plan
- Noise from the milking machines, a constant beeping sound from roughly five in the morning
- Bellowing of cows when separated from their young, I have logged for the purposes of this letter the various days when this has been an issue over the last 6 weeks, to date there have been 36 occasions
- Several houses in Sibford Road have commercial fly killing machines to deal with flies from the slurry pit. Complaints of this nature would no doubt impact on the viability of the farm and would be contrary to the NPPF and the support of the rural economy and the scarce number of jobs available locally
- Size of development runs contrary to the Neighbourhood Plan
- Whilst some homes will be affordable, the vast majority of units would fail to meet the needs or budget of local residents, namely the young and elderly to enable them to remain in the village
- The development will pose a threat to the future of Redlands Farm. It is not possible to operate this unit without causing significant nuisance to any inhabitants, creating noise from machinery from 5am onwards for most of the day and on occasion into the night, 365 days a year. Odour from the slurry pit which is located adjacent to the site and flies are also a nuisance.
- Mr Pickles said he wanted to keep our green and pleasant land by building on brownfield sites, this is not one of them
- Existing developments should be built and allowed to settle before considering more
- Housing is unlikely to be affordable which is what is needed
- Houses should be in Hornton Stone to be sympathetic to its surroundings
- Our traditional villages need to be preserved to retain the character of our countryside
- Aware that housing is needed but can it not be in small developments in a range of villages to give people choice and remain in keeping with the way that these villages have developed over the years rather than large developments focussed on one village
- Hook Norton was a moderate, reasonably isolated and charming village – the volume of development that has taken place since the mid 1970s continues to destroy the ambiance and atmosphere of village life, once developed the area is lost forever

- The proposal extends beyond the village boundary
- There are speeding issues in Sibford road and the sight lines for the development may not be sufficient to allow for this fact
- Contrary to governments recent statement (June 2014) that brown field sites will be prioritised over green field
- Area of High landscape Value
- Problems with existing broadband system will be exacerbated
- The air quality report is inaccurate and a more detailed assessment should be undertaken. To state there have been no complaints about odour is not an accurate method of assessment and does not reflect the actual situation.
- The CRAITLUS study noted that Hook Norton was amongst the most remote settlements in terms of access to the county towns.

3. Consultations

- 3.1 **Hook Norton Parish Council:** the Parish Council has a number of community projects in the village that need urgent funding. Therefore should this proposed development go ahead, the Parish Council should be consulted before any Section 106 obligations are agreed.

Hook Norton Parish Council strongly objects to the development of these houses in this location on the grounds of un-sustainability and considers it should be refused. Following the successful applications for development at Bourne Lane and Stanton Engineering, the village of Hook Norton will increase in size well above the level anticipated by local planning policy. The physical and social infrastructure however has not matched this increase. Further development is unsustainable, particularly when considered cumulatively with the already consented and yet-to-be-implemented development.

Local opinion regarding the extent, location and size of future residential development has been expressed during consultations associated with the preparation of a Neighbourhood Plan. The application is contrary to the findings on which the Neighbourhood Plan policies are based.

Further expansion of the village would have an adverse impact on the village:-

- The school is at capacity and would require major extension across all year groups and expansion of the overall land area of the school site, which would change the character of the school and would require time and investment to complete. Development of 54 houses would take up land which would most logically be the place for the school to extend into.
- The current electricity infrastructure is recognised as marginal for existing needs and will need expansion. The water supply struggles to meet current demand and the sewage treatment facilities are thought to be inadequate. The recent feedback to the Bourne Lane detailed matters application confirms this is the case.
- There are insurmountable problems with transport infrastructure due to the isolated position of the village and the nature of the roads serving the village. Increased traffic would also directly impact the surrounding villages which must be passed in order to reach Hook Norton. Development in Hook Norton has been recognised in CDC reports (CRAITLUS) as adding the greatest load to the transport infrastructure of any village in the district. Public transport does not serve the working population well and cycle commuting is impractical. You cannot get into Banbury to start work at 8am as the first bus is 7.23am.
- The sustainability document states that people commute by train, but they would need to travel by car to the station as public transport is not possible.
- Sibford Road is already busy during school drop off and pick up times and the

access is too close to the school entrance, the Bourne Lane junction and the Bourne Lane exit point.

- The Transport Assessment fails to take adequate account of the cumulative effect of this proposal.
- Very concerned about the impact on Redlands Farm which provides local employment and is a major contributor to the local economy. This development would potentially cause a loss of business and employment to the farm with devastating consequences to this local business. The proposal to erect a 3m high bund to provide mitigation is in itself a landscape and visual impact and does not seem to the pc to adequately deal with the various adverse impacts which are an inevitable consequence of a working dairy farm.
- The Neighbourhood Plan has been prepared and subject to a 6 week period of consultation. The submission version is due to be submitted shortly. The proposal is not in accordance with the Neighbourhood Plan policies. In addition, research from the Neighbourhood Plan indicated that people would prefer small developments (10-20 dwellings) and this site was specifically identified as one not considered suitable.
- Scale of development is wholly inappropriate, a proposal of 54 homes cannot be considered to constitute 'minor development'. In the submission local Plan, Hook Norton is identified with five other villages to receive a total of 252 homes between them. Hook Norton has contributed to 98 new permissions together with a further 9 previously consented, representing a total of 107 dwellings which is 42% of the total allocation to the group of 6 villages. The submission Local Plan seeks to avoid overdevelopment in any village and aims to support the long term sustainability of rural areas through a measured approach to development.
- The village has no gas supply, the only options are oil and electricity. The village has a project in place which seeks to reduce carbon emissions, there is nothing in the application documents which shows this has been considered.
- Mobile phone service is poor, there is no cable TV and very poor DAB reception
- The proposal is contrary to H13 and TR7 of the adopted Local Plan, the non-statutory Cherwell local plan and this level of development is contradictory to the special strategy and policies of the submission Local Plan.
- The Localism Act 2011 seeks to enable local decision making at neighbourhood level, therefore CDC should put strong emphasis on the views expressed by members of the Hook Norton community, which are strongly against this development.

The comments of the Parish Council can be seen in full on the application details on the Council's website.

Following the receipt of the above comments, a further letter has been received from the Parish Council which is summarised as follows:

- PC notes the Ministerial announcement of Nick Boles of 14th July 2014 in which it is clear that the Secretary of State wishes planning decisions to reflect governments clear policy intention when introducing neighbourhood planning
- The Hook Norton Neighbourhood Plan (HNNP) has just been approved by the PC and is now progressing via CDC toward Examination and Referendum and we therefore consider it is a highly material consideration to this application in accordance with recent Ministerial advice.
- The proposal conflicts with Policies in the HNNP in terms of site location and type of development
- The proposal is contrary to landscape character and design policies in that the proposal to construct a 3.5m high bund near to the boundary with Redlands Farm. Such a feature is untypical within the local landscape and does not represent good design.
- The DAS states there will be two access points at 2 locations, as detailed in

the TA, however only one appears in the TA

- The submitted TA assesses existing traffic conditions but does not allow in traffic counts and projections for the effect of the 107 dwellings which have recently been approved. Reference is made to 'committed development' in Bourne Lane but there is no analysis or adequate reasoning for the assumptions made in dismissing the effect of this. Further there is no reference to another recently approved development in Hook Norton which will result in an additional 37 dwellings. Therefore disagree that the TA is robust.
- A travel plan cannot overcome the poor sustainable rating for Hook Norton.
- The HNNP is at an advanced stage and provides clear policy guidance. Hook Norton is a village which is due to undergo significant expansion and the Plan has been prepared in order to manage future growth. Such an approach accords with the Government's localism agenda and the NPPF core planning principle requiring planning to be plan-led and empowering local people.

These comments can be seen in full on the application details on the Council's website.

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** The site is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the non-statutory Cherwell local Plan 2011, nor is the site proposed for development as a strategic housing allocation in the Submission Local Plan January 2014.

The paragraphs of the NPPF most relevant to this application are:

Paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'

Paragraph 47 requires local planning authorities to 'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'

Paragraph 14 on the presumption in favour of sustainable development. This indicates that where a development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted

Paragraphs 47-50 and 55 on delivering a wide choice of high quality homes

Paragraphs 56, 57, 59-64 on requiring good design

Paragraph 109 on conserving and enhancing the natural environment

The NPPG states that it is important to recognise particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating sites should be considered at a strategic level and through Local Plan and/or neighbourhood plan process. However, all settlements can

play a role in delivering sustainable development in rural areas.

Five Year Housing Land Supply – the latest published position on the districts housing land supply is the Housing Land Supply Update June 2014 which was published following a change in circumstances and reflects the Oxfordshire SHMA 2014 midpoint figure of 1140 dwellings per annum, currently considered to be the objectively assessed housing need figure for the district. It indicates that the five year supply of deliverable sites for 2014-2019 is now 3.4 years (compared to 4.9 years in the 2013 AMR). This includes a requirement for an additional 20% buffer and taking into account of the shortfall (2314 homes) within the next five years. The projection for 2015-2020 is 3.4 years supply.

Strategic Housing Land Availability Assessment Oct 2013 – the SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

The SHLAA 2013 recorded the application site (ref. HO027) but included the site in the list of rejected sites, as the availability of the site was not confirmed and was therefore not considered to be available at that time. It recommended that the Council kept the site under review.

Neighbourhood Plan – at its meeting on 3 June 2013, the Council's Executive decided to designate Hook Norton parish boundary as a Neighbourhood Area for the purposes of preparing a Neighbourhood Development Plan by Hook Norton Parish Council under Section 61G(1) of the Town and Country Planning Act as amended. A draft Plan has been published and consulted upon by the Parish Council. The site lies outside the built up limits of the village, would extend development into the countryside and as such is contrary to saved policies in the adopted Local Plan. Development would have an impact on the appearance of the countryside and on the landscape setting on the approach to the village from the north.

However, the Council does not currently have a five year housing land supply and NPPF paragraph 49 indicates that planning policies for the supply of housing cannot be considered up to date if this is the case. As such the provisions of paragraph 14 of the NPPF become relevant to the proposal and an assessment will need to be made as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, namely the provision of new homes including affordable homes and associated developer contributions to infrastructure in the locality.

Hook Norton is identified as a suitable location for limited new development in existing local plans and the Proposed Submission Local Plan. The village has received a modest level of growth in recent years, however, the Stanton Engineering site in Station Road has planning permission for 37 dwellings and the recent planning appeal decision referred to above is likely to lead to an additional 70 dwellings on Bourne Lane opposite the application site.

Policy Recommendation – the planning policies contained in the existing local plans, the proposed Submission Local Plan and the NPPF, together with the Council's five year housing land supply situation and the recent appeal decision on land opposite the application site have to be taken into account.

Whilst the proposals are contrary to saved housing policies in the Adopted Cherwell Local Plan, as the Council does not currently have a five year housing land supply and housing policies cannot be considered to be up to date.

The proposal would extend development into the countryside, contrary to saved policies C8 and C9, and NSCLP policies EN30 and EN31. However, the impact that the development would have on the landscape and protecting the countryside has to be assessed against the benefits the development would have in terms of increased housing supply.

In this particular case, on balance, a planning policy objection is not raised to the proposed development subject to all detailed matters having been satisfactorily resolved, having regard to the policies on housing, design and construction included in the Proposed Submission Local Plan and to issues of deliverability.

- 3.3 **Design and Conservation Officer:** further consideration should be given to the character study of Hook Norton, particularly the setting of Sibford Road, and the historic core to ensure proposed development responds to its setting, and establishes a distinctive local character relating to Hook Norton.

Site and Character Context

- The Design and Access Statement contains an appropriate level of design analysis, which generally supports the overall design approach for the site
- It would be helpful to have more information on the analysis of the local morphology and vernacular relating to what elements are being suggested for the site
- It would be helpful to have more information on the setting of Sibford Road to understand how the analysis of this area has been translated into the proposals. This is an important area of the site as it clearly relates to the existing fabric of Hook Norton and comprises an important frontage along one of the main entrances to the village.
- The evaluation and design principles section seems to set out a robust set of design principles, informed by the analysis, which have the potential to deliver a well-designed scheme.
- Clarification of the 'morphology of the existing settlement' would be helpful, as the council would expect cues to be taken from the historic core, rather than 20th century examples within the village.
- Traditional vernacular are predominantly wide fronted units with steeply pitched roofs

Development Approach

- The design principles help translate the findings of the site analysis and are generally robust. The indicative masterplan is well thought through and represents a good hierarchy of streets reinforced by appropriate built form. However, further information on how heights and massing varies across the site would be helpful and the framework shows a square along the primary street but this is not apparent on the indicative masterplan.

Layout Plan

- The layout principles are generally good and well applied to the site and although only indicative, there could be improvements to ensuring continuity of frontage, car parking provision, position of the open space and creating focal buildings and a sense of place.

Movement Network

- The masterplan proposes a clear hierarchy of streets and it is important that this is reflected in the built form.
- Generally the scheme provides good permeability but a pedestrian link in the north west of the site to Sibford Road should be considered to allow connection and movement to the area of open space and public rights of way on the opposite side of the road.
- Information explaining the car parking strategy would be useful

Landscape and Public Realm

- There appears to be a good mix of units across the scheme. The use of linked units and semi-detached properties along the primary route demonstrates a robust approach to establishing a distinct character and providing contrast to the more informal, larger detached units on the lower order lanes.
- It would be helpful to have further information on the principles being applied to the materials and detailing design of the development. The council expects a proportion of natural stone and slate in focal locations and along the Sibford Road frontage.
- 2.5 storey should be restricted to the primary route, 3 storey will likely be considered inappropriate without significant justification

Following the submission of an addendum to the design and Access Statement, revised comments have been received which requires that further consideration should be given to the character study of Hook Norton in establishing appropriate character cues. This forms an important design principle that will be used to inform design of the site, and as such requires further work. There are a number of additional issues that need to be resolved, as although the detail of the scheme will be determined at reserve matters stage, it is necessary to ensure the spirit of the scheme and design principles set out in the Design and Access Statement are appropriate to the site and its setting.

The applicants have been advised of the above and a response is awaited.

- 3.4 **Housing Officer:** no objection to this application, the applicant has stated the need to provide a policy compliant quantity of affordable housing on site and has given an indicative unit and tenure mix to confirm with this requirement. 35% affordable housing equates to 19 units, not 18 as stated in the in the applicant's affordable housing statement. There should be a 13 rent and 6 low cost home ownership split. As noted in the submission the affordable units should, as far as possible, be indistinguishable from the private market housing creating tenure blindness. The clustering sizes proposed is acceptable, that is, between 6-10 units and should be transferred to a Registered Provider which will need to be agreed with the council. The applicant has suggested that the affordable housing will be secured through condition rather than sec 106 agreement. This is unacceptable and not consistent with Cherwell's approach on this matter.

Although the indicative unit mix is a reasonable approach, it is suggested that the following mix better suits Cherwell's housing needs

Affordable rent	Intermediate housing
2x1 bed person maisonettes	6x2bed4person houses
6x2bed4person houses	
5x3bed5person houses	

The applicant has indicated that they would be open to discussions around a proportion of the affordable housing to be delivered in the form of a commuted sum in order to re-provide affordable housing in another part of the district. Further consideration and negotiations are needed in order to consider whether this approach might meet the council's strategic housing objectives.

- 3.5 **Environmental Protection Officer:** land contamination may be an issue depending on any former potentially polluting activities that may have been undertaken from the site or even possible elevated levels of naturally occurring contamination such as arsenic, nickel or even vanadium.

The Desk Study Report prepared by Hydrock Consultants has been reviewed which advises that further ground investigation works may need to be carried out on the

site. A condition is recommended.

- 3.6 **Landscape Officer:** The site has good boundary vegetation on all sides. Although there is a large amount of ash which could be decimated by disease if these trees fall prey to chalara Ash dieback. Some planting of other species to guard against this would be a sensible precaution. Planting on boundaries should be of native species. I have visited the majority of viewpoints in the study. The Landscape and Visual Impact Appraisal is a fair assessment of the likely impact of the development. Clearly the assessment was made in summer when screening is at its best, but the impacts will not be greatly increased in winter as they are generally low in the first place. A LAP and LEAP will be needed for over 50 dwellings. Although this is only outline, I would prefer the play to be more centrally located where there will be adequate overlooking. The provision of the play element is not needed on the periphery to increase screening of the site.

It is inevitable that the site will be visible in the immediate vicinity, however the limit of the impact barely extends to the wider landscape where glimpses may be visible, but little more. I cannot object to this proposal on landscape and visual grounds.

- 3.7 **Anti Social Behaviour Manager:** the greatest concern would be the possible impacts that Redlands Farm, to the north of the development may have on the proposed dwellings. I would describe Redland Farm as being an intensive dairy unit with farming activities focussed around milk production and the rearing of herd followers. The potential impacts generated by this type of operation would be noise, odour and insect pests.

The applicants have addressed the issues presented by noise in a satisfactory manner with a report prepared by Wardell Armstrong accompanying the application. The report dated March 2014 contains details of a comprehensive noise survey carried out and in discussion the consultants refer to the noise standards contained in the WHO document 'Guidelines for Community Noise' and have used British Standard BS 4142:1997 to assess the noise impacts of farming activities on the proposed dwellings. Both are appropriate on the basis of a noise assessment for this site. The report concludes that acoustic insulation and either close boarded fencing or a bund will be needed to mitigate noise from the farm. The report also makes recommendations regarding the standard of double glazing and acoustic ventilation of individual dwellings. Subject to these recommendations being conditional to any approval given, noise should not be an issue for this development.

The issue of potential odour emissions from the site is less well dealt with. Within the air quality assessment report mentions odour. The report, presented in the form of a letter suggests that a qualitative odour assessment has been undertaken which indicates that odour was detected for a few minutes during an unspecified time that the survey was undertaken. In contrast to the noise report I do not consider this robust enough and would have expected to see some evidence relating to the range of odour producing activities undertaken. The approach described in the Institute of Air Quality Managements recently published document 'Guidance on the Assessment of Odour for Planning' would form the basis of a robust assessment.

The presence of insects is not a matter that can be subjectively assessed and in many respects is linked to the odour generating potential of activities on the farm site. Housed livestock generally support an insect population and the degree of impact should be included in the assessment of the site with reference to the features and buildings on the farm their use and the potential radius of impact of insects that may be associated with this activity.

The applicants have not demonstrated that odour from Redlands Farm will not impact on their proposed development and as a consequence I would be concerned if the development were permitted to proceed without further work being done in this area.

Following the above consultation response the applicants have submitted an Odour Impact Assessment and Addendum. Final comments in respect of this additional report are as follows:

- Having received a revised and updated odour impact assessment in the format requested, I have now reviewed the issues. From an environmental perspective, the potential impacts arising from the sites proximity to Redlands Farm are paramount. Redlands Farm is an intensive dairy unit accommodating upwards of 400 cattle. Such operations have the potential to give rise to odour, noise and in some circumstances increased numbers of insects, all of which could adversely affect residential properties that were located too close to the farming operation. Indeed if the situation were to be reversed and the proposal was to establish an intensive livestock unit close to existing dwellings planning consent would be required if the livestock housing was within 400m of the properties. The distance gives some scale to the potential range at which adverse impacts could occur.
- Whilst the odour impact assessment that has been submitted is in the format requested, no additional base line data has been added to the appraisal, and the report is based on one attendance at site. On reflection this baseline is insufficient to make a robust judgement as to the potential for odour. Representations have identified a range of farming activities that are recognised as having the potential to give rise to odours. These would include the handling of slurry, the formation and subsequent feeding of silage to housed livestock and the housed animals themselves. None of these conditions were assessed subjectively. On this basis I would submit that the applicants have not demonstrated that the proposed development will not be adversely affected by odour from Redlands Farm.
- In their odour assessment they suggest that the use of planting may be a means of mitigation odours and refer to studies as to the performance of various tree species as 'dust traps'. These claims are not referenced and I would be concerned that although vegetation does have the ability to trap dust, many odours are not simply entrained with dust particles but are dispersed as aerosols at molecular level. I am not aware that vegetative barriers are able to significantly reduce the levels of odour when it is dispersed in this form.
- The adverse impact of insects has been mentioned in comment on the application. A range of insects are often found in association with housed livestock and in this environment are very difficult to control at source. A good proportion of the site would be within the flying range of these species and the proposed dwellings could be considered at risk from annoyance caused by their presence.
- As indicated previously, I am broadly satisfied that the applicants acoustic report had assessed the potential sources of noise from the Redlands Farm site. The assessment does address the levels of mechanical noise produced by the site under average conditions. What has not been taken into account are the seasonal effects such as the increase in noise during activities such as silage making and the noise produced by livestock themselves.
- On balance I feel the potential for Redlands Farm to adversely affect the proposed dwellings is such that the development should not be permitted as the potential exists for statutory nuisances to arise caused by the nearby dairy unit. The applicant's odour assessment in particular has not demonstrated to my satisfaction that the proposed dwellings will not be adversely affected.
- Would be contrary to retained Policy ENV1 and point 4 of paragraph 109 of the NPPF.

3.8

Arboricultural Officer – there are a number of trees on the perimeter of the site, these are a mixture of B and C category trees. It is proposed that one section of hedge (H1) is removed to gain access to the site. This hedge has been categorized

as a C category hedge in accordance with BS5837:2012. C category trees should not normally pose a constraint to a development. The loss of this section of hedge should not have a significant impact on the amenity of the area. There does not appear to be a tree constraints plan showing the root protection zones of the trees to be retained together with the proposed site layout. Without such a plan it is difficult to gauge what impact the proposed development is going to have on trees on site. However, the Arboricultural Assessment document implies that the remainder of the trees are to be retained. Vehicular access will apparently impinge onto the RPA of t1. The road should be constructed where it impinges onto the RPA of t1 using no dig techniques. A number of conditions are recommended.

- 3.9 **Ecology Officer:** The ecological survey found no evidence of any protected species using the site and the likelihood of any being present was considered to be negligible. Ecological enhancements in the form of additional boundary planting, informal grassland, SUDS area, appropriate management of retained hedgerows and the provision of new bat roosting and bird nesting opportunities are suggested in the May 2014 ecological appraisal. The bat roosts and bird nest boxes, as stated in the report, should be a mixture of types, with some being incorporated in to the new dwellings. Swifts are present in the village and incorporated nest boxes for this species should be considered where the building design allows. Conditions and an informative are recommended.

Oxfordshire County Council Consultees

- 3.10 **Highways Liaison Officer:** The objectives of the 'Local Transport Plan 2011-2030 (Revised April 2012) reinforce the need to ensure the sustainability of rural areas and include the objectives for rural transport of:
- Supporting access to work, education and services for the residents of rural Oxfordshire
 - Supporting the rural economy through access to rural Oxfordshire for all (local residents and non-residents)
 - Maintaining and improving the condition of local roads, bridleways, footpaths and cycleways and supporting access by all modes.

This site is located on the periphery of Hook Norton, a rural village in north Oxfordshire with poor accessibility and only very limited shops and services available locally. Walking and cycling may be appropriate for trips within the village but are highly unlikely modes for non-recreational trips beyond the settlement. A bus service is available, but its frequency is poor with a limited number of destinations available. Employment opportunities within Hook Norton are few and the primary school will require extension to accommodate the expected increased demand. The CRAITLUS Study raised similar concerns and noted that Hook Norton was among the most remote settlements in terms of access to the larger county towns. Sustainability in terms of accessibility and dependence on the private car, is clearly a concern but this is a matter for the Local Planning Authority to determine in conjunction with the other sustainability merits of the development; and in terms of the NPPF it may be difficult to prove severe detrimental impact based on transport matters alone.

Travel Plans aid in encouraging modal shift to a more sustainable travel. OCC's guidance, 'Transport for New Developments: Transport Assessments and Travel Plans March 2013' states that for a development of 50 to 79 dwellings a travel plan statement is required. The documents submitted with the application include a travel plan but some amendment is needed to meet the requirements outlined in the OCC guidance. This matter is best dealt with by condition and further advice may be obtained from the Travel Plans Team at OCC.

The proposed site access is appropriate and plans show the provision of a footway

connecting to existing provision. The layout of the site is not to be determined at this stage; however, illustrative plans appear acceptable in principle.

Hook Norton village is connected to Banbury and Chipping Norton by bus route 488, which offers a broadly hourly service on weekday daytimes. There are however, several recognised deficiencies with this service, including the lack of a morning peak service to Chipping Norton and a lack of an evening and Sunday service.

Developer funding is sought with the aim of improving the frequency and hours of operation of this bus route in order that new residents would benefit from improved connectivity to Banbury and Chipping Norton, where employment and other facilities can be found. The sums sought are similar to other developments in this area that are outside of the Local Plan.

A number of conditions are recommended together with a financial contribution of £862 per dwelling towards improvement of the Chipping Norton-Banbury bus service and a contribution of £4,000 towards improved bus stop facilities at The Green. A S278 under the Highways Act will be required in respect of works within the highway relating to access works and footway provision.

3.11 **Drainage Officer:** A full drainage strategy, layout plans and drainage calculations will be required and approved by the Lead Flood Authority (OCC) prior to the commencement of any development.

3.12 **Education:** A feasibility study has been conducted to identify how Hook Norton CE Primary School could grow in a manner which is cost-effective, without compromising the high quality of education provided by this school. The County Council's proposed strategic response to population growth arising from a number of housing proposals in and around Hook Norton CE Primary School is the expansion of Hook Norton school to 1.5 form entry. This would be subject to statutory approval process. All relevant housing developments in the area would be expected to contribute towards the cost of this expansion.

Following recent expansion of the school's accommodation, Chipping Norton secondary School has sufficient spaces to absorb the level of housing growth likely in this area.

3.13 **Property:** no objection subject to the imposition of conditions and a legal agreement to secure contributions as follows:

- Library £2,942
- Waste Management £9,415
- Museum Resource Centre £736
- Adult Learning £1,599
- Health and Wellbeing Resource £11,990
- Administration and Monitoring £3,750

The above contributions have been based on a specific development mix.

A number of key issues are also raised

- The single access indicated presents concentrated increase in traffic movement in the proximity of young children arriving and departing from the school site thus increasing risk.
- Potential disruption by way of increased vehicular movement and increase in noise and air pollutants has the potential to disrupt the delivery of school services during construction and implementation phases. Mitigation of these issues can be achieved by moving the entrance to the development to the north as far as the site lines will allow. Any increase in traffic incidence and movement needs to be concentrated away from the school entrance.
- Welcome SUDS to the south-east of the site to ensure that there is no run-off

onto the school site

- 3.14 **Archaeology:** the site lies within an area of some archaeological interest but in an area where little archaeological investigation has been undertaken and therefore very little is known. A possible Bronze Age barrow is recorded 390m to the west of the site although it is possible that this is a post medieval windmill tump. A second barrow has been recorded from aerial photographs 900m to the west. A number of find spots of prehistoric flint tools and roman pottery have been recovered from the general area of the site. An archaeological evaluation on a site to the west of this application recorded an undated linear feature. The site has seen little recent disturbance and therefore if unknown archaeological features are present on the site it is possible they could be fairly well preserved.

A condition is therefore recommended to ensure a staged programme of archaeological investigation during construction.

Other Consultees

- 3.15 **Thames Water:** no comments received to date
- 3.16 **Environment Agency:** The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, paragraph 103 (footnote 20) of the NPPF sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size. We note a Flood Risk Assessment has been submitted but as the site lies in Flood Zone 1 and is between 1 – 5 hectares we do not intend to make a bespoke response but the following key points should be considered
- Surface water runoff should not increase flood risk to the development or third parties. This should be done by using SUDS to attenuate to at least pre-development runoff rates and volumes or where possible achieving betterment in the surface water runoff regime
 - An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (30% for residential)
 - The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.
- 3.17 **Natural England:** No objection. The application is in close proximity to Hook Norton cutting and Banks SSSI and Whichford Woods SSSI. Natural England is satisfied that the development as submitted will not damage or destroy the interest features for which the site have been notified and therefore these SSSI's do not represent a constraint in determining this application. Should the details of the application change, Natural England should be re-consulted.

The Local authority should also assess and consider other possible impacts on local sites, local landscape character and local or national biodiversity priority habitats and species. The application has not been assessed in terms of impact on protected species.

In terms of biodiversity enhancements, the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if minded to grant permission. This is in accordance with Paragraph 118 of the NPPF.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C8:	Sporadic development in the countryside
H13:	Category 1 Settlements
H18:	New dwellings in the countryside
C2:	Protected Species
C5:	Creation of new habitats
C7:	Harm to the topography and Character of the Landscape
C9:	Beyond the existing and planned limits of Banbury and Bicester
C13:	Area of High Landscape Value
C27:	Development in villages to respect historic settlement pattern
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
C33:	Protection of important gaps of undeveloped land
R12:	Public Open Space provision
ENV12:	Contaminated land
TR1:	Transportation funding

4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

Non-Statutory Cherwell local Plan 2011. Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (January 2014). The main relevant policies to consider are as follows:-

Policy H15:	Category 1 Settlements
Policy H19:	New dwellings in the countryside
Policy EN30:	Sporadic development in the countryside
Policy EN31:	Beyond the existing and planned limits of Banbury and Bicester
Policy EN34:	Conserve and enhance the character and appearance of the landscape

4.3 Submission Local Plan 2006 - 2031

The Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved.

The Examination commenced on 3 June 2014. On 4 June 2014 the Inspector temporarily suspended the examination to enable the Council to prepare modifications to the Plan to accommodate additional homes across the district.

The main policies relevant to this proposal are:

Policy villages 1: Hook Norton is identified as a Category a village where infilling, minor development and conversions will be permitted.

Policy Villages 2: Distributing Growth across the rural areas

Policy BSC3: Provision of affordable housing. In rural settlements proposals for residential development of 3 or more dwellings will be expected to provide at least 35% affordable homes on site.

Policy ESD 3: Sustainable construction. All new homes are expected to meet at least Code Level 4 of the Code for Sustainable Homes.

Policy ESD 7: Sustainable drainage. All development will be required to use SUDS for the management of surface water run-off.

Policy ESD 10: Protection and enhancement of biodiversity and the natural environment.

Policy ESD13: Local Landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided

Policy ESD16: the character of the built and historic environment should be protected and where development is allowed it should respect the local character context.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Planning policy and the Principle of development
- Five year housing land supply
- Noise and odour from Redland Farm
- Landscape impact and trees
- Design and Access Statement
- Transport assessment
- Ecology
- Flooding and drainage
- Contamination
- Archaeology
- Delivery of the Site

- Planning obligation

Planning History

5.2 There is no relevant planning history on the application site. An application for 70 houses on a site to the west of the application site was granted outline planning permission on appeal by the Secretary of State on 23rd September 2013 (APP/C3105/A/12/2184094). The Secretary of State, in making his decision, concluded that although the proposal would be contrary to some of the policies in the out of date adopted Local Plan, the Council did not have a five year housing land supply, so little weight could be given to the relevant housing policies in the development plan. He considered Hook Norton to be a sustainable location for development. Whilst he acknowledged that development of the site would cause some moderate and localised harm to the character and appearance of the

countryside he was satisfied that this would be limited and would not significantly and demonstrably outweigh the benefits of the scheme.

Planning Policy and the Principle of Development

- 5.3 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.4 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan. Hook Norton is designated as a category 1 settlement in the adopted Cherwell Local Plan. Policy H13 of that Plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the built up limits of the village and is therefore in open countryside. Policy H18 of the adopted Cherwell Local Plan restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet a specific and identified housing need that cannot be met elsewhere. These policies are carried through in the non-Statutory Cherwell local Plan. The adopted Cherwell Local Plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built up limits of the village into open countryside. The proposal therefore, needs to be assessed against Policy H18 which limits residential development beyond the existing built up limits of settlements unless they are agricultural workers dwellings and affordable housing. Quite clearly the development fails to comply with this policy and in doing so also potentially conflicts with rural conservation Policy C7 which does not normally permit development which would cause harm to the topography and character of the landscape. Policy C8 seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.

National Planning Policy Framework

- 5.5 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.
- 5.6 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Proactively drive and support sustainable economic development
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by reusing land that has been previously developed

- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

The NPPF at paragraph 14 states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking’....For decision taking this means

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
- Specific policies in this framework indicate development should be restricted

5.7 The Adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.

5.8 Whilst it is acknowledged that Hook Norton is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. In respect of the appeal at Bourne Lane, it is important to note that due to the range of facilities within the village, and the inclusion of Hook Norton as a category 1 settlement, that he concludes that Hook Norton is a sustainable location. He also concluded that whilst the village does not have a piped gas supply and that electricity supply and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village.

5.9 In relation to the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth and the development is likely to provide jobs during the construction phases of the scheme, and in the longer term provide economic benefit to local shops and businesses. This was also acknowledged by the Inspector in the Bourne Lane appeal.

5.10 In terms of environmental, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green filed site and its loss will cause harm to the character and appearance of the countryside, this would be limited by short distance views within the immediate vicinity of the site. The development proposal also includes area of public open space, landscaping and additional tree and hedge planting. Conditions can be imposed to ensure that an ecological enhancement scheme is carried out as part of the development.

Five Year Housing Land Supply

5.11 Section 6 of the NPPF ‘delivering a wide choice of high quality homes’ requires local

planning authorities to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the district.

Paragraph 031 Reference ID: 3-030-20140306 of the Planning Practice Guidance – Housing and Economic Development Needs Assessments states that the NPPF sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.

Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should take account of the fact they have not been tested (which could evidence a different housing requirement to the projection, for example, because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).

On 28 May, the Council published a housing Land Supply Update which showed that there was a five year housing land supply, based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, 4 June 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).

The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum is identified as the mid-point figure within that range.

The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the council to propose 'Main Modifications' to the Plan in the light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and

defensible basis for calculating the five year housing land supply.

A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made-up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.'

However, notwithstanding the Council's Housing Land Supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.

5.12 **Submission Cherwell Local Plan**

The proposed Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but does set out the council's proposed strategic approach to development within the district to 2031, with the majority of new development being directed to the urban areas of Bicester and Banbury. The Plan does, however, recognise that some development will have to be permitted in rural villages on order to meet the needs of the rural population.

Policy Villages 1 of the Plan designates Hook Norton as a Category A village, and therefore one of the Districts most sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Policy Village 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be set out in the Local neighbourhoods Development Plan Document, based on evidence presented in the SHLAA. This document is to be prepared following the adoption of the emerging local plan.

It is evident from the above that the proposed development is contrary to policies within the adopted Cherwell Local Plan and is not allocated for development within the Submission Cherwell Local Plan. As previously expressed however, the Adopted Cherwell Local Plan is out of date in terms of allocating land for new housing development, and the Submission Cherwell local Plan currently carries limited weight in the consideration of new development proposals. As such a refusal based on these grounds alone is unlikely to be defensible at appeal and has to be weighed against other material considerations, the most significant being the need to provide a five year housing land supply.

However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the adopted Cherwell Local Plan, Non-Statutory Cherwell local Plan and the Submission Local Plan. Paragraph 14 of the Framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that permission should automatically be granted for sites outside settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see

whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of acknowledged importance are identified and considered below.

5.13 **Prematurity to the Submission Local Plan and Hook Norton Neighbourhood Plan**

In terms of the Hook Norton Neighbourhood Plan, whilst it is understood that Hook Norton are seeking to move forward with a neighbourhood Plan and this has been submitted to the District Council for consideration, previous appeal decisions and recent Central Government Advice has made it clear that the neighbourhood plan must be in general conformity with the strategic policies of the Local Plan and until such time that the local plan is adopted and the neighbourhood plan developed in line with the DPD, and the Council has a five year housing land supply, this carries very little weight.

In respect of prematurity, the NPPF advises that the refusal of a planning consent on the grounds of prematurity will seldom be justified where a draft local plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. The development proposed is not considered to be of such a scale and importance that it would prejudice the outcome of the plan-making process.

This matter was addressed by the Inspector in respect of an appeal in Adderbury, concluding that

‘The Adderbury Neighbourhood Plan is at a very early stage in its preparation. It was stated that a sustainability appraisal/strategic environmental assessment has not yet been prepared; there has been no pre-submission consultation. Even after these processes it would need to be submitted to the district council, publicised and submitted for examination. The examiner would have to consider if it is in conformity with the strategic policies in the development plan; there is no up-to-date plan for the area. In these circumstances I consider dismissal of the appeal on the grounds of prematurity in relation to either the PSLP or the Adderbury Neighbourhood Plan is not justified.’

In respect of the Hook Norton Neighbourhood Plan, whilst this may now be a little more advanced and has been submitted to the district council and considered by the Executive, as the Submission Cherwell Local Plan has been suspended from Examination, and the Neighbourhood Plan has not been examined, it cannot be considered to be in conformity with that local plan.

5.14 **Noise, Odour and Relationship with Redlands Farm**

The site is situated to the south of Redlands Farm, a dairy farm. The livestock on site comprise 400 high yielding dairy cows together with female replacements. Production is 4 million litres of milk per annum on a level profile for the domestic liquid market. The unit has a turnover of £1.5 million per annum employing 3 full time and 5 part time staff all of whom live locally. It is an arable and dairy unit with the field work being carried out by a contractor. The dairy unit is labour intensive, but the arable is highly mechanised with a low staff requirement.

A noise assessment report has been submitted with the application which considers traffic noise from the Sibford Road and from Redlands Farm adjacent and the possible impact on the occupiers of the proposed development. A noise survey was carried out on 19 February 2014, to assess the ambient noise levels across the site. Attended noise measurements were taken at three monitoring locations; (i) 10m from

the northern site boundary closest to Redlands Farm; (ii) 10m from the western boundary, closest to Sibford Road and (iii) 5m from the southern boundary, closest to Hook Norton Primary School. All noise monitoring took place during dry and calm weather conditions. Road Traffic Noise from occasional traffic on the Sibford Road was audible at all monitoring locations and noise from activities and cattle at Redlands Farm was audible at monitoring locations 1 and 2 during daytime and night time periods. Typical noise was from cattle housed in the sheds, air extraction equipment, HGVs, farm equipment and the farmer shouting. Birdsong was audible at all locations during the day-time and night-time periods.

The results of the noise assessment, for the proposed residential areas of the development, indicate that noise mitigation measures would need to be incorporated into the design to ensure that the required noise levels are achieved in living rooms and bedrooms. In addition, mitigation measures are required to reduce the noise from Redlands Farm to an acceptable level at the proposed dwellings in the northern part of the site. Dwellings nearest to and in direct line sight of Sibford Road and Redlands Farm to the west and north will require acoustic ventilation to enable windows to remain closed whilst allowing the necessary ventilation. However, mitigation measures will need to be implemented to reduce intermittent and tonal noise from Redlands Farm in outdoor living areas. Prediction calculations show that a 3.5m bund or bund and close boarded fence combination will be required on the northern site boundary.

An odour impact assessment was not included in the original submission but was submitted following a request from the Council's Anti-Social Behaviour Manager. The report has been produced in accordance with the 'Guidance on the assessment of odour for planning', a document produced by the Institute of Air Quality Management. The report submitted states that information on the odour potential for Redlands Farm has been obtained by reference to the information contained in the letter of objection to the proposed development by Mr D R Gasson dated 21 June 2014, publically available information from planning application 11/01599/F and 02/00160/F for Redlands Farm, and aerial photography.

Odour will arise from animal waste and urine that comes from the animals within the building; from the slurry lagoon and from the silage clamp, as well as from the general activities on site. The odour sources will be diffuse in nature from the buildings and general farm area. The release of odour will fluctuate according to the activities being undertaken. Odour will generally increase when manure is being cleared from the farm yard, slurry is being pumped and when silage is removed from the clamp. Good silage production will tend to have a sweet smell due to the production of lactic acid in the fermentation process, and the odour is only released when the silage clamp is disturbed for the removal of feed. The amount of odour generated will also depend on temperature, with higher amounts of odour being released in summer months due to higher biological activity.

A site visit was undertaken on 25 July 2014. Weather conditions were dry and very warm, with an approximate temperature at 5pm of 26 degrees C and relatively high barometric pressure. The visit followed a long period of dry warm weather where the conditions of odour generation would be expected to be at their maximum. The wind was a gentle breeze from the north. A sniff test was undertaken, the three general areas were tested; (i) the closest existing residential area to the farm; (ii) the southern boundary of the proposed development site; and, (iii) the public road immediately to the west of the farm. It was not possible to access the northern end of the proposed development site due to the presence of crops. No odour was detected at the nearest existing residential property to the farm, which was in the downwind direction at the time of the test. No odour was detected on the southern boundary of the site. Odour was detected from the Sibford Road outside the farm and along the road partly in front of the application site. Where the odour was detected it was present almost

constantly, reflecting the relatively constant gentle breeze blowing from the direction of the farm.

As the sniff test is only one snapshot of the odour situation in the area of the farm, it is necessary to interpret these results for the more general situation that may occur in respect of the farm. The assessment states that the tests were undertaken under the worst conditions for odour generation and as it only extended about one third of the site down the Sibford Road, the majority of the site would not be affected by adverse odour effects.

The report concludes that in the northern part of the development site, receptors are likely to be subject to some adverse odour effects from the farm under worst case conditions, but these conditions occur very infrequently. The remainder of the site is likely to be largely unaffected, even under worst case conditions. With additional vegetation screening on site, and taking into account the likely frequency of the exposure, the overall effect is considered to be slight adverse. Odour travels by way of particulates. Managing particulates aids in the management of odours, through interception and retention. The strategic placing of vegetation to form a vegetative barrier has a beneficial physical impact on odour. The proposed mitigation, by the inclusion of a 3m wide vegetative barrier adjacent to the northern boundary of the development proposal, in conjunction with the proposed 3.5m high acoustic fence, will further reinforce and enhance the existing vegetative barrier employed by Redlands Dairy, located between the site and the existing dairy. The inclusion of the additional vegetative barrier within the development proposal is likely to further reduce the slight adverse effects of the odour from the Dairy. This in turn will have a further beneficial physical impact on the odour from the Dairy.

The findings above, both in terms of noise and odour are not consistent with comments that have been received from local residents in conjunction with this application. Residents living in proximity to the site have stated that odour and noise are an issue from the farm at certain times of the day and year. One resident in Sibford Road has commented that there is noise from the bleeping of milking machines from 5am and bellowing from cows when separated from their young, having logged this recently following the submission of this application stating that over the past six weeks he has logged 36 occasions when this has been noted. He also comments that several properties in Sibford Road have commercial fly killing machines to deal with the flies from the slurry pit. Complaints from residents in the new development could consequently have an impact on the viability of the farm.

Letters of representation have been received from the owners of Redlands Farm and the Manager stating that the development could pose a threat to the future of the business, stating that it is not possible to operate the unit without noise from machinery and equipment, from 5am for most of the day and on occasion late into the night, 365 days a year. There is also smell and flies from the slurry produced, silage clamps and when the slurry is spread on the fields. It is also stated that if the proposed dwellings already existed and consent for a large dairy unit immediately adjacent was being sought, it is likely that the proposal would be turned down for the above nuisance factors. Redlands Farm is a modern unit in which £2 million has been invested in over recent years. In terms of the noise assessment, it is not considered to be representative of noise from the farm as this period did not include any pumping of slurry, removal of farm yard manure or silage making which are noisy activities.

The submission by the applicants provides no evidence to the contrary that there will not be an increased nuisance to those living progressively closer to the dairy unit beyond the existing built edge of the village. Notwithstanding the revised format of the submitted odour assessment, it is considered that the baseline data is insufficient to give the Council confidence that the odour impact has been fully assessed.

The applicants suggest that the planting of a mixed vegetative barrier will offer some protection to the proposed dwellings from odours. A claim is made that in particular, conifers will trap dust particles, and reference is made to studies that indicate the performance of various species. These studies are not referenced and it appears that they are confined to dust capture. The concern is therefore that the performance of these barriers in respect of biological aerosols has not been quantified.

It is concluded therefore that the applicant has not demonstrated that the proposed development will be entirely free from unacceptable levels of odour.

Increased numbers of insects are generally found in association with intensive livestock operations. In such situations they are very difficult to control and the development site falls within the range of a number of insect types, as such, it is a concern that the occupants of any dwellings built on the site may be subject to unacceptable levels of annoyance from insects at certain times of the year.

5.15 **Design and Access Statement**

A design and access statement has been submitted with the application which sets out the framework for the proposed development of the site. An illustrative masterplan has also been submitted. The masterplan indicates that 54 dwellings can be accommodated within the site and indicates an attenuation feature and play space in the south eastern corner of the site adjacent to the primary school boundary. Whilst the submitted statement contains an appropriate level of design analysis which generally supports the overall design approach for the site, the applicants were requested to provide more information on the analysis of the local morphology and vernacular, with design and layout cues being taken from the historic core rather than examples of 20th Century development within the village. The statement also proposed dwellings of up to 3 storeys in height and gable spans up to 12m in width which were not considered to be acceptable for this site. The Statement also failed to address the requirements of the noise assessment which concluded that the mitigation measures should include a 3.5m high acoustic fence/and or bund.

Concerns were raised over the need to provide an acoustic fence to protect the new development from noise generated by Redlands Farm in terms of its visual impact and relationship with the new development which is shown as backing onto this area. An addendum to the original design and access statement indicates that in order to mitigate the effects of both noise and odour, the planting of an evergreen screen, the erection of an acoustic fence, a landscaping belt and rear garden fencing. The applicants state that this area could then be maintained and managed in the same way as any landscaped area or area of open space. The statement has been amended to indicate gable spans between 5-8m and a maximum ridge height of 10.5m and natural ironstone is now suggested along the Sibford Road frontage and other key locations within the development.

Landscape Impact and Visual Amenity

- 5.16 The site lies beyond the built-up limits of the village in an area of open countryside. Policy C7 of the adopted Cherwell Local Plan seeks to resist development if it would result in demonstrable harm to the topography and character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. The site is within an area designated locally as being of High Landscape Value and an assessment of the proposal must therefore be made under Policy C13 of the adopted Cherwell Local Plan which seeks to conserve and enhance such areas. Careful consideration of the scale and type of development is necessary to protect the character of the designated areas. Policy EN34 of the Non-Statutory Cherwell Local Plan seeks to conserve and enhance the character and appearance of the landscape although the formal designation relating to the Area of High Landscape Value has been removed. This does not mean however that landscape quality is no longer

important. The landscape significance of these areas is carried through in the Submission Local Plan through Policy ESD13 which seeks to conserve and enhance the distinctive and highly valued local character of the entire district. The NPPF also advises that the open countryside should be protected for its own sake.

Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.

Paragraph 115 advises that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and areas of Outstanding natural Beauty which have the highest status protection in relation to landscape and scenic beauty. The site does not lie in any nationally designated landscape, such as a National park or Area of Outstanding Beauty (AONB) but it does lie within an area designated locally as an 'Area of High Landscape Value'. There are no Tree Preservation Orders on or adjacent to the site.

The application is accompanied by a Landscape and Visual Impact Appraisal which has been prepared based on the 'Guidelines for Landscape and Visual Impact Assessment published by the Landscape institute of Environmental Management and Assessment 2013. It has been reviewed by the Council's Landscape Officer who considers it to be a fair assessment of the likely impact of the development, although the assessment was carried out in summer when screening is at its best. However, the impacts will not be greatly increased in winter as they are generally low in the first place. The report concludes that the landscape effects and visual effects of the proposed development are unlikely to have any significant adverse effect on area.

In terms of the characteristics of the site, it is physically constrained to all boundaries of the site by existing hedgerows and trees. Being an open agricultural field bounded by trees and hedges this is not uncharacteristic of this landscape area and not of such rarity and scenic quality to indicate a landscape of more than local value. There are no public rights of way across the site.

A number of viewpoints have been reviewed by the LVIA which have been taken from nearby settlements and residential properties, public rights of way and road network as well as recreational areas. Views from various points within the immediate vicinity of the site along the Sibford Road and the public right of way opposite which demonstrate that views into the site are limited and generally screened by the existing vegetation. In terms of more long distance views from the wider landscape and open countryside, the appraisal concludes that whilst the site and Redlands Farm are glimpsed from higher ground, the site is largely screened by intervening vegetation and the existing trees and hedgerows around the site and seen against the backdrop of the existing village.

It is accepted that the development proposed by virtue of its nature, being the development of a green field site beyond the existing built up limits of the village into open countryside will result in localised harm within the immediate vicinity of the site, and the introduction of houses, access roads and associated domestic paraphernalia onto the site would have an urbanising effect. However the visibility of the site within the wider area is restricted by intervening vegetation built development and topography. The proposal is therefore unlikely to adversely impact on the Area of High Landscape value or the adjacent Cotswolds AONB. Having regard to the above and the Landscape Officers comments, it is considered that the development proposed, which would be predominantly two storeys would not appear unduly prominent or obtrusive and therefore the visual impact of the development would not

be of significant and demonstrable harm as described within the NPPF to justify refusal of the application on landscape impact and harm to the open countryside.

An arboricultural assessment has also been submitted as part of the application which has been assessed by the council's arboricultural officer who has not raised any objections to the proposal. There are no trees within the site itself, as tree cover is confined to the peripheries and it is stated therefore that no significant tree loss will be required to facilitate the development. The main vehicular access for the proposed development is to be positioned to the south western end of the site where a small section of hedge will need to be removed. The proposed vehicular access will be positioned within the Root Protection Area of T1 and this report therefore recommends that the access should be constructed using tree friendly techniques to reduce the risk of root severance and significantly reduce soil compaction.

Archaeology

- 5.17 The archaeological desk based assessment submitted as part of the application states that there are no designated heritage assets within the study site or its vicinity and that there would be no impact on the Hook Norton Conservation Area or the listed buildings within it. The assessment also states that there are no known non-designated archaeological assets within the study site and there is a low potential for the survival of unknown buried archaeological remains.

The County Archaeologist has commented on the application stating that the site lies within an area of some archaeological interest, it is located in an area where little archaeological investigation has been undertaken and therefore very little is known. A possible Bronze Age barrow is recorded 390m to the west of the site although it is possible that this is a post medieval tump. A second barrow has been recorded from aerial photographs 900m to the west. A number of find spots of prehistoric flint tools and Roman pottery have been recovered from the general area of the site. An archaeological evaluation of the site to the west of this application recorded an undated linear feature. The site has seen little recent disturbance and therefore if unknown archaeological features are present on the site it is possible that they could be fairly well preserved.

Section 12 of the NPPF sets out planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.

Having regard to the above, it is recommended that the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction.

Ecology

- 5.18 The application is accompanied by an Ecological Appraisal which sets out the findings of the desk top study and Extended Phase 1 Habitat Survey undertaken on 3 September 2013. It confirms that the site is not within a statutory or non-statutory designated site. In addition the site is not within 5km of any statutorily designated sites of international importance although the study boundary is within 2.3km of the Cotswolds AONB and is within 2km of the Hook Norton Cutting and Banks SSSI..

In terms of non-statutory designations, data obtained from TVERC indicates the presence of part of the Swere Valley and Upper Stour Conservation Target Area running around Hook Norton to the south east and west and lying approximately 530m south east of the boundary at its nearest point. This is a landscape scale designation that has been identified as supporting high concentrations of habitat and species of principal importance under the NERC Act.

There were four non-statutory sites within 1km of the study boundary, Cradle and Grounds Farm Banks was identified as a Local Wildlife Site (LWS), Park Farm Quarry and Hook Norton Cutting North are Local Geological Sites (LGS) and the Hook Norton BBOWT Reserve.

The study area comprises arable farmland which supports a very limited diversity of associated species and is therefore considered to be of negligible nature conservation value. The boundary hedgerows provide some structure and diversity. The study states that the hedgerows are of intrinsic value and recommends that they are retained and buffered from residential development where possible. H4 which is the hedge to the Sibford road boundary was identified as 'important' under the Hedgerow Regulations and due to its high structure and diversity scores considered as having high to very high ecological value. It further recommends that should existing hedges be removed, compensation in the form of native species planting providing linkages across the site or enhancement of retained hedgerows should be incorporated into the landscaping proposals.

No records of badger setts were returned in the desk study within 1km of the site boundary and no evidence of badger activity was recorded on the site as a result of the walkover survey. No records of bat roosts or sightings were identified within the study boundary in the desk top study although there are records of bats within 1km of the site. There was no evidence that the hedgerows and associated trees bordering the study area had to be used by roosting bats, although they do provide commuting and foraging corridors. Enhancement and mitigation measures to ensure that no significant impacts upon bat species are anticipated to include additional and reinforced hedge planting, bat boxes and a sensitive lighting strategy.

All birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). The appraisal therefore recommends that any hedge/vegetation be removed outside the bird nesting season and that additional native hedge planting occurs.

The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109 that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.

Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity' and:

Local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions'.

Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the

Conservation Regulations 2010, licences from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-

1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
2. is there a satisfactory alternative
3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

The Council's Ecologist has assessed the Ecological Appraisal which has been submitted with the application and is satisfied that no evidence of any protected species using the site was found and that the likelihood of any being present was considered to be negligible. The ecological enhancements as specified in the May 2014 Ecological Appraisal should be carried out. Swifts are also present in the village and new nesting provision should be incorporated into the scheme. A number of conditions are therefore suggested to be included within any permission to ensure adequate mitigation and enhancements are included as part of the development. This report has also been assessed by Natural England who raise no objections.

Consequently it is considered that Article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policies C2 and C5 of the adopted Cherwell Local Plan and Policy ESD10 of the Submission Local Plan.

Flooding and Drainage

- 5.19 The Environment Agency has not objected to the proposal as the application site is not within a high risk area, being located within Flood Zone 1. A flood Risk Assessment has been submitted as part of the application which demonstrates that the site is not at risk of flooding. The surface water drainage strategy is to direct all the surface water runoff from the residential development to new surface water networks that flow south east to correspond with the natural ground falls and then into a geocellular infiltration tank which will be situated on the network to retain the excess rainwater due to the outflow restriction set by the infiltration rates. The use of SUDS accords with the NPPF and will help mitigate any flood risk impact to the surrounding areas.

Transport Assessment

- 5.20 The application has been submitted with a Transport Assessment and Travel plan. A single vehicular access is proposed from Sibford Road into the site. Sibford road is a single carriageway of approximately 6m wide and is subject to a 30mph speed limit, although this changes to 60mph as one leaves the village just north of the Bourne Lane junction. There is no footpath outside the site on the eastern side of Sibford Road, although an existing footpath from within the village terminates outside the school. The proposed access will be constructed to adoptable standards and will include footways to link into the existing pedestrian infrastructure along Sibford Road. The proposed Access indicates a 5.5m carriageway, and vision splays of 2.4m x 43m on exit from the site and a junction radii of 8m. Means of access is sought to be considered at this stage.

The submitted Transport Assessment and Travel Plan have been assessed by the Highway Authority. The Transport Assessment sets out that for the development proposed the predicted level of peak hour traffic movements generated from the site are 40 and 46 vehicles respectively during the am and pm hours.

Transport and accessibility is one of the aspects which must be considered in respect of whether development can be considered to be sustainable. Whilst it is acknowledged that the site, being on the edge of a village is less sustainable than in the urban areas of Banbury and Bicester, Hook Norton has been assessed as being one of the Districts more sustainable villages because of the range of services available. The site itself is located adjacent to the school and is only a short distance on foot to the village centre and within easy walking distance of bus stops. Having regard to this emerging policy anticipates that villages will take some of the housing growth and that Hook Norton is sufficiently sustainable to accommodate some new development. No objections to the development have been received from the local highway authority and the proposal is unlikely to have any significant adverse impact on the local highway network and highway safety and is therefore considered acceptable in this respect.

Residents have raised concerns in respect of highway safety in such close proximity to the school and added congestion and the lack of public transport available through the village suitable for commuters. The highway authority recognise in their consultation response that walking and cycling is only really appropriate for trips within the village and that whilst a bus service is available, its frequency is poor with a limited number of destinations available. This matter was also considered in the recent appeal at Bourne Lane where the inspector concluded that Hook Norton was not an unsustainable location that was unsuitable for additional housing. The highway authority are seeking developer funding as part of this development with the aim of improving the frequency and hours of operation of the Banbury to Chipping Norton bus service in order that residents would benefit from improved connectivity to Banbury and Chipping Norton where employment and other facilities can be found. This is similar to the requirement secured in respect of the Bourne Lane development.

Delivery of the Site

- 5.21 Part of the justification for the submission of this application is based on the District's housing land supply shortage. The potential for this development to contribute to the shortage of housing is the key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.

As with other residential applications submitted for consideration on this basis, it is considered that if planning consent is granted, a shorter implementation condition should be imposed which will help to ensure that the development contributes towards the 5 year housing land supply. The applicants have confirmed that they would agree to a shortened timescale and suggest 18 months with a year for the reserved matters. The applicants state that this would be sufficient time to market and sell the site to a house builder and then for the preparation of reserved matters and are confident that the site can be delivered within the five year period.

Planning Obligation

- 5.22 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.

New development often creates a need for additional infrastructure or improved

community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/service. Obligations are the mechanism used to secure these measures.

In respect of planning obligations the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:

- necessary to make development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in kind and scale to the development

Having regard to the above, the Heads of Terms relating to the additional development will include the following:-

CDC Contributions

- Affordable Housing – 35%
- Refuse bins and Recycling - £67.50 per dwelling
- Off site sports – details awaited
- Indoor sports – details awaited
- Play areas – a LEAP and a LAP plus commuted sums of £33,682 per LAP and £130,189 per LEAP
- Open Space – 23m² per resident and commuted maintenance sum of £30.04 m²; balancing pond commuted maintenance sum of £17.87m²; hedgerow maintenance £42.86 m² and per mature tree £302.34 maintenance sum
- Monitoring fee – figure to be agreed

OCC Contributions

- £862 per dwelling towards the improvement of the Banbury to Chipping Norton bus service
- £4,000 towards improved bus stop facilities at The Green
- £212,298 - Primary School expansion
- £10,545 - Special Education Needs
- £2,942 - towards Hook Norton Library
- £9,415 - Waste Management
- £736 - Museum Resource Centre
- £1,599 – improvements to adult learning in Banbury
- £11,990 – Health and Wellbeing
- £3,750 – Administration and Monitoring

Others

- Thames Valley Police -

The applicants have been advised of the above requirements, but to date no legal agreement is in place in respect of the proposed development to secure the above.

Engagement

5.23 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application and the attempt to resolve the issues by giving the applicants the opportunity to provide additional information.

6. Conclusion

Given that the adopted Cherwell Local plan Housing policies are out of date and the emerging housing policies can only be given limited weight and that the Council

cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The proposal seeks to provide up to 54 dwellings, 35% of which would be affordable and this is seen as a benefit. The proposal however, notwithstanding the council's five year housing land supply position, is not considered acceptable and the site not considered suitable for residential development due to its proximity and relationship with the adjacent intensive dairy farm. In accordance with paragraph 14 of the NPPF, the adverse impact of that unit on the development significantly and demonstrably outweighs the benefits that the housing would bring. Therefore, in respect of this application proposal, the development would not constitute sustainable development and, consequently, the presumption in favour does not apply.

7. Recommendation

Refusal on the following grounds:

1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year housing land supply as required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The applicant has failed to adequately demonstrate that the proposed development would not be adversely affected by the activities associated with the Intensive Dairy Unit at Redlands Farm immediately to the north, resulting in an unacceptable living environment for the occupiers of the new dwellings. As such the development is considered to be unsustainable and the proposed would be contrary to the thrust of Policy ENV1 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework which seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan, Policy INF1 of the Submission Local Plan and government guidance within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.