

**Site Address: Land North of Railway
House, Station Road, Hook Norton**

14/01738/OUT

Ward: Hook Norton

District Councillor: Cllr Ray Jelf

Case Officer: Linda Griffiths

Recommendation: Refusal

Applicant: Nursery Ground Ltd

Application Description: Outline – Development of 48 houses, access, open space and landscaping

Committee Referral: Major and Departure from Policy

1. Site Description and Proposed Development

- 1.1 The application site is situated at the eastern end of the village of Hook Norton on the main road to Bloxham, and relates to approximately 2.264 hectares and is currently used as arable farmland as part of Crushill Farm. Whilst the site itself is relatively flat, it sits at a considerably lower level than the adjacent Station Road, having been formerly quarried. The site is bounded to Station Road and the south by a hedge and trees, and to the west by a treed embankment along the top of which runs an undesignated track. A public footpath runs to the north outside the application site. The application site forms part of a larger field and is therefore currently open to the eastern boundary. To the west lies Ironstone Hollow, a housing allocation in the Rural Areas Local Plan and constructed in the 1990s on the former quarry. The development of the former station opposite (a brownfield site) for the erection of 37 new dwellings is currently under construction.
- 1.2 The proposal seeks consent for 48 new dwellings, 17 (35%) of which will be affordable, with an area of open space and play area with a new tree planting belt to the eastern boundary. Vehicular access is proposed directly to Station Road from the south western corner of the site.
- 1.3 The site, which is situated beyond the existing built up limits of the village on the northern side of Station Road, lies within an area designated locally as an Area of High Landscape Value, but is outside the Hook Norton Conservation Area.

2. Application Publicity

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

46 letters have been received. The following issues are raised and summarised below:

- Inappropriate development on open land which would be detrimental to the village.
- Would create excessive additional traffic to an already busy road and a village infrastructure not designed for this volume of cars and people
- Place additional load on the already stretched water supply and sewerage systems
- Hook Norton has already had two sizeable developments approved recently and another at appeal. This development is directly opposite the Stanton Engineering site making a combined total of 85 new houses in one area of the village. This with other developments could

result in a 30% growth in population damaging the character and function of the village

- Local Primary School cannot cope with additional pupils, those moving into the village are unable to obtain places
- Secondary school is also at capacity with unprecedented demand from the local area due to the number of new developments
- There is a well established bat population living in the trees bordering the site
- Already experience regular brown-outs which are inconvenient and damaging to electronic equipment
- Loss of valuable agricultural land
- Noise and disturbance during construction
- Increased use of adjacent footpaths and children playing
- Transport links are not ideal therefore more car journeys will have to be made. The village is several miles from any main road and the local road network connecting to these roads is composed of narrow, windy country lanes barely capable of sustaining current traffic volumes, compounded in the winter months when they become dangerous due to ice, heavy rain and severe winter snow.
- The village uses oil for heating as there is no gas supply which is delivered by road.
- Mobile coverage is poor and non-existent in many places. Broadband is slow and inadequate. There is no cable TV
- Village boundary will be further extended
- No jobs local to Hook Norton
- Unsustainable
- The unused part of the field to the east of the site could be developed where at least another 80 houses might fit in.
- Contrary to the Hook Norton Neighbourhood Plan which clearly states the wishes of villagers for the future of where they live.
- The road to Milcombe is prone to flooding after heavy rain. The run off from the planned development will substantially increase the amount of water flowing onto the carriageway
- Strain on doctors surgery and other local facilities
- Overlooking from the new development

3. Consultations

- 3.1 Hook Norton Parish Council: object on the grounds of un-sustainability, the unknown cumulative impact of other developments and the fact that the application conflicts with several policies in the Hook Norton Neighbourhood Plan (HNNP). The parish Council notes the ministerial announcement by Nick Boles of 14 July in which it is clear that the then Secretary of State wishes planning decisions to reflect the government's clear policy intention when introducing neighbourhood planning, 'which was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs'.

The HNNP has been approved by the Parish Council and is now progressing via Cherwell District Council toward Examination and Referendum and we therefore consider it is a highly material consideration to this application, in accordance with recent Ministerial advice.

Following the successful applications for development at Bourne Lane and The Grange (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 development. Local opinion regarding the extent, location and size of future residential development has been expressed during consultations associated with the preparation of a HNNP. The application is contrary to the findings on which the HNNP policies are based.

Site Location – under Policy HN-H2 of the HNNP, any applications for housing development will be assessed for suitability according to a set of criteria. The application fails

- It does not comply with policies in the plan
- It is a Greenfield site

Type of Development – Policy HN-H1 allows proposals for up to 20 dwellings where justified by objectively assessed local housing need. The application seeks to justify 48 dwellings by reference to the CDC 5-year supply. However, this argument is pursued without any reference to a spatial situation, development of any size may be proposed in a village, resulting in villages becoming more like towns and their defining village characteristics being lost. This is contrary to the NPPF which stresses the interrelationship of the 3 elements of sustainable development – economic, environmental and social.

HNNP notes (HN-CC3) that the traditional pattern of growth which characterises Hook Norton is small scale and gradual change. This policy requires that ‘this must be reflected in the extent and amount of any development in Hook Norton’. A development of 48 dwellings is not small scale growth, and furthermore this is in addition to two planning applications recently approved and therefore if this application were also to be approved, the number of households would increase by almost 20% all in the same period, with consequent adverse impacts on social and physical infrastructure.

Landscape, Character and Design – Policy HN-CC1 requires development to protect and enhance the local landscape, and this includes making a positive contribution to the locally distinctive character and context of Hook Norton. Since the traditional pattern of growth is fundamental to the character of Hook Norton and the application does not accord with that traditional pattern of growth, it is contrary to that policy.

Policy HN-CC2 requires any proposal to demonstrate that it is of high quality design. Since all matters apart from access are excluded, there is little information regarding design, apart from indications of what could be included at reserve matters stage. Whilst the good intentions regarding design and sustainability measures are welcome HNPC’s experience is that unless the deciding authority places appropriate conditions at outline stage, anything said in outline documents about what may happen at reserve matters stage is just a ‘maybe’.

Transport and Public Right of Way – the application TA assesses existing traffic conditions but it does not allow in traffic counts and projections for the effect on traffic of the 107 dwellings which have recently been approved/are under construction in the village. All committed development will inevitably impact on the road network of the village as a whole because of the small size of the settlement. HNPC considers that a lack of consideration of cumulative effect renders the TA questionable, and as transport is a fundamental aspect of sustainability, the application as a whole is similarly unacceptable.

Provision of a Transport Plan cannot make up for the poor sustainability fating of Hook Norton (as found in CDC’s Local Plan evidence base document CRAITLUS) – no Travel Plan can overcome the fact that the location and size of the proposal is inappropriate. The HNNP takes account of CRAITLUS and provides in HN-H1 for

measured growth but this application is contrary to the HNNP.

Hook Norton is in an isolated position and roads serving the village are minor roads, often cut off for periods during the winter. Increased traffic would also directly impact the surrounding villages which must be passed in order to reach Hook Norton. Public transport does not serve the working population well and cycle commuting is impractical.

The application also appears to offer no enhancement to the PROW network as sought in Policy HN-COM2.

Utilities – the current electricity infrastructure is recognised as marginal for existing needs and would need expansion to cope with increased population. The water supply struggles to meet current demand, water pressure is low, 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.

Education – Chipping Norton School, the nearest secondary school and the one in catchment for Hook Norton, is 8km away, is accessible only by subsidised school bus and private car and is also fully subscribed.

Communications – mobile telephone service is poor with no single provider allowing full coverage over the village. The existing mobile masts are often at full capacity resulting in dropped calls. 3G coverage is patchy at best and often unavailable. This is barely adequate to support existing needs let alone encourage additional home working. There is no cable TV in the village and very poor DAB reception.

Conclusion – the policy comments above are submitted in relation to the HNNP which is at an advanced stage and provides clear policy guidance. Hook Norton is a village which is due to undergo significant expansion and the HNNP 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 planned and empowering local people.

The cumulative impact of developments either already underway or with permission is unknown. For this and other reasons stated above, the HNPC requests that this application be determined by planning committee.

Cherwell District Council Consultees

3.2 Planning Policy Officer: This is a green field site outside the built up limits of the village.

Main Development Plan Policies: the saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposal are:

Policy H18: 'New dwellings in the countryside' is intended to ensure that the countryside is protected from sporadic development.

Policy C7: 'harm to the topography and character of the landscape' consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape

Policy C8: 'sporadic development in the open countryside' applies to all new development proposals beyond the built up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester

Policy C9: 'Beyond the existing planned limits of the towns of Banbury and Bicester'

aims to limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas

Policy C13: 'Areas of High Landscape Value' careful control of the scale and type of development will be required to protect the character of the areas of high landscape value and particular attention will need to be paid to siting and design

NPPF should be considered, the paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:

Paragraph 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:

- 'every effort should be made objectively to identify and then meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Recognise the intrinsic character and beauty of the countryside
- Contribute to conserving and enhancing the natural environment and reducing pollution
- 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'

Paragraph 28 on supporting a prosperous rural economy

Paragraphs 29, 30, 32 and 34-36 on promoting sustainable transport

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

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 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 56, 57, 59-64 on requiring good design

Paragraph 109, 112, 120 and 123 on conserving and enhancing the natural environment

Paragraph 109 states 'the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'

NPPG

The NPPG states that it is important to recognise the 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 strategic level

and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.

The NPPG should be considered, particularly guidance on understanding housing needs, rural housing and natural environment.

Non-Statutory Cherwell Local Plan. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014) and Proposed Modifications to the Submission Local Plan (October 2014). The main policies relevant to this proposal are:

Policy H15 relating to residential development in Category 1 villages

Policy H19 relating to new dwellings in the countryside

Policy EN30 relating to sporadic development in the countryside

Policy EN31 relating to development beyond the existing and planned limits of the towns of Banbury and Bicester

Policy EN34 relating to conserving and enhancing the character and appearance of the landscape

Proposed Modifications to the Submission Local Plan 2011-2031 (October 2014)

A new Local 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 was suspended on 4 June 2014 to enable the council to propose modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA).

Modifications to the Submission Local Plan (Part 1), was consulted between 22 August and 3 October 2014 which generated over 1,500 individual comments. The Proposed Modifications to the Submission Local Plan (Part 1) was submitted to the Secretary of State on 21 October 2014 for examination.

The Main Modifications propose several new sites in order to achieve the District's assessed housing need and maintain a deliverable five year housing land supply. This site is not proposed for allocation.

The main policies relevant to this proposal are:

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

Policy Villages 2: has been revised by including a total housing requirement for the Category A villages which includes Hook Norton. A total of 750 homes will be delivered at Category A villages which now includes Kidlington. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

Policy BSC1: District Wide Housing Distribution includes a table of completions, permissions, allocations and windfalls for the areas of Bicester, Banbury and Rest of District. The table shows that a total of 22,840 new homes will be provided by 31 March 2031.

Policy BSC3: Affordable housing sets out the requirements for the provision of affordable housing. In rural settlements such as Hook Norton, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross) will be expected to provide at least 35% of new housing as affordable homes on site.

Policy BSC4: Housing mix expects new residential development to provide a mix of homes to meet current and expected future requirements.

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.

Five Year Housing Land Supply

The Council does not presently have a five year housing land supply. The current published position is reported in the Housing Land Supply Update June 2014 which concluded that the District had a supply of 3.4 years for the period 2014-2019. This reflects the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The 3.4 years of supply includes a requirement for an additional 20% buffer, taking into account the shortfall (2,314 homes) within the next five years.

Strategic Housing Land Availability Assessment update 2014 (SHLAA)

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 Update 2014 recorded the application site (ref. HO031) but included the site in the list of rejected sites due to *'Development in this location would result in a major incursion into open countryside beyond significant hedgerows which mark the edge of the village. It is likely to result in significant adverse visual impact at the eastern approach into the village'*

Neighbourhood Plan

On 21 July 2014, Hook Norton Parish Council submitted the Hook Norton Neighbourhood Plan to Cherwell District Council. This was followed by a 6 week public consultation between 11 September and 23 October 2014. The representations received will be collated and sent for independent examination.

Overall Policy Observations

The site lies outside the built up limits of the village, would extend development into open countryside and as such is contrary to adopted Development Plan policies. Development would have an impact on the appearance of the countryside and on the landscape setting on the approach to the village from the east.

However, the Council does not 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.

It is noted that the level of affordable housing proposed accords with emerging policy and the needs for affordable housing is of course high. However, affordable housing is being delivered and planned growth will generate significant additional supply.

In advance of the Local Plan Part 2 or a Neighbourhood Plan it will be necessary to consider the district's current housing supply situation, to be mindful of emerging policy and the likely impact of proposed developments on a case by case basis. Consultation on Proposed Modifications to the Submission Local Plan was held between 22 August 2014 and 3 October 2014 and includes Hook Norton as one of a group of the most sustainable villages with a rural housing allocation of 750 homes in addition to planning permissions as at 31 March 2014.

Although the site benefits from significant screening along the western boundary, and the embankment of the former railway line to the east and dense hedgerows here would limit views of the site from the approach to Hook Norton along Station Road, there are attractive long distance views through the site to higher land in the north east, with little built development in view. Development would have a significant visual impact on the wider landscape, interrupting long distance views. It may be difficult to achieve adequate screening along the northern boundary of the site and there are no physical features on the ground delineating a defensible eastern boundary to the site which may make future expansion of the site difficult to resist.

Policy Recommendation

From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new houses (including affordable housing). However, landscape and other impacts will need to be considered. There is concern that residential development would cause harm to the landscape at this gateway to the village by way of visual impact and this would require detailed consideration.

- 3.3 Urban Design and Conservation Officer: The site is located on the eastern fringe of Hook Norton, to the north of Station Road and is currently in agricultural use. The western boundary of the site currently defines the edge of the built up limits of the village. To the south of Station Road, directly opposite the proposed development site, a scheme of 28 dwellings is currently being built-out representing a relatively large amount of growth already in this area of the village.

The NPPF sets out the importance of good design as a key aspect of sustainable development, and considers that good design is indivisible from good planning. Paragraph 58 sets out that planning decisions should aim to ensure that developments:

1. Function well and add to overall quality of the area
2. Establish a strong sense of place
3. Optimise the potential of site and support local facilities
4. Provide an appropriate mix of uses
5. Respond to local character and history, and reflect the identity of local surroundings and materials
6. Provide safe and accessible environments
7. Visually attractive

Paragraph 59-61 sets out that it is appropriate for planning decisions to seek to guide the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. Planning decisions should also seek to promote or reinforce local distinctiveness and address the connections between people and places and seek the integration of new development into the natural, built and historic environment.

In accordance with paragraph 63 and 64 outstanding/innovative design that shows an appropriate response to its context shall be supported and development that fails to take the opportunities available for improving the character and quality of an area and the way it functions shall be refused.

Saved Policies from the Adopted Cherwell Local Plan

Policy C27: developments in villages are to respect the settlement pattern to protect and enhance the character of the village

Policy C28: relates to the layout, design and external appearance of new development to ensure an appropriate/sympathetic response to its context

Policy C30: relates to the design of new residential development to ensure it is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

Cherwell Local Plan – submission, January 2014

ESD16: 'the character of the built and historic environment' sets out the requirements to ensure that new development seeks to respect and enhance the historic environment and secure high quality urban design by respecting traditional development patterns and reflecting local distinctiveness.

Countryside Design Summary SPG (1998)

Although relatively outdated this document still provides a good baseline analysis of the character of Cherwell District; its countryside, settlements, buildings and the way they relate to one another. It is considered this document should be consulted in conjunction with the Hook Norton Conservation Area appraisal as part of an analysis of local character.

Design Assessment

Site Analysis:

- there is no evidence as to why this site has been identified, and given that it is not allocated in the Local Plan and was a rejected site in the SHLAA (2014), why it is suitable for residential development of this scale. An analysis of how the villages settlement pattern has developed and where growth has occurred, together with an analysis of the impact of the development on the landscape is required to justify the principle of development on this site and establish how the scheme can achieve local distinctiveness
- the document contains a limited analysis of the site and its constraints. I would expect to see greater information on the opportunities and constraints that the site presents to more clearly inform an appropriate, contextual design response
- the approach to boundaries is particularly important as significant level changes exist to the south and west of the site which require careful consideration in the development approach
- the analysis of the local architecture and character is limited, providing only a description and lacks graphic support or indication of what cues should be applied to the site and where
- the visual impact analysis fails to take into account the effect of development from the public footpaths and long views from the north, as well as the relationship with the development opposite to the south of Station Road
- the 'Site Conceptual development' shows only the arrangement of a cul-de-sac road, with no indication of how this option has emerged, or how it relates to the sites opportunities and constraints
- the main vehicular access to the site is shown at a point where significant levels change exists between Station Road and the site. It is unclear how this responds to the site constraints

Applied Design Principles:

- no specific design principles have been set out to guide the design approach. This combined with a limited consideration to the site constraints has led to a scheme which does not maximise the opportunities of the site
- there is no indication of how the mix of housing (size and type: terraced/semi/detached) is allocated around the site to establish quality open space, public realm and varying character

Layout

- while the final configuration of streets and development is a matter for reserved matters, I would expect that a clear framework for development is set out alongside an explanation of the design principles. In the absence of this being clearly set out in the Design and Access Statement, the peer review must be on the indicative site layout
- the proposed plans do not provide a framework that can support a high quality public realm or 'place making' approach to the site
- the density and massing appears very even across the scheme with predominantly on-plot parking. This promotes a very sub-urban response that is not in keeping with the character of the village
- views and vistas are left unresolved with garages terminating several views. The site entrance is weak
- the access and pedestrian route to the east is unclear where it juts off a turning head/parking space
- the main route through the site seems land-hungry with substantial landscaped front gardens, with relatively small back gardens
- reference was made to orientation driven by achieving solar gain, which is not evident from the plan
- the LAP may benefit from being more centrally located, or visible from the main access road
- there is a need to consider potential overlooking into rear gardens from public footpaths to the west and north boundaries

Scale

- it is unclear where these 'character cues' have come from and how they are appropriate to the site and surrounding context
- the relationship with Station Road and the west boundary require more consideration, especially scale and development form, due to significant level changes

Landscape

- information setting out the existing landscape features; what is being retained and removed and how these elements could be integrated within the scheme is not explained
- how the landscape appraisal has influenced the design response is not clear. What are the cues for the looser nature of the layout on the eastern and southern boundaries
- there appears to be little consideration of the impact of development on views into the site, particularly from the public right of way to the north of the site
- the document makes reference to 'more tightly knit streets' being characterised by harder landscaping; this is not evident from the plan

Appearance

- without the benefit of an analysis of the local vernacular it is unclear how the scheme will enhance this, or produce a locally distinctive response
- scheme would benefit from an analysis of traditional house types and the configurations and locations they are used in to introduce variety and character to the scheme

Sustainability

- while promoted as a sustainable site, there is concern over the reliance on private cars and bringing additional traffic to small scale routes and congestion within the village
- no code level is specified or parameters against which to measure the proposed sustainability of dwellings
- there is little evidence from the plan that the development has been organised to maximised solar gain

Access

- I remain unconvinced by access to the site where significant levels change between road and site exist
- The scheme should consider additional connections to the footpaths north and west of the site

Conclusion

The Design and Access Statement does not demonstrate an appropriate level of analysis, particularly relating to its landscape setting, village context and specific site constraints. The design principles are not developed from a thorough understanding of the context and as such fail to provide a development framework that can support the design of a high quality development that respects traditional development patterns and reflect local distinctiveness. I would expect to see much more detailed analysis of the context and well-related design principles on a site in a sensitive edge-of-village location.

It is recommended that the application has significant design issues and should be refused for the following reasons in accordance with NPPF Para 64 and Local Plan Policies C27, C28, C30 and Submission Local Plan Policy ESD16

1. the scheme does not establish a development framework which can establish a strong sense of place, or respond to the local character of the village
2. the site does not demonstrate an appropriate extension of the settlement pattern and does not integrate with the village
3. the proposals fail to develop well-related design principles which relate to the character, layout and appearance of the village

NPPF paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 3.4 Housing Officer: This application for 48 units is required to have 35% affordable housing provision, which the applicant has provisioned for within their design and access statement.

The unit types proposed for the affordable housing is acceptable as is the tenure split between them. For clarification the applicant has proposed

Rent	Shared Ownership
2x1b2p Houses	6x2b4p Houses
5x2b4p Houses	
4x3b5p Houses	

The applicant has not made it clear on their submitted layout plans where they propose the affordable housing to be located, however, asserting for myself the indicative location and cluster of affordable appears too dense and the affordable housing would need to be broken up into two distinct clusters to be satisfactory.

There is no detail on the number of properties will be lifetime homes, however there will need to be 50% of the rented units that meet the standard. The house types will also need to adhere to the HQI requirements identified in the HCA's Design and

Quality Standards. The Registered Provider which takes on the affordable housing will need to be agreed with the Council.

- 3.5 Environmental Protection Officer: As this is a sensitive development, I recommend the full contaminated land conditions are applied to ensure land contamination is adequately considered and the developer demonstrates the development is safe with regard to land contamination.
- 3.6 Landscape Officer: the proposal is for 48 dwellings on part of an arable field on the periphery of Hook Norton. A cul-de-sac, Ironstone Hollow, is adjacent to the western boundary. This currently forms the edge of Hook Norton and is separated from open fields by a copse of planting which has a permissive path running through it. This path is at a considerably higher level than the development site which means that walkers look down on the site. The copse forms a strong visual boundary between the village and countryside.

The southern boundary is formed by Station Road. There is a hedgerow of varying density along this boundary. It is most dense where the site access is proposed, and visually more permeable to the eastern side. There is a considerable level difference between station Road and the site at the point where the access is proposed which should be re-visited. The loss of 25m of the thickest screening on the roadside is far from ideal. The eastern boundary is currently part of the arable field and has no vegetation, the northern boundary has a hedgerow through which there are glimpsed views of the site. The site seems to have been formerly quarried which explains its lower level compared to the road on the southern side and the path on the western side.

Landscape Features and Character Analysis – in general the analysis underestimates the effects of loss of features. There is very little likelihood that agreements will be made with off-site landowners regarding the management of their trees. The most dense roadside vegetation will be removed to provide visibility splays. There will be a medium-adverse effect rather than a slight beneficial one.

An area of arable land on the low ridge will be lost. Perception of encroachment into the countryside from surrounding paths where no other indication of village is visible alters the character in a high/medium adverse way. There is little evidence of planting across the site, almost all of it is on the boundaries. The site will be visible from elevated views and there is nothing proposed to break up the development. The site does not relate to the rest of the village when viewed from the NE. It is visually isolated and detached.

View Point/Visual Analysis – this is slightly confusing as the views from the road, footpaths and properties are given the same numbers as the photo viewpoints.

Views from road/path/property

1. open view to the site due to gappy vegetation
2. open and partial views from new dwellings on former railway embankment
3. no views from Austin's Way due to low lying topography
4. no view from ground level, glimpse from upper floor
5. partial views of site from road as you approach site from countryside.

Views – none from F/P 253/19

Lengthy views from F/P 253/21 (VP's 5-8) high sensitivity. The effects will be high-medium adverse with a significance that is substantial/moderate adverse. Tree growth will not screen the development particularly in winter.

Permissive path – views down into gardens will be visible. Houses much closer to path than those in Ironstone Hollow.

Station Road – loss of thickest roadside planting open up views into the site so

moderate adverse effects.

Conclusion – the site is significantly visible from Council Hill. From viewpoints along the public footpath the village of Hook Norton is not visible, yet the site is clearly visible. The view is very rural with views of Station House chimney and Redlands Farm the only built forms visible. The footpath 253/21 is very well worn so well used.

The landscape character of the area is defined in the OWLS study as one of well-defined nucleated villages with little dispersal into the wider countryside. Developing the site would disperse Hook Norton visually into the countryside so is uncharacteristic. It would also encroach on the tranquillity of the countryside by causing Hook Norton to straggle causing the characteristic spatial structure of the village to be changed which is to be avoided as defined in the Cherwell District Landscape Assessment (landscape typeR4a). CDC's SPD states that new development should respect the setting of each particular village and most proposals which would have a prominent impact on the wider countryside will not be acceptable.

The proposed planting on the east side of the site will take 15-20 years to grow and even then won't screen the site from Council Hill as the view from the hill is looking down on the site. The development will appear isolated and incongruous in the landscape from Council Hill. There will be changes to the fabric, character and quality of the landscape and to the character of unspoilt views and subsequent effects on receptors.

I would support a refusal of permission on landscape and visual grounds.

- 3.7 Ecology Officer: the submitted ecological appraisal is appropriate in scale and depth. Being arable the proposed development site is not of high ecological value, however, the boundary vegetation, scrub and trees to the south, North and West are areas of higher biodiversity and are likely to be important to wildlife and should therefore be kept, enhanced and managed and where any is lost, replaced. A method statement for enhancing biodiversity on site in order to achieve a net gain in line with recommendations within the NPPF should be submitted. The suggestions within part 7.4 of the ecological appraisal are suitable options to include to provide enhanced habitats and I would hope to see some measures included within the built environment. A number of conditions are recommended.
- 3.8 Waste and Recycling Officer: happy with the developer's proposal for waste and recycling storage. Section 106 contribution of £67.50 per property will be required.

Oxfordshire County Council Consultees

- 3.9 Highways Liaison Officer: the poor accessibility of the site and dependence upon private car should be considered with the other sustainable merits of the proposed development.

Legal agreement to secure financial contributions towards public transport

- contribution of £862 per dwelling towards improvement of the Chipping Norton-Banbury bus service
- contribution of £4,000 towards provision of bus stops on Station Road

The objectives of the Local Transport Plan 2011-30 (Revised April 2012) reinforce the need to ensure the sustainability of rural areas and include 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); and

- maintaining and improving the condition of local roads, bridleways, footpaths and cycle-ways, 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 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 one of 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 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.

The proposed site access is shown on submitted plan 14045-PO1; however this contradicts the visibility splays quoted in the Transport Assessment. This matter must be resolved and will require the submission of a detailed plan of access. The layout of the site is not to be determined at this stage; however, illustrative plans appear acceptable in principle. A full drainage strategy, layout plans and drainage calculations will be required and approved by the Lead Flood Authority (Oxfordshire County Council) prior to the commencement of development.

Hook Norton village is connected to Banbury and to 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 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 revised Transport Statement relating to the layout plan has been received, but no further comments have been received to date in respect of that amendment.

- 3.10 Archaeology Officer: The site is located in an area of some archaeological potential as indicated by the accompanying archaeological desk based assessment. A Roman Road has been recorded to the north of the site and Roman finds have been recorded for the area. Although parts of the site have been extensively quarried the archaeological desk based assessment highlights that parts of the site do not appear to have been quarried and there is therefore potential for previously unknown archaeological deposits to survive within these areas. A programme of archaeological investigation will therefore be required ahead of any development of these areas of the site.

It is therefore recommended that should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction.

- 3.11 Education: comment as follows
Primary – Hook Norton CE Primary School is planned to expand to 1.5 form entry to meet the needs of planned and proposed housing growth in the area, including to reduce pressure on Bloxham CE Primary School with which it shares an overlapping catchment. All relevant housing developments in the area would be expected to

contribute towards the cost of this expansion. £175,583 section 106 required for necessary expansion of permanent primary school capacity in the area. Hook Norton CE Primary School is the catchment school for this development and has very limited spare places.

Secondary – Chipping Norton School offers 240 places per year for 11-18 year olds. The school currently has spare capacity, and is expected to be able to absorb the scale of growth expected, on current patterns of pupil movement. Should patterns of pupil movement change, it is possible that expansion of secondary school capacity will be required, but the school has sufficient site area to support this.

Special – across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision. £8,738 section 106 required as a proportionate contribution to expansion of Special Education Needs provision in the area.

3.12 Property: comment as follows

County Museum Resource Centre – Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility. An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st quarter 2012 prices. $£5 \times 126.17$ (the forecast number of new residents) = £631

3.13 Strategic Waste Management – Under Section 51 of the environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste. To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire, enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment. A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1st quarter 2012 price base. $£64 \times 126.17$ (the forecast number of new residents) = £8,075

3.14 Libraries – this development would generate the need to increase the core book stock held by Hook Norton Library by 2 volumes per additional resident. The price per volume is £10.00. This equates to £20 per person. The supplementary core book stock in respect of this application would therefore be based on the following formula $£20 \times 126.17$ (the forecast number of new residents) = £2,523

3.15 Central Library – Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county. Remodelling the library at 3rd quarter 2013 prices leaves a funding requirement of £4.1m still to be secured. 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1m = £1,604,000. Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026. $£1,604,000 \div 93,529$ people = £17.15 per person. $£17.15 \times 126.17$ (the forecast number of new residents) or £41.16 per dwelling = £2,164

Administration: an administrative payment of £3,750 for the purposes of administration and monitoring of the proposed S106 agreement including elements related to education.

Indexation – financial contributions have to be index-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered above.

General – The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mix changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

- 3.16 Minerals and Waste: No objection, the proposed development would affect deposits of ironstone but is very unlikely to sterilise a potentially workable mineral resource and therefore would not be contrary to policy on the safeguarding of mineral resources.

Published BGS mapping shows the application site to be underlain by deposits of ironstone, extending northwards from Station Road. The Council is not aware of any detailed geological information on the depth, extent and quality of these ironstone deposits, and there is no known history of mineral working or of minerals industry interest in the immediate area.

The proposed development needs to be considered against saved Oxfordshire Minerals and Waste Local Plan Policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143, bullet 3). Under Policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for development outweighs the economic and sustainability considerations relating to the mineral resource.

The ironstone deposits within and adjoining the application site are constrained by the existing housing at Hook Norton to the west and south and Station Road, such that it is unlikely that these mineral deposits would constitute a workable ironstone resource. Therefore, the proposed development would not be contrary to saved Oxfordshire Minerals and Waste Local Plan Policy SD10 on protection of mineral resources and, accordingly no objection should be raised to this application on minerals grounds.

Other Consultees

- 3.17 Natural England: Comment as follows

Statutory nature conservation sites – no objection

This application is in close proximity to the Hook Norton Cutting and Banks Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. WE therefore advise that this SSSI does not represent a constraint in

determining this application. Should the details change Natural England should be re-consulted.

Protected Species – the application has not been assessed for impacts on protected species, the local planning authority is directed to Natural England's Standing Advice on this matter.

Local Sites – if the site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity Enhancements – this 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 it is minded to grant permission. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the NERC Act (2006) which states that *'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40 (3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Impact Risk Zones for Sites of Special Scientific Interest – Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for site of Special Scientific Interest (SSSI). This GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they need to consult natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated.

- 3.18 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 NPPF sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size. WE note that an FRA has been submitted in support of the proposed development.

Key points for developments in Flood Zone 1 are:

- Surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (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 of peak rainfall (20% for commercial development, 30% for residential). See Table 5 of Technical Guidance for NPPF.
- 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.

- 3.19 Thames Water: comment as follows

Waste Comments – following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should permission be granted therefore, a Grampian style condition should be imposed requiring the submission of a detailed drainage strategy to be submitted and agreed. The reason being that the development may lead to sewage

flooding and to ensure that sufficient capacity is made available to cope with the new development.

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

Waste – the development is currently being assessed against the capacity of the sewage treatment works available headroom. More detail will be known in the coming months as to whether the STW will be able to handle these flows. There is still a need for the developer to understand the network limitations.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H13:	Category 1 settlements
H 18:	New dwellings in the countryside
C2:	Protected species
C5:	Creation of new habitats
C7:	Harm to the topography and character of the landscape
C8:	Sporadic development in the countryside
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

National Planning Policy Guidance

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 (October 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

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 Examination reconvenes on 9th December 2014.

The main policies relevant to this proposal are:

Policy Villages 1: Hook Norton is identified as 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 ESD3: Sustainable construction. All new homes are expected to meet at least Code Level 4 of the Code for Sustainable Homes

Policy ESD7: Sustainable drainage. All development will be required to use SUDS for the management of surface water run-off

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:

- Planning Policy and the Principle of Development
- Five Year Housing Land Supply
- Design and Access Statement
- Landscape impact
- Ecology
- Flooding and Drainage
- Archaeology
- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation

Planning Policy and the Principle of Development

- 5.2 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.
- 5.3 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 an identified and specified 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 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 or affordable housing. Quite clearly the development fails to comply with this policy and in doing so also potentially conflicts with the 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.

The Council's Strategic Housing Land Availability Assessment Update 2014 (SHLAA) is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan and will help the council to identify specific site that may be suitable for allocation for housing development. The SHLAA is to inform the plan making and does not in itself determine whether a site should be allocated for housing development.

The SHLAA Update 2014 recorded the application site (ref. HO031) but included the site in the list of rejected sites stating that 'development in this location would result in a major incursion into open countryside beyond significant hedgerows which mark the edge of the village. It is likely to result in significant adverse visual impact at the eastern approach into the village'.

National Planning Policy Framework

- 5.4 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.
- 5.5 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 re-using 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

5.6 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.

5.7 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 the Inspector concluded 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.

5.8 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited to short distance views within the immediate vicinity of the site. The development proposal

also includes an area of 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

- 5.9 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 site 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.
- 5.10 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.
- 5.11 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 be take account of the fact that 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).
- 5.12 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, June 4 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).
- 5.13 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 are identified as the mid-point figure within that range.
- 5.14 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.

- 5.15 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'.
- 5.16 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.

Submission Cherwell Local Plan

- 5.17 The 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 in order to meet the needs of the rural population.
- 5.18 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 Villages 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 Submission Local Plan. As part of the 'Main Modifications' to the Submission Local Plan following the need to identify further housing in order to achieve the District's assessed housing need and maintain a five year housing land supply Policy Villages 2 has been revised by including Kidlington as a category A village and increasing the number of homes to 750.
- 5.19 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.
- 5.20 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.

Prematurity to the submission Local Plan and Hook Norton Neighbourhood Plan

- 5.21 On 21 July 2014, Hook Norton Parish Council submitted the Hook Norton Neighbourhood Plan to Cherwell District Council. This was followed by a 6 week public consultation between 11 September and 23 October 2014. The representations received will be collated and sent for independent examination. At the time of writing this report, it is anticipated that the examination will be in January 2015.
- 5.22 Previous appeal decisions and Central Government advice have 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.
- 5.23 A more recent appeal decision however, was dismissed by the Secretary of State, despite the fact that the authority did not have a five year housing land supply. In his decision Pickles placed 'very substantial negative weight' on the conflict between the appeal proposal and the Winslow Neighbourhood Plan which was 'made' or adopted after the public inquiry was held. The note further stated:
'Neighbourhood Plans, once made part of the development plan, should be upheld as an effective means to shape and direct development in the neighbourhood planning area in question...Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted'.
- 5.24 In respect of the Hook Norton Neighbourhood plan, this has been submitted to the Councils and been to public consultation, however, and examination has not yet taken place and the plan is therefore not yet adopted, and therefore can for the moment carry only limited weight.
- 5.25 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 examination into the Local plan resumes in December and the Hook Norton Neighbourhood Plan has been submitted and a public consultation occurred. The development proposed however, is not considered to be of such a scale and importance that it would prejudice the outcome of the plan-making process.

Design and Access Statement

- 5.26 A Design and Access Statement has been submitted with the application which seeks to set out the framework for the proposed development of the site. An illustrative layout plan has been submitted which indicates that 48 units can be accommodated on the site, and indicates a play area adjacent to the eastern boundary and a new landscaping belt along this boundary. The Design and Access Statement however lacks detail and fails to justify why the site has been identified, why it is suitable for the development proposed and how the concept of the layout indicated has evolved in respect of the character of Hook Norton Village and the site's opportunities and constraints.
- 5.27 In terms of the design and layout, no specific design principles have been set to guide the design approach and there is no graphic support to show the development or test its design principles. The indicative layout shows the construction of an essentially single suburban cul-de-sac road with garages terminating the vistas, and a LAP and area of open space to the eastern boundary. Little consideration appears to have been given to the traditional settlement pattern of Hook Norton or the landscape setting and the change in levels from Station Road and the site itself. An undesignated right of way along the top of the embankment to the western boundary would look down into the rear gardens of properties indicated, and little regard appears to have been given to the height of this embankment and trees and its impact upon the rear gardens in terms of overshadowing and overlooking. An assessment of the stability of this embankment does not appear to have been carried out. The Design and Access Statement makes reference to orientation being driven by achieving solar gain and more tightly knit streets being characterised by harder landscaping, neither of which are evidenced by the indicative layout. A public footpath is indicated from Station Road, to connect to the public right of way to the north of the site, along the eastern side of the development, but this route is unclear as it passes through small private cul-de-sacs and finishes abruptly at the north eastern end of the site where it meets land in another land ownership, and cannot therefore as indicated link to this public footpath network.
- 5.28 The submitted Flood Risk assessment states that SUDS techniques will be used, utilising open space for the provision of open attenuation features such as swales, however, this is not carried through within the Design and Access Statement or the indicative layout.
- 5.29 In conclusion, the Design and Access statement does not demonstrate an appropriate level of analysis, particularly relating to its landscape setting, village context and specific site constraints. The design principles are not developed from a thorough understanding of the context and as such fail to provide a development framework that can support the design of a high quality development that respects traditional development patterns and reflect local distinctiveness.

Landscape Impact

- 5.30 The application 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.

- 5.31 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.
- 5.32 Paragraph 115 of the NPPF 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.
- 5.33 The application is accompanied by a Landscape and Visual Appraisal which has been prepared by Hankinson Duckett Associates on behalf of the applicant which has been prepared based on the 'Guidelines for Landscape and Visual Assessment' published by the Landscape Institute of Environmental Management and Assessment 2013. It has been assessed by the Council's Landscape Officer who considers that in general the analysis underestimates the effects of loss of features, and relies upon the agreement with adjacent landowners regarding the management of existing trees to the northern and western boundaries. The more dense roadside vegetation will be removed to provide the required visibility splays and access into the site. It is considered that there will be a medium-adverse effect from the development rather than a slight beneficial one as identified by the landscape assessment.
- 5.34 The submitted landscape and visual appraisal on behalf of the applicants concludes that:
- 'In general the site is visually very well contained as it has extensive vegetation to three of its four boundaries. The belts of trees on the western and northern site boundaries restrict views of the site from these directions; however gaps in the vegetation along the frontage with Station Road allow views into the site for users of this road and for the residents of the established and new properties on the south side of Station Road. To the east of the site, the dismantled railway on top of a treed embankment forms the extent of the site's visual envelope; therefore the most open aspect towards the site from the rising ground on the opposite side of the valley to the north-east. Only one footpath occupies this view corridor thus the number of visual receptors likely to experience this view is estimated to be low'.
- 5.35 Your officers do not accept that the development would have a limited landscape and visual impact. The public right of way to the north of the site is a well worn path and is part of the D'arcy Dolton Way, and views of the site will be visible from elevated views, with perception of encroachment into the open countryside considered as high/medium adverse as there is no indication of the village from Council Hill, and the development on the site would appear visually isolated and incongruous in the landscape and detached from the remainder of the village. It is not considered that a tree screen as proposed which would take many years to establish would be sufficient to screen the development from this vantage point, particularly in winter.
- 5.36 The site is significantly visible from Council Hill from viewpoints along the D'Arcy

Dolton Way public footpath, where the village of Hook Norton is not readily apparent. The view is very rural with views of Station House chimney and Redlands Farm the only built forms visible.

- 5.38 The landscape character of the area is defined in the OWLS study as one of well-defined nucleated villages with little dispersal into the wider countryside so is uncharacteristic. It would encroach on the tranquillity of the countryside by causing Hook Norton to straggle resulting in the characteristic spatial structure of the village to be changed. Cherwell District Council's Landscape Assessment states that new development should respect the setting of each particular village and most proposals which would have a prominent impact on the wider countryside will not be acceptable.
- 5.39 Notwithstanding the comments above 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 the open countryside, will also result in localised harm within the immediate vicinity of the site, and the introduction of houses, access roads and associated domestic paraphernalia into the site would have an urbanising effect along this stretch of Station Road. The site at the point of the proposed access into it is situated at approximately 3m below the level of the adjacent verge. It is likely therefore that the construction of a vehicular access at this point will result in the need for considerable excavation of the verge to enable an access to be achieved, with significant existing tree and hedge removal as a result. The applicants have been requested to provide further details and cross-sections to indicate how such an access can be achieved, but to date no further details have been received.
- 5.40 A Tree Survey and Arboricultural Impact Assessment undertaken in accordance with BS5837:2012 has been submitted with the application. The tree survey was carried out in July 2014 and all trees were inspected from ground level using the 'Visual Tree Assessment'. No climbed inspections or specialist decay detection was undertaken and detailed (measured) survey of a number of trees was not possible due to dense vegetation and access restrictions. The majority of the trees are on higher ground than the field due to the ironstone quarrying that has taken place in the past.
- 5.41 Trees are categorised according to their retention categories and value. No category A trees were identified, but 65% of the tree cover on or adjacent to the site were considered to fall within Category B which are of moderate quality and in such condition to make a significant contribution. A number of these trees are located at the proposed point of entry into the site, but in the absence of a detailed design of the proposed access, the impact of the access upon the retention/loss of these trees cannot be properly assessed, particularly in respect of the change in ground levels between the existing road and the development site.
- 5.42 Having regard to the above, it is considered that the development proposed would appear unduly prominent within the immediate street scene along Station Road and from the adjacent footpath network within the open countryside and would therefore be of significant and demonstrable harm in terms of visual and landscape impact contrary to Policy C7 of the adopted Cherwell Local Plan and Government advice within the NPPF.

Ecology

- 5.43 The application is accompanied by an Ecological Appraisal including Phase 1 Bat Scoping and Badger surveys. The field survey comprised an extended Phase 1 Habitat survey (JNCC 2007), a Phase 1 Bat Survey and a full Badger survey carried out in August 2014. The desk study confirmed that the site is not within a statutory or non-statutory designated site, although there are two Sites of Special Scientific Interest (SSSI) located within 5km of the site, the closest of which is the 'Hook Norton Cutting and Banks'. Hook Norton Cutting and Bank SSSI is located approximately

1.3km south of the site and is designated for its mosaic of habitats including unimproved chalk grassland habitat, supporting a diverse assemblage of flora and fauna. The second SSSI closest to the site is Sharps Hill Quarry which is located approximately 3.1km north-west of the site and designated for its palaeontological interest.

- 5.44 One non-statutory designated nature conservation site is located within 2km of the site, 'Cradle and Grounds Farm Banks' Local wildlife Site (LWS) is located approximately 630m south-east of the site at its closest point and is designated for calcareous grassland, lowland fen, meadow and wetland habitats where a number of protected and notable species have been previously recorded including Great Crested Newt, Grass Snake, Wood White and Yellowhammer, as well as a high diversity of flora.
- 5.45 There are no woodland areas listed on Natural England's Inventory of Ancient Woodland within 2km of the site. The closest area of Ancient Woodland is Heath Spinney, located approximately 3.1km to the south-east of the site.
- 5.46 No records of protected species or notable species relating directly to the site were provided during the desk study. TVERC provided records of protected species occurring in the vicinity of the site and general area including bats, birds, Badger, Otter, Grass Snake, Great Crested Newt, White-clawed Crayfish in addition to notable species of amphibian, bird, invertebrate, plant and mammal.
- 5.47 The appraisal submitted advises that the majority of the site, comprising arable land with narrow field margins supporting ruderal vegetation and grasses is considered to be of negligible nature conservation interest in its own right. Habitats of nature conservation interest do however exist on the site margins including the linear scrub and tree habitats on southern, western and northern site boundaries, including the south-eastern defunct hedgerow. In combination, these features are considered to be of moderate local value as they appreciably enrich the nature conservation interest of the site and its immediate surrounds, provide habitat for a wide range of species within the site which may use these habitats. It further recommends that the development proposals should also seek to enhance the site to provide new opportunities for wildlife in accordance with local plan policy and the NPPF.
- 5.48 In respect of bats, the Red Oak tree on the southern boundary was identified as having potential to support roosting bats. In the event that this tree or an individual tree feature bat roosting potential needs to be felled, it should first be subject to appropriate surveys, and a climbing inspection. Due to the limited extent of the habitats present, it is unlikely that the site is of importance to the local bat population. Notwithstanding this, the field margins, scrub, hedgerow and trees located around the boundaries of the site provide opportunities for foraging and commuting bats.
- 5.49 In respect of badgers, a single possible old Badger dropping was recorded during the Badger survey and it is considered likely that habitats within the site are used by individual or very low numbers of foraging badgers on an occasional basis. Although no badger setts were recorded, the margins of the site also provide potential sett-building habitat. Due to the mobile nature of badgers that if more than 12 months has elapsed since this report was produced that a new survey is undertaken.
- 5.50 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.
- 5.51 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 overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.

- 5.52 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 the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have regard to the requirement 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'.

- 5.53 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, licenses 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. there is a satisfactory alternative
3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

- 5.54 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.

- 5.55 The Council's Ecologist has assessed the Ecological appraisal which has been submitted with the application and considers that it is appropriate in scale and depth. Being arable, the proposed development site is not of high ecological value although the boundary vegetation, scrub and trees to the south, north and west boundaries are areas of higher biodiversity and likely to be important to wildlife and should be retained, enhanced, and where any is lost, replaced. She also advises that a method statement for enhancing biodiversity on site in order to achieve a net gain as required by the NPPF should be submitted. The suggestions within part 7.4 of the ecological appraisal are considered to be suitable options to provide enhanced habitats, together with some measures within the built environment. A number of conditions are recommended in respect of this. This report has also been assessed by natural England who raise no objections.

- 5.56 Consequently, having regard to the above, 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

- 5.57 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 building finished floor levels, external ground levels and drainage systems could be designed to accommodate a 1:100 year plus climate change rainfall event without flooding on or off-site property. The on-site surface water system will be formed from either soak-a-ways and/or a direct connection to the local surface water sewage system, depending on the soil infiltration rates. SUDS will be employed to attenuate run-off, create pollution controls and to increase the ecology of open spaces. The site would be provided with a positive foul water connection.

Archaeology

- 5.58 The Cultural Heritage Desk-Based Assessment submitted as part of this application, states that there are no designated heritage assets within the site or its vicinity and that there would be no impact on the Hook Norton Conservation area or the listed buildings within it. It goes on to state that the site is located in an area containing few early historic prehistoric finds and the potential for such finds to occur within the site is considered to be low, while the potential for later prehistoric features is considered to be medium, due to the proximity of projected line of the Jurassic Way. The potential for Roman features is considered to be medium/low due to the presence of a Roman road which passes approximately 350m to the north west of the site, while Roman finds, suggesting possible settlement, have been recorded within the village. It is likely that the application site was located within open fields to the north east of the early medieval, later medieval and post-medieval settlements at Hook Norton and therefore the potential for any archaeological features from these periods is considered to be low.
- 5.59 The site was extensively quarried between 1890's and the mid 1920's. Quarrying will have had a severe impact upon any archaeological features that existed within the site prior to the commencement of the quarrying in the 1890's, it is therefore unlikely that any heritage assets will have survived within the quarried areas.
- 5.60 The County Archaeologist has commented on the application submission stating that the site is in an area of some archaeological interest and although parts of the site have been extensively quarried, the archaeological desk based assessment highlights that parts of the site do not appear to have been quarried and there is therefore potential for previously unknown archaeological deposits to survive within these areas. A programme of archaeological investigation will therefore be required ahead of the development of these areas of the site.
- 5.61 Section 12 of the NPPF sets out the 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.
- 5.62 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.

Transport Assessment and Access

- 5.63 The application has been submitted with a Transport Assessment and Travel Plan. A single vehicular access into the site is proposed at the south western corner of the site from Station Road. Station Road is a single carriageway of approximately 5.5m – 6m wide with a footway of approximately 1.5m along the north side to a point just opposite the former station access. There is a grass verge along both sides of Station

Road. This section of Station Road is within the 30mph speed limit. The proposed access will be constructed to adoptable standards and will include an additional footway to extend the existing west along Station Road. A pedestrian access point is proposed towards the eastern end of the site from Station Road. The proposed access indicates a 4.8m wide carriageway, and vision splays of 2.4m x 43m in both directions and a junction radii of 6.0m. Means of access is sought to be considered at this stage.

- 5.64 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 28 and 30 vehicles respectively during the am and pm hours.
- 5.65 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 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. 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.
- 5.66 Residents have raised concerns in respect of highway safety and the ability of the local road network to cope with the additional traffic generated by the proposal, and the lack of public transport available through the village suitable for commuters and the unsuitability of the road network and distance from Banbury to make commuting suitable for cyclists. The highway authority in their consultation response recognise the poor accessibility of the site and the dependence upon the private car and that walking and cycling may be appropriate for trips within the village, but are highly unlikely modes for non-recreational trips beyond the settlement, 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 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. This is similar to the requirement secured in respect of the Bourne Lane development.

Delivery of the Site

- 5.67 Part of the justification for the submission of this application is based on the district's housing land supply shortage. The potential of this development to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.
- 5.68 As with other residential applications submitted for consideration on this basis, it is considered that if planning consent is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes towards the five year housing land supply. The application has been submitted by a local house building company, Nursery Ground Limited who own the freehold of the site and intend to develop the site as soon as possible.

Planning Obligations

- 5.69 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.

5.70 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/services. Obligations are the mechanism used to secure these measures.

5.71 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

5.72 Having regard to the above, the Heads of terms relating to the additional development would include the following:-

CDC Contributions

- Affordable housing - 35%
- Refuse and Recycling - £67.50 per dwelling
- Off-site sports – details awaited
- Indoor Sports – details awaited
- Play areas – a LAP and £31,995.52 commuted maintenance sum
- Hedgerow maintenance - £35.78 per m2
- Attenuation areas - £14.91 per m2
- Informal open space 23m2 per person and commuted sum of £25.07 per m2
- Mature tree maintenance – to be confirmed
- Monitoring fee £1,500

OCC Contributions

- £862 per dwelling towards the improvement of the Banbury to Chipping Norton bus service
- £4,000 towards provision of bus stops in station Road
- £175,583 – Primary school expansion
- £8,738 - Special education needs
- £631 – museum
- £8,075 - waste infrastructure
- £2,523 – local library
- £2,164 – central library
- £3,750 - Administration

Engagement

5.73 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.

Conclusion

5.74 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 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 48 new dwellings, 35% of which would be affordable and this is seen as a benefit. The proposal however, notwithstanding the Council's housing land supply position, is not considered acceptable and the site is not considered suitable for residential development due to its visual and landscape impact. In accordance with paragraph 14 of the NPPF, the adverse impact of the development on the locality and the open countryside therefore significantly and demonstrably outweighs the benefits that 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.

6. Recommendation

Refusal on the following grounds:

1. Notwithstanding the Council's present inability to demonstrate that it has a five 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 proposal constitutes development which fails to respect the traditional settlement pattern, and extends beyond the existing built up limits of the village into the open countryside. It would by virtue of its layout form and location, together with the significant change in levels from Station Road into the site, result in a incongruous and visually intrusive form of development which would cause demonstrable harm to the visual amenities of the immediate locality and the open countryside, in particular when viewed from Council Hill, contrary to Policies C7, C8, C27, C28 and C30 of the adopted Cherwell Local Plan and Policies ESD13 and ESD16 of the Submission Local Plan and Central Government Advice within the National planning Policy Framework. Furthermore the development proposed also runs contrary to the Hook Norton Neighbourhood Plan.
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 and 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 by the timely determination of the application.