

Case Officer: Wayne Campbell

Applicant: Greystoke Land Ltd

Proposal: Erection of up to 43 new homes, access from Station Road and associated works including attenuation pond

Ward: Deddington

Councillors: Cllr Brown, Cllr Kerford-Byrnes and Cllr Williams

Reason for Referral: 10 or more dwellings

Expiry Date: 18 May 2021

Committee Date: 17 June 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located at the eastern end of the village of Hook Norton on Station Road, which is the main road from Hook Norton to Milcombe and Bloxham. The site measures an area of approximately 2.26 hectares and is currently used as arable farmland as part of Crushill Farm. Although the site itself is relatively flat, it sits at a considerably lower level than the adjacent Station Road, as well as the residential development at Ironstone Hollow to the west which was a housing allocation in the Rural Areas Local Plan and constructed in the 1990s on the former quarry.
- 1.2. The site is bounded by Station Road and a hedge and trees to the south, and to the west by a tree embankment along the top of which runs an undesignated track.
- 1.3. A public footpath runs to the north and western side but outside the application site. The application site forms part of a larger field and is therefore currently open to the eastern boundary. On the opposite side of Station Road is a residential development of The Grange, and The Sidings.

2. CONSTRAINTS

- 2.1. The site, which is situated beyond the existing built up limits of the village on the northern side of Station Road, but is outside the Hook Norton Conservation Area.
- 2.2. A public right of way runs along the northern edge of the site but there are no public rights of way across the site. The southern and western edge of the site are significantly lower than the adjoining land levels with a difference of around 1.8 – 2.0m.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal seeks planning permission for the erection of up to 43 new homes, access from station road and associated works including attenuation pond. Vehicular access is proposed directly to Station Road from the south western corner of the site.
- 3.2. The application is made in outline, seeking approval for the principle of the development and the means of access into the site. However, the application is supported by an indicative layout plan. This indicative plan shows the proposed layout of the site providing a range of house types namely: - 10 x 2 bed house types - 27 x 3 bed house types - 6 x 4 bed house types. Of these dwellings the level of affordable units is stated as 15 dwellings on the site in the following provision, 4 x 2 bed houses types, 10 x 3 bed house types, and 1 x 4 bed house types. All dwellings are stated as being two storey in height and a mix of detached, semi-detached and terrace.
- 3.3. The layout plan also makes provision for open space; surface water attenuation pond (to restrict flows to existing greenfield run off with additional capacity provided to account for anticipated rainfall as a consequence of climate change and structural landscaping) on the boundaries of the site. In terms of density the provision of 43 dwellings on the site would, according to the applicant, equate to 20 dwellings per hectare.
- 3.4. *Timescales for Delivery:* The applicant/agent has stated in the Planning Statement that the site would fully deliver up to 43 new homes within the five years, in the event that planning permission is granted.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

14/01738/OUT: Outline – Development of 48 houses, access, open space and landscaping. Application was refused for two reasons:

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.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The application was the subject of a pre-application request, however, the application was submitted before a response was provided as the dead line to respond had expired. As such no advice has been provided to the applicant prior to the submission of this application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, consultation with statutory and non-statutory consultees and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **23 March 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. A total of 30 letters of objection have been received from local residents. The comments raised by third parties are summarised as follows:

- Site encroaches into open countryside and is not allocated either through the Local or Neighbourhood Plan, and *the proposed development is contrary to plan policies and risk losing the village feel*
- No assessment made of the accumulative impact of the recently built developments on the village
- *According to your published "Residential Completions & Permissions at 31/03/2020 (net) (updated 15/07/2020)", from 2011 to 31 March 2020 Hook Norton had a total increase of 163 completed dwellings, or just over 5% of the total from all the villages in the district (3042 homes).*
- Question how access would be formed where there is a steep drop from road to site level – only a simple plan is provided - no sections or detail
- The roads are in poor condition and *adding at least another 100 cars into the village is not sensible (based on each household having 2 cars)*
- *Transport Assessment is based on data collected in a school holiday period which is not representative*
- *Station Road is a busy road and unsuitable for heavier traffic flow as it narrows by the bridge, existing road through the village is very congested now without more traffic flow and is full of dangerous potholes. Before anymore properties are built the existing roads need widening and re-surfacing to make them safe.*
- *The only pavement from / to the village and the existing residential area is on the same side of the road as the proposed access; this would mean all pedestrian traffic would have to cross the proposed vehicular access point.*
- *Access would have severe adversely affect on trees and field boundary vegetation*
- Landscape analysis fails to recognise the close views which are available of the site from Station Road and the PROW which runs along the northern site boundary which would be adversely affected.

- Site visible from Station Road, with views across towards the ridge and Council Hill beyond. This open view, is important to the local character and setting of Hook Norton, would be lost by the development
- Application has been rejected previously so why are we considering going ahead with this plan
- Development would over look my property, causing loss of privacy.
- This is a Greenfield site - It is agricultural land, used for growing crops unlike The Grange & The Sidings which were built on the Brownfield site of the old Railway line and Stanton Engineering
- No improvement in the village infrastructure as a result of any of the developments that have been granted
- Question what is the capacity of local schools and health care providers to accommodate increases in the local population? Is further growth within Hook Norton sustainable
- Amenities, infrastructure, roads and road safety are being stretched beyond what is reasonable
- Health services are currently very stretched and it will be difficult to accommodate more patients and still provide a service that could be considered acceptable
- In terms of energy there is no mention of how the premises might be heated, or the provision of solar panels.
- Extra development in the village would have a detrimental effect on the local wildlife and current habitats, if permission is granted for this development, Swift bricks integrated into the structure of buildings should be made a condition of the development
- Housing developments tend to have mixed housing with a high proportion of large houses, but village possibly need low cost houses/ rentals and small family homes
- There are a vast number of houses already being developed in Cherwell providing plenty of housing and choice. They are better served by the position close to Banbury, which has a well-developed infrastructure, transport links and employment opportunities
- No consideration of the potential impact of increased air and noise pollution caused by directly by the proposed construction or the heavy plant that will be necessary to travel through the village during the construction of the proposed dwellings

6.3. **Local MP.** A letter from the local MP Victoria Prentis has been received. The letter outlines that the application follows a previous application which was refused permission as the development would extend beyond the existing built up limits of the village and would be intrusive from a visual perspective to the immediate locality and the currently open countryside. The MP highlights that a number of constituents have expressed a concern to her that the revised plan does not address nor resolve these previous reasons to refuse the application. The development would result in the loss of productive arable land would be visually

intrusive to current residents and the position of the site in general would make such a development would disrupt the local landscape, notably the rising land to the north which includes Council Hill. Hook Norton has seen a number of substantial housing developments in recent years and the MP states that residents feel strongly that the village has already met its requirements to provide housing under the Local Plan. Understand that both the local primary school and nearest secondary school are oversubscribed. The MP requests that the views of the constituents are fully considered when assessing this application.

- 6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. **RESPONSE TO CONSULTATION**

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. **HOOK NORTON PARISH COUNCIL: Objection:**

The site is in open countryside and beyond the existing built-up limits to the village, there is a significant change in levels from Station Road to the site, meaning visually intrusive engineering works would be required to access the site, which would be out of keeping with the local character the creation of the access would require a significant loss of established field boundary vegetation with significant harm to biodiversity, character and visual amenity. The rising landform, including Council Hill, to the north of the site, is an important element of the local landscape and setting of Hook Norton. The local landscape character and visual amenity would be harmed by residential development of the site. Public Right of Way 253/21/10 is immediately adjacent to the site and is a very well used route. There are open and close views of the site from this path and development of the site would have a severe and harmful visual impact.

The Hook Norton Neighbourhood Plan (HNNP) requires any development to protect and enhance the local landscape (policy HN-CC1), but this application does not address the fundamental landscape and visual objections to development of the site, such as the relationship with local landscape and Council Hill, the open views from the PROW immediately north of the development and open views from Station Road. The suggested boundary planting will not be of sufficient height or depth. 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 Policies HN-CC1, HN-CC2, HN-CC3 of HNNP. The HNNP describes Hook Norton in a group of 6 villages required to provide housing of 252 up to the year 2031; all of which have had recent approvals for up to 528 dwellings which exceed this. Further development is unsustainable, particularly when considered cumulatively with the already consented and implemented developments. Local opinion regarding the extent, location and size of future residential development has been very clearly expressed and evidenced during consultations associated with the preparation of a HNNP. The application is contrary to the findings on which the HNNP policies are based.

Under policy HN-H2 of the HNNP, any applications for housing development will be assessed for suitability of location according to a set of criteria. The application fails to meet the following criteria because, the application does not comply with

policies in the plan, as set out in this submission in that it is on a greenfield site and the access to the site will be via a significant slope given the lay of the land.

The Transport Statement submitted with the application includes an independent report which argues that traffic volumes going into the village will be minimal as most facilities are in walking distance. However, the traffic count on which the Statement is based was carried out at the end of July 2020 when the roads were quieter as residents were staying indoors more because of COVID-19 and also during school holidays. As such the results from the survey are not an adequate basis from which to draw conclusions.

Plans in the Transport Statement show that the creation of the visibility splays would significantly impact the existing vegetation. Furthermore, if the visibility splay to the west is to be achieved, it appears to be reliant on works to third party property and trees – for which there appears to be no agreement. No consideration is given to how the proposed access will be created with reference to the differing levels of site and Station Road – no sections are provided and no drawings provided of the engineering work needed to create the access – yet access is not a reserved matter, it is to be determined by this application.

Regarding the “S106 offer” to improve the bus stop, the Parish Council can confirm that this merely demonstrates the lack of consultation with the community – which is not only good practice but also strongly encouraged in planning policy. The Hollybush Road bus stop is being provided with a shelter by the Parish Council, with work currently ongoing. Public transport does not serve the working population well and cycle commuting is impractical. The road into the village is a constant series of blind bends and barely wide enough for two cars to pass. The pavements from the site into the village are very narrow and non-existent in places and you are required to step onto the road to allow on-coming people to pass. The application makes no enhancement to the PROW network as sought in policy HN-COM2 – it only detracts from the existing PROW which is immediately adjacent to the site.

There is no case of need for a new housing development and the application does not evidence any benefits that will be derived, given that:

1. Hook Norton has already had substantial recent housing developments in the village which fulfil and exceed (by over 200%) the need for housing as identified by Cherwell District Council including social housing needs.
2. There are no economic advantages to be derived from this development.
3. The village is now not in a sustainable position to support this as local amenities are fully utilised from the recent three housing developments bringing further 107 homes into the village.
4. The location and size of the site is not in line with the HNNP.
5. It would not help reduce traffic or air traffic pollution and the Transport Statement is based on traffic data which is at best questionable and which underestimates the number of people that will drive to use the facilities in the village.
6. The Hook Norton Low Carbon Society have been considering environmental requirements for the village and are proposing creating a wildlife belt; this development would cut right through this.

CONSULTEES

- 7.3. CDC LANDSCAPE ARCHITECT: **Objection.** The visual receptor will experience a view of the development along sections of the PROW RC 253/21/10 to the northeast, Council Hill, especially so during the winter months when there are no leaves on the intervening trees and hedgerows. Prolonged receptor exposure will occur on a stretch of 277 m (approx.) between viewpoints 9 and 8. The receptor will experience the residential development as a focal point within the landscape. A currently unspoilt landscape with substantial woodland as a strong landscape characteristic. This development will be rather incongruous where the existing urban edge is mainly hidden by trees because there is no similar residential edge character in which to associate with this proposed development. Magnitude of Change of very high (there is a large number of receptors, and the duration of the view is prolonged, uninterrupted and unavoidable), and adverse (proposals result in the total, permanent loss of a highly valued view, and a total and complete change in the composition of the view the introduction features and elements not currently experienced during the transition from VP 9 to VP8), a visual receptor sensitivity of high (observers whose attention or interest will be focussed on the landscape and recognised views in particular).

In reference to The Hook Norton Neighbourhood Plan, section 4.2 Location of development Policy background and reasoning. The presumption of the National Planning Policy Framework is avoidance of new isolated homes in the countryside. This was supported in consultation for the Neighbourhood Plan. Respondents were clearly not in favour of a general expansion of the village beyond existing settlement limits. From the recorded viewpoints and my experience of walking the route it is self-evident that the development will be isolated from this type of development and deemed to be an unwanted 'expansion beyond existing settlement limits'.

Consider the landscape on the northern edge of Hook Norton to be both distinctive and highly valued locally and therefore must be protected from this inappropriate development. Hook Norton Neighbourhood Plan.4.2 Location of development. Policy background and reasoning *the presumption of the National Planning Policy Framework is avoidance of new isolated homes in the countryside. This was supported in consultation for the Neighbourhood Plan. Respondents were clearly not in favour of a general expansion of the village beyond existing settlement limits.*

On the revised details, in order to achieve screening of this development the establishment period for these trees (depending on species selected, maintenance, climate and soil) is approximately 25 years. This will mean the rooflines will still be clearly seen by the visual receptors at viewpoints 8 and 9 with prolong exposure to visual harm on the route between these viewpoints. Furthermore there are factors that will prevent the successful establishment of this 7.5m buffer, such as maintenance, no public access therefore not subject to natural surveillance allowing gardens to encroach, woodland creates shade in adjacent gardens therefore results in complaints.

The amended statement highlights the inter-visibility between the 'old' Church and the proposed 'new' incongruous development and as mentioned above the development could take up to 25 years to effectively screen it and the setting of the Church could effectively be harmed for that period.

When applied to visual receptors, in particular in respect of Council Hill PRoW and a walker's appreciation of a panoramic view that encompasses the Cotswolds AONB, its 'border lands' and the proposed development, will result in the walker/visual receptor experiencing harm from a spoiled panorama, and visual amenity harmed.

In response to this statement note that the application site was referenced in the Neighbourhood Plan as:

'The area between Iron Stone Hollow and the old railway evoked a close split between respondents (my emphasis) who thought it appropriate for housing and those who did not'. The respondents would no doubt expect a comprehensive planning application where the landscape and visual implications are fully explored to enable viable evidence-based decisions to be made. If, indeed, a precedent has been set with other similar developments outside the curtilage of the village, these developments have been rigorously tested through the planning process. Just because 'a precedent' has been set this does not make this development a fait accompli.

This proposed development does not respect or enhance the local landscape character and the development cannot be integrated successfully into the local landscape. I again stress that 'I judge the landscape on the northern edge of Hook Norton to be both distinctive and highly valued locally and therefore must be protected from this inappropriate development'.

The highway access would urbanise the approach from a characterful experience of Station Road with its gradual introduction to the built up village to a very harmful and abrupt urban impact where more of the hedgerow and trees will have to be removed to accommodate bank stabilisation and vision splay, culminating in visual harm not only from the access but the development itself.

- 7.4. BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST:
Objection. The application site is located in close proximity, and uphill from the River Swere, which then flows soon after into the Cradle and Grounds Farm Banks LWS. We are concerned about potential indirect impacts on the nature conservation interest of the LWS, and the River Swere, due to possible changes to the hydrology (water quality in particular, and water quantity). The LWS contains Lowland Fen habitat which is sensitive to hydrological changes. Lowland fen is a priority habitat and an irreplaceable habitat. We do not consider that the application has demonstrated that it will not result in any deterioration of the lowland fen habitat in Cradle and Grounds Farm Banks LWS. As such we consider that at present it is contrary to Policy ESD 10 of the Cherwell Local Plan.
- 7.5. CPRE OXFORDSHIRE: **Objection.** Hook Norton has contributed more than its fair share to requirement in the Plan for 750 new homes across all Category A villages with 107 homes at Bourne Lane, The Grange and Scholars Gate. Therefore, this development is not required. development is in a greenfield location outside the village envelope on the eastern edge of the village where the majority of recent house development has already taken place. In no way can it be described as infilling and with 43 homes it well exceeds the Local Plan's criteria of clusters in villages of no more than between 10 and 20 new homes. Therefore, this site does not comply with the policy and will result in further loss of agricultural land. Village is situated in a relatively isolated location not served by any classified roads. The site is not included in the Hook Norton Neighbourhood Plan nor does it comply with the spirit of the plan.

- 7.6. CDC HOUSING STRATEGY: **Comment.** There has been a relatively large amount of housing growth already in the village which has yielded a number of new affordable homes (most recently 20 new dwellings at Bourne Lane) so we would firstly need to determine if there is sufficient need for more affordable homes in the area by way of a Parish Needs Survey. Any new affordable homes that were provided must be appropriate to the findings from this and be in-line with the housing policies outlined in the Hook Norton Neighbourhood Plan 2014 – 2031.

The conclusion at Point 4.1 of the applicant's Planning Statement states that the provision of affordable housing should be given substantial weight, but we could only agree with this if it addressed our – yet to be identified - housing needs. Additionally, point 2.6 in the applicant's Planning Statement references policies HN CC1 – CC5 in the Hook Norton Neighbourhood Plan but does not mention any of the relevant housing policies in the Neighbourhood Plan (HN H1 – H5) and instead refers to general planning considerations. As stated above, our intention is to accommodate the housing policies set out in the Neighbourhood Plan. To ensure the creation of mixed and cohesive communities, affordable housing should be fully integrated with market housing. It should also be visually indistinguishable from the market housing and evenly distributed across the site.

- 7.7. CDC ENVIRONMENTAL HEALTH OFFICER: **No objections** subject to conditions.
- 7.8. ENVIRONMENT AGENCY: No comments to make.
- 7.9. INTERNAL DRAINAGE BOARD: No comments to make.
- 7.10. THAMES WATER: **No objections** subject to conditions.
- 7.11. OCC DRAINAGE (LLFA): **Objection.** Appreciate the information submitted but require more information in order to assess the application in detail. There are discrepancies between the report and the calculations provided and this needs to be clarified. Infiltration trial locations stated in the plan do not correlate with the drainage layout while the trial locations must be where infiltration has been proposed. As there are numerous infiltration locations proposed, several tests are needed in order conclude with a conservative rate. There is no mention soft standing and hard standing areas in the report. A total of 0.062ha is used in the micro drainage calculations, this needs to be clarified. Maintenance plan and exceedance plan are not submitted.
- 7.12. OCC HIGHWAYS: **No objections** subject to conditions and S106 contributions
- 7.13. OCC EDUCATION: **No objections.** Site lies in the designated area of Hook Norton Primary School, which the county council has recently expanded to meet the needs of local housing growth and would have sufficient capacity to meet the needs of the proposed development. For secondary education the site lies within the designated area of Chipping Norton School, which would have sufficient capacity to meet the needs of the proposed scale of development.
- 7.14. OCC ARCHAEOLOGY: **No objections** subject to conditions.
- 7.15. CDC BUILDING CONTROL: **No objections**
- 7.16. CDC RECREATION AND LEISURE: **No objections** subject to S106 contributions.
- 7.17. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local*

finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 7.18. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 ('CLP 2015')

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES ('CLP 1996')

- H13: Residential development in category 1 settlements
- H18: New dwellings in the countryside

- C2: Development affecting protected species
 - C5: Protection of ecological value and rural character of specified features of value in the district
 - C7: Landscape conservation
 - C8: Sporadic development in the open countryside
 - C13: Areas 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
 - ENV1: Environmental pollution
 - ENV12: Potentially contaminated land
 - TR1: Transportation funding
 - R12: Provision of public open space in association with new residential development
- 8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Hook Norton Neighbourhood Plan ('HNNP') and the following Policies of the Neighbourhood Plan are considered relevant:
- Policy HN - CC 1: Protection and enhancement of local landscape and character of Hook Norton
 - Policy HN - CC 2: Design
 - Policy HN - CC 3: Local distinctiveness, variety, and cohesiveness
 - Policy HN - CC 4: Resource efficient design
 - Policy HN - CC 5: Lighting
 - Policy HN - COM 2: Public Rights of Way
 - Policy HN - H1: Sustainable housing growth
 - Policy HN - H2: Location of housing
 - Policy HN - H3: Housing density
 - Policy HN - H4: Types of housing
 - Policy HN - H5: Provision and retention of affordable housing
 - Policy HN - T1: Access and parking
 - Policy HN - T2: Non-car transport
- 8.4. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - EU Habitats Directive
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
 - Circular 06/2005 (Biodiversity and Geological Conservation)
 - Human Rights Act 1998 ("HRA")
 - Equalities Act 2010 ("EA")

9. APPRAISAL

- 9.1. The key issues for consideration in this case are:

- Principle of development
- Landscape and visual impact
- Highway implications

- Residential amenity
- Affordable Housing and Housing mix
- Site layout and Design principles
- Flooding and drainage
- Ecology impact
- Infrastructure / S106
- Sustainable Construction

Principle of Development

9.2. This application seeks outline planning permission for the development of this agricultural field for 43 dwellings, with associated access, drainage and open space. The site lies outside the confines of Hook Norton and comprises an area of open countryside.

Policy Context

National Planning Policy Framework

- 9.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Governments planning policy for England and how these should be applied.
- 9.4. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.5 Paragraph 10 states that so *sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development*. Paragraph 11 defines the presumption in favour of sustainable development as *approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.
- 9.6 Paragraph 12 also advises, amongst other things that the *presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making* (my emphasis). Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 9.7 Paragraph 13 continues by stating that *the application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*. Furthermore paragraph 14

states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
 - b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
 - c) *the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
 - d) *the local planning authority's housing delivery was at least 45% of that required over the previous three years.*
- 9.8 Section 5 covers the issue of delivering a sufficient supply of homes, and paragraph 59 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.* Paragraph 63 continues with the advice that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). *To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.*
- 9.9 Paragraph 69 states that *Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.* Paragraph 71 continues by stating that *Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:*
- a) *comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*
 - b) *be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.*
- 9.10 Paragraph 73 highlights the need for *Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.* *The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period).* Paragraph 74 continues by stating that *a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) *has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*

- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

Development Plan

- 9.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted CLP 2015 and the saved policies of the CLP 1996.
- 9.12. Policy PSD1 of the CLP 2015 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.13. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.14 Cherwell's position on five year housing land supply is reported in the Council's 2020 Annual Monitoring Report (AMR). The 2020 AMR demonstrates that the District presently has a 4.7 year housing land supply for the period 2021-2026. An additional 509 homes would need to be shown to be deliverable within the five year period to achieve a five year supply as required by the NPPF.
- 9.15. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Deddington is a Category A village.
- 9.16. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that, *a total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.* This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.17. Policy Villages 2 continues by setting out that when identifying and considering sites, particular regard will be given to the following criteria:
- *Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
 - *Whether development would contribute in enhancing the built environment;*

- Whether best and most versatile agricultural land could be avoided;
- Whether significant adverse landscape impacts could be avoided;
- Whether satisfactory vehicular and pedestrian access/egress could be provided;
- Whether the site is well located to services and facilities;
- Whether necessary infrastructure could be provided;
- Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;
- Whether land the subject of an application for planning permission could be delivered within the next five years; and
- Whether development would have an adverse impact on flood risk.

Policy BSC1 of the CLP 2015 states that *Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.*

Hook Norton Neighbourhood Plan

- 9.18 The Hook Norton Neighbourhood Plan was made part of the development plan for the area by Cherwell District Council on 19 October 2015. The Neighbourhood Plan and the Policies contained within are therefore a material consideration in the assessment of this application.
- 9.19 Policy CC 1 considers the protection and enhancement of local landscape and character of Hook Norton. The Policy states that *any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton.* The Policy continues by stating that *proposals which would introduce development to isolated sites in the open countryside which would adversely affect the tranquillity, unspoilt character and amenity value of the landscape will not be permitted.* Policy CC 3 looks at the local distinctiveness, variety, and cohesiveness of new development. Under this Policy it states that the traditional pattern of growth which characterises Hook Norton is small scale and gradual change and the Policy highlights that *this must be reflected in the extent and amount of any development in Hook Norton.*
- 9.20 As there is an existing public right of way along the northern edge of the site Policy COM 2 highlights that *existing Public Rights of Way in the parish will be protected. Where re-routeing is essential to accommodate sustainable development any loss of amenity value will be minimised.*
- 9.21 In terms of housing policies the Neighbourhood Plan has several relevant policies which are a material consideration in this application. Policy H1 states that *sustainable housing growth for Hook Norton in this Plan period (2014 to 2031) means conversions, infilling, and minor development.* In terms of this application the proposal is clearly for new dwellings to be built on the site and not conversion. In terms of infill development, the Neighbourhood Plan states that this means *the development of a small gap in an otherwise continuous built-up frontage, typically*

but not exclusively suitable for one or two dwellings. The Neighbourhood Plan defines minor development as small scale development proposals, typically but not exclusively for less than 10 dwellings. To maintain a sustainable community, proposals for up to 20 dwellings may be permitted where this does not result in more than 20 dwellings being built in any one location at any time, taking into account any extant permissions. In all cases, housing growth must comply with all relevant policies in this Plan.

- 9.22 Policy H2 highlights the location of housing and states that *any applications for housing development will be assessed for suitability of location using the following criteria. Suitable locations will:* (i) *Not be in Flood Zone 2 or 3 or within 8 metres of a watercourse* (ii) *Comply with policies in this Neighbourhood Plan* (iii) *Take account of existing or potential alternative site uses which shall be identified in consultation with the Parish Council.*
- 9.23 In terms of density for new housing developments Policy H3 states that *for housing development within Hook Norton the maintenance of local character has a higher significance than achieving a minimum housing density figure. The appropriate density for a housing site should in every case within Hook Norton result in a development that is in character with the local surrounding area.* In considering the type of housing to be provided Policy H4 highlights that a *mix of dwelling types and sizes that has regard to the needs of current and future households in Hook Norton will be sought in any development resulting in 3 or more homes.* Scheme proposers are required to submit with any planning application a statement setting out how the proposed housing types, sizes and tenures comply with the most up to date Strategic Housing Market Assessment and Local Housing Needs Survey.
- 9.24 Where affordable housing is required as part of any new development Policy H5 states that *any affordable housing provided as a Rural Exception Site development in Hook Norton will be subject to a legally binding obligation to ensure that initial occupation, and any subsequent lettings or sales, is limited to people meeting Hook Norton Needs or Connections Criteria as set out in Appendix D to the Neighbourhood Plan. This obligation will have permanent effect unless it can be demonstrated that there is no longer any requirement for the affordable housing.* Where affordable housing is provided under a Section 106 agreement or similar planning obligation Agreement as a requirement of a housing development under Local Plan policy, the maximum proportion possible of the total units provided under Cherwell District Council's Allocation Scheme shall at every opportunity be allocated to people meeting Hook Norton Needs or Connections Criteria as set out in Appendix D. This obligation will have permanent effect unless it can be demonstrated that there is no longer any requirement for the affordable housing.

Assessment

- 9.25 The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village given its physical and visual relationship to the existing built form.
- 9.26. The Council's housing land supply position means that under paragraph 11d of the NPPF the policies in the development plan relating to housing provision are to be considered out of date. This includes Policy Villages 1 of CLP 2015, saved Policy H18 of CLP 1996 and Policies H1 and H2 of the HNNP, and the weight to be afforded these policies is therefore reduced. Where policies are out-of-date, there is a presumption within the NPPF of granting permission for sustainable forms of development unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.27. Hook Norton is recognised as a 'Category A' village and is a large village with a reasonable range of community facilities and services. The village has a relatively regular bus service in the form of the 488 route which provides an hourly service between Banbury and Chipping Norton. Overall, Hook Norton is considered one of the more sustainable Category A villages.
- 9.28. The acceptability of the proposal therefore needs to be tested against Policy Villages 2 of the CLP 2015 (as set out above), as well as other material planning considerations. However, in the first instance it is important to consider the matter of scale and quantity of development, and in particular whether the proposal is in accordance with the overarching housing strategy of the CLP 2015.
- 9.29. The Council's Annual Monitoring Report (AMR) 2020 identifies that in the 12 months to 31 March 2020 there were 144 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. There are also 193 dwellings under construction from the supply of permitted sites. Between 1 April 2014 and 31 March 2020 there were a total of 415 net housing completions on the above sites. This equates to 55.3% of the total requirement of 750 dwellings. These sites are fully committed to help deliver the Policy Villages 2 requirement.
- 9.30. Once those houses have been completed, on which there were commencements at 31 March 2020, the Council will have delivered 81% of the PV2 target. In addition, development has commenced at sites that would deliver a further 136 dwellings (66 at Launton, 40 at Milcombe, 20 at Weston on the Green, and 10 at the British Waterways site in Kidlington).
- 9.31. The Council is therefore well on the way to delivering the total of 750 dwellings set out at Policy Villages 2. The Inspectors' decisions at Ambrosden which allowed an appeal for up to 84 dwellings and for up to 25 dwellings at Sibford Ferris found that there could be demonstrable harm from exceeding delivery of 750 dwellings at Category A villages within the plan period. However, that figure has not yet been delivered and so at this time in terms of delivery this development would appear to be acceptable in policy terms. In addition, the proposals would assist in further meeting overall Policy Villages 2 housing requirements and could also contribute to the provision of affordable housing.
- 9.32. The NPPF places great importance on boosting the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (NPPF, Para 59). And further, that: '*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly*' (NPPF, Para 59).
- 9.33. This site was considered in the Housing & Economic Land Availability Assessment (HELAA) final report of 2018 which is a technical study that determines the suitability, availability and achievability of land for development. This report is an important evidence source to inform plan making although it is accepted that the

report does not in itself represent policy, nor does it determine whether a site should be allocated for future development. In considering this site the HELAA highlighted that the site was not considered suitable for the following reasons:

The site is considered to be unsuitable for development as the site has a rural character that relates much more to the countryside to the north and east than to existing development to the west and south, which feel like the edge of the settlement. The site is separated from existing development by a significant hedgerow which adds to the distinction between the site and the existing settlement. Development on the site would have an adverse impact on the character and appearance of the area and the setting of the village.

- 9.34 Notwithstanding the fact that the Council cannot demonstrate a 5 year supply of housing land, the primacy of development plans in the planning system was reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that *where a Council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes but it does not render grants of planning permission automatic. It is necessary for the decision maker to assess whether or not the development would lead to harm which would not be outweighed by the benefit of the new housing.* In assessing the development on this site, the impact of the proposal on the rural character of the village is a material consideration before the principle of the development can be considered.

Landscape and Visual Impact

Policy Context

- 9.35. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.36. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, *new development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.*
- 9.37. Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.* Furthermore, saved Policy C30 of CLP 1996 states *control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.*
- 9.38. Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.*

- 9.39. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.* The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.* Development should also respect *the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.*
- 9.40 Further as noted above, Policy Villages 2 of CLP 2015 states that in identifying site, particular regard will be given to:
- *Whether land has been previously developed land or is of less environmental value;*
 - *Whether development would contribute in enhancing the built environment*
 - *Whether significant adverse landscape and impacts could be avoided*
- 9.41. As outlined in paragraph 9.21 above the Hook Norton Neighbourhood Plan Policy H1 states that *sustainable housing growth for Hook Norton in this Plan period (2014 to 2031) means conversions, infilling, and minor development.* Policy CC 1 of the Hook Norton Neighbourhood Plan is also relevant in that it states that *any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton.*
- 9.42 The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- Assessment*
- 9.43 The site is not located within the built-up area of Hook Norton but comprises part of a large agricultural field on the edge of the village. The field is open in nature other than the existing landscape boundary treatment to the south along Station Road and along both the western and northern edge shared with the existing development of Ironstone Hollow and the remainder of the open countryside. However, as the application site forms part of a larger agricultural field the western boundary is not defined. The site is currently used as an agricultural field and although no information is provided to demonstrate the quality of the agricultural land it is noted that there are areas of both grade 2 and 3 quality land in and around the area of Hook Norton. Notwithstanding this point it is considered that the area of the site is of high landscape value providing an attractive rural setting for the approach to Hook Norton from the east with a very rural and tranquil character. It is also considered that due to the strong existing natural boundary to the west, south and north the site appears on the edge of the built area of the village and with the site being part of a larger field with no clear boundary to the site along the eastern edge the site is not viewed as a built form of the village.
- 9.44 The development of this site with 43 dwellings would clearly change this approach and view of the village into a more urban approach. The applicant clearly

acknowledges this point by stating that the eastern edge will be the subject of an extensive landscape buffer suggesting that the harm of the development on the area is high. The applicant also states that “*seeing elements of new built form is not necessarily unacceptably harmful particularly where the well treed character of the village is replicated to ensure that the development assimilates into its settlement edge location*”.

- 9.45 Policy CC 1 of the Neighbourhood Plan states that *any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton*. Given the changes in levels, the existing character of the site and the lack of natural boundary to the site’s eastern edge, and the presence of footpaths adjacent to the site, the proposal would have a significant local visual impact.
- 9.46 As highlighted above the Council’s Landscape Architect considers that the development would have an adverse impact on the landscape setting of the village. In considering this impact the concern is that those using the public right of way would experience a view of the development along sections of the PRoW RC 253/21/10 to the northeast, Council Hill, and especially so during the winter months when there are no leaves on the intervening trees and hedgerows. This prolonged receptor exposure would occur on a stretch of 277 m (approx.) between viewpoints 9 and 8. The receptor would experience the residential development as a focal point within the landscape which at the moment is an unspoilt landscape with substantial woodland as a strong landscape characteristic. This means a Magnitude of Change of very high (there is a large number of receptors, and the duration of the view is prolonged, uninterrupted and unavoidable), and adverse (proposals result in the total, permanent loss of a highly valued view, and a total and complete change in the composition of the view the introduction features and elements not currently experienced during the transition from VP 9 to VP8), a visual receptor sensitivity of high (observers whose attention or interest will be focussed on the landscape and recognised views in particular). The development would cause major alteration to the landscape by including elements totally uncharacteristic of the current visual experience.
- 9.47 It is accepted that the proposed development would appear as an urban form on the edge of the village in an area currently of open countryside / agricultural field. The impact of the development could be viewed as an incongruous feature whereas the exiting urban edge of Ironstone Hollow is mainly hidden by trees because there is no similar residential edge character in which to associate with this proposed development. However, the Ironstone Hollow development was visually stark when first built and formed the new urban edge to the village but due to the existing landscape boundary the impact of this existing residential estate is screened and softened to a point that the development is part of the character of the approach to Hook Norton. The development of this site with a strong landscape buffer will, over time, replicate this existing landscape boundary along the edge of Ironstone Hollow and therefore replicate the rural edge of the village.
- 9.48 The impact of the development at a closer point of view along the public right of way along the northern section of the site is considered by the Council’s Landscape officer as very harmful. From this point of view the site gradually becomes open to view to almost its full extent. As such the magnitude of change is considered to be very high with a high receptor sensitivity resulting in a significance of effect of high adverse. The northern section of the site is marked by a public right of way and the this right of way continues along the western edge of the site between the site and the residential area of Ironstone Hollow. The proposed development would have a significant impact on views from this right of

way. However, this impact would be reduced with the provision of the landscape along the north and western boundary of the site. Furthermore, the indicative layout plan submitted with the application shows the development would allow for an area of open space on the western side of the development which would ensure that the impact of the development on the footpath along the shared boundary with Ironstone Hollow is reduced to a minimum.

- 9.49 Notwithstanding the above, 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, the development would also result in localised harm within the immediate vicinity of the site. This includes at the point of access into the site off Station Road, which is situated at approximately 2m above the level of the site. In order to provide the access road, the development would require one of two things - the first would be for 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 alternative would be for the import of further materials onto the site to provide a ramp access point to allow the access road to drop into the site at a gradual gradient for vehicle and pedestrian safety. This approach would also impact on the trees and hedgerow along Station Road as well as elevate highway features such as street lighting in the site further urbanising the site and the locality.
- 9.50 Seeking to address this issue the applicant has provided details on the indicative plan of a landscape buffer to form the eastern edge of the development site. This buffer would be to a depth of 7.5m and would provide a significant green edge to the development. As highlighted by the Council's landscape officer, this buffer would take time to establish and to mitigate the visual impact of the development. It is an established planning principle that landscaping cannot make an otherwise unacceptable development acceptable, but it is the case that over time the landscape buffer would become established and when mature would provide a new green edge to the village.
- 9.51 As such, while the proposal would result in built development on a green field site and would urbanise the countryside and would thus conflict with Policy ESD 15 where new development is expected to *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features*, the impact would be localised and would reduce over time.
- 9.52 The applicant has confirmed that the proposal is for the creation of a ramped access into the site which would allow for the access road to gradually drop into the site. The creation of the new access point would result in the loss of parts of the existing landscape boundary along Station Road, which would have the impact of creating a view into the site from Station Road and a significant change in character from agricultural land to a new housing estate. In this instance the existing landscape boundary is a traditional field boundary with a mix of trees and hedgerow. None of the landscaping is of a high quality other than it creates a soft edge along Station Road. The proposals include enhancement of the landscaping along Station Road, which would mitigate the impact of the loss of the landscaping in order to create the access point.
- 9.53 That said, the proposed access road would have a significant impact on the street scene and on the rural setting to this part of the village. The development would therefore be contrary to Policy Village 2 as well as Policies C28 and C30 of the CLP 1996 and Policy ESD13 of the CLP 2015.

- 9.54 As outlined in Policy Villages 2 there is a requirement that a number of key criteria be taken into account in considering the development of housing in the village. Of these criteria the following are relevant to this application:
- *Whether the land has been previously developed land or is of less environmental value;*
 - *Whether development would contribute in enhancing the built environment;*
 - *Whether significant adverse landscape impacts could be avoided*

- 9.55 In considering these points the development of this open countryside site would not be on previously developed land but on land that has a high environmental value for its contribution to the setting of Hook Norton. The development of the site on its own would not enhance the built environment as the site is open countryside but with the provision of the significant landscape buffer the development as a whole would ensure that the edge of the village would be enhanced. This approach was also adopted in the appeal decisions at Ambrosden for 84 dwellings and Sibford Ferris for 25 dwellings where both appeals were allowed for development located in areas of the same character to the current application at Hook Norton.

Conclusion

- 9.56 For these reasons it is considered that the development of the site would comply with the criteria under Village 2 Policy and the harm of the development would be outweighed by the benefits of the residential development. The development would also comply with saved Policies C28 and C30 of the CLP 1996, Policies ESD13 and ESD15 of the CLP 2015 as well as Policies CC1 and H1 of the Hook Norton Neighbourhood Plan.

Highway Implications

Policy context

- 9.57 Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*
 - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In addition to this paragraph 109 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

- 9.58 This application seeks outline permission for the development of the site with all matters other than access to be reserved for a later date. As such the application is supported by details of the access into the site which would be via a new single access road off Station Road.

- 9.59 The transport statement submitted in support of the application outlines that the traffic generated by the proposed development is not considered to have a severe impact on the existing highway network given the scale of the development and the nature of the roads.
- 9.60 Notwithstanding the issues of the construction of the access the Local Highway Authority (LHA) has raised no objections to the principle of the access arrangement to serve the development subject to conditions and contributions to be secured through S106 Agreement. The LHA does, however, raise a question over the indicative layout and position of the access road to trees on the site although the LHA notes that full details of the site layout, access and parking arrangements would be considered under future reserved matters applications.
- 9.61 The LHA has requested a contribution of £52,550 for enhancement to the Public Transport Services serving Hook Norton, which would help in the village being more accessible by a sustainable mode of transport as encouraged by the NPPF and this would be secured through a Section 106.

Conclusion

- 9.62 The LHA advises that the proposals are acceptable in terms of highways safety and potential impacts on the local road network and officers see no reason to disagree with the LHA's assessment.

Residential Amenity

- 9.63 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 9.64 The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.65 The proposed development would be located away from surrounding residential properties. The existing properties which would be most impacted upon by the proposed development would be the properties to the west of the site in Ironstone Hollow. These properties are separated by the application site by landscaping belt, and as shown on the indicative plan a significant distance from the proposed development.
- 9.66 Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

Affordable Housing and Housing Mix

- 9.67 Policy BSC3 of the CLP 2015 states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing to be affordable rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to

meet current and expected future demand creating socially mixed and inclusive communities.

- 9.68 The applicant has committed to entering into a planning obligation that may be lawfully demanded pursuant to Regulation 122 of the CIL Regulations 2010 which will include a policy compliant provision for affordable housing providing 35% affordable housing on the site in line with Policy BSC3. The detailed housing mix would be determined at reserved matters stage and at the current time the plans are only indicative.
- 9.69 In considering the details of the application the advice from the Strategic Housing Officer is that there has been a relatively large amount of housing growth already in the village which has yielded several new affordable homes (most recently 20 new dwellings at Bourne Lane). As such before a final figure of affordable housing can be agreed it would first be necessary to determine if there is sufficient need for more affordable homes in the area by way of a Parish Needs Survey.
- 9.70 Any new affordable homes provided must be appropriate to the findings from this and be in-line with the housing policies outlined in the Hook Norton Neighbourhood Plan 2014 – 2031. Notwithstanding this point it is accepted that there is a District-wide need for more affordable housing, but that new affordable housing provided in the village should primarily meet a local need. In terms of this application it is also noted that the house types proposed are 2, 3 and 4-bedroom homes but as these house types have already been provided on recent new sites in the village it may be that other house types of housing would be required such as 1-bedroom houses or bungalows in addition to these. In terms of tenure it is suggested by the Strategic Housing Officer that the proportions should be split 70/30 between Rented units/Shared Ownership units and that social rent would be required.
- 9.71 It is acknowledged that the applicant has confirmed that the proposal would provide the Policy compliant provision of 35% affordable housing on the site. Notwithstanding the comments of the Strategic Housing Officer stating that the level of affordable housing needs to be the subject of a Parish needs survey, it is clear that outlined in Policy BSC3 there is a high level of need for affordable housing in the District. As such there is no objections raised to the development from an affordable housing point of view subject to the necessary number, type, tenure and secured by a legal agreement to ensure compliance with Policy BSC3 of the CLP 2015.
- 9.72. It is also noted that the Strategic Housing officer has requested that at least 50% of the rented dwellings to meet Approved Document Part M4(2) Category 2. The applicant cannot be formally required to comply with this requirement as there is no adopted policy in place. However, they will be requested to include comply with this requirement through the final built form on the site.

Site Layout and Design Principles

Policy Context

- 9.73. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. Section 12 of the National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.

- 9.74. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.
- 9.75. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.76. Although this application is in outline form and therefore only seeks approval of the principle of a residential development on the site an indicative layout has been provided in support of the application. This layout shows an estate of 43 dwellings with a single access point off Station Road. Presumably due to the levels difference this access road has a long lead into the site and forms a single spine road through the development with dwellings fronting onto this spine road as well as a series of small private driveways / cul-de-sacs serving other dwellings.
- 9.77. In the suggested layout a significant number of dwellings are positioned close to the eastern boundary of the site, all of which would back onto the suggested landscape boundary. The end result would be that the eastern edge of the development would form a relatively hard edge and would be a significant change to the approach of Hook Norton to the detriment of the rural character of this part of the village. However, as outlined above the indicative plan shows a significant landscape buffer to be provided along the eastern edge of the development site which would help reduce the impact of the development. This landscape buffer would repeat the traditional landscape lead edge of the village as currently seen along the edge of the Ironstone Hollow development. Furthermore, it is also the case that the landscape buffer is significantly wider than the landscape buffer shown in the previous application refused outline permission in 2014 and is a material change and improvement upon this earlier application.
- 9.78. Overall, although it is considered that the current layout presented would result in an unacceptable form of development, but it has to be recognised that the application is made in outline with all matters reserved. Therefore, the layout, scale and appearance of the development would be considered at a later stage. Given the relatively low density of the scheme and the not irregular shape of the site it is considered that a revised layout could be negotiated at reserved matters stage to ensure that the proposed development achieved a high quality and locally distinctive scheme.
- 9.79. The density of the scheme is stated by the applicant in their Design & Access Statement as 20 dwellings per hectare which is lower than the 30 dwellings per hectare sought under Policy BSC3 of the CLP 2015. However, in this case, given the edge of settlement location of the development and the need for a robust landscape strategy to the boundaries of the site, it is considered that the lower density is, on balance, justifiable in this instance.

Conclusion

- 9.80. Although the details of the layout and dwelling designs would be the subject of further reserved matters application there is concern over the proposed layout and design principles for the development as indicated within the current submission. However, given the context and arrangement of the site it is considered that in granting outline permission an acceptable layout would be negotiated, and that

such matters would be fully considered as part of any such reserved matters application.

Flooding Risk and Drainage

Policy context

- 9.81. Section 14 of the NNPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) *the development is appropriately flood resistant and resilient;*
 - c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) *any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*
- 9.82 Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) *take account of advice from the lead local flood authority;*
 - b) *have appropriate proposed minimum operational standards;*
 - c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) *where possible, provide multifunctional benefits.*
- 9.83 Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.84. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.85 The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding.
- 9.86 The applicant has submitted a Flood Risk Assessment (FRA) which has been amended with further information during the course of the application process. The FRA outlines a potential drainage strategy for the site including an infiltration basin

feature in the western area of the site which also doubles up as part of the area of open space serving the development.

- 9.87 In considering the details of the initial FRA the Local Lead Flood Authority Officer (LLFA) has questioned some of the advice provided in the applicants FRA and in doing so has requested further information to be submitted. The applicant has provided additional information and at the time of drafting this report the further comments from the LLFA was awaited. However, until this advice is received there is an outstanding objection on the details submitted with the application and as such the application has failed to address the need to ensure that adequate drainage is provided on the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites. The development therefore fails to comply with policies ESD6 and ESD7 of the CLP 2015 as well as advice contained within section 14 of the NPPF.

Conclusion

- 9.88 This application seeks to develop a green field site for 43 dwellings and associated access. At the time of drafting this report there were still outstanding questions regarding the details of the FRA submitted with the application. Additional information had been provided by the applicant to address the concerns raised by the LLFA and a response to this additional information is awaited. Providing that the LLFA confirms that the information submitted demonstrate that the development would provide adequate drainage upon the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites there is no objections to the scheme on the issue of drainage.

Ecology

Legislative context

- 9.89. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.90. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.91. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.92. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.93. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.94. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.95. Paragraph 175 states, amongst other things, that *when determining planning applications, local planning authorities should apply the following principles:*

- a) *if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

9.96. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.97 These polices are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

- 9.98. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.99 This application is supported by a Preliminary Ecological Appraisal (PEA) of the site with an Extended Phase 1 Habitat Survey of the site in April 2020 undertaken by a suitably experienced ecologist. The results of this PEA underline that the majority of the site is comprised of arable land and has low ecological value. Hedgerows, which are anticipated to be retained, form the northern, western and southern site boundaries and are of site level value to nature conservation.
- 9.100 Members will see that the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) raises an objection to the application. In their view the application site is located in close proximity, and uphill from the River Swere, which then flows soon after into the Cradle and Grounds Farm Banks Local Wildlife Site (LWS). BBOWT is concerned about potential indirect impacts on the nature conservation interest of the LWS, and the River Swere, due to possible changes to the hydrology (water quality in particular, and water quantity). They advise that the application has failed to demonstrate that it would not result in any deterioration of the lowland fen habitat in Cradle and Grounds Farm Banks LWS. As such the BBOWT considers that at present the application is contrary to Policy ESD 10 of the CLP 2015. In addition BBOWT also considers that the application does not provide evidence of a net gain in biodiversity. As such the application is contrary to Policy ESD10.
- 9.101 With regards to the issue over the impact on the LWS the applicant has responded by stating that the Flood Risk Assessment supporting the current application identifies that a SuDS arrangement utilising infiltration (soakaways and permeable paving) provides a suitable means of disposing of all surface water from the site. The applicant continues by stating that the introduction of this SUDs system within the site will intercept overland exceedance flows. Accordingly, as at present, there will be no direct surface hydrological pathway between the site and these tributaries of the River Swere. It is also considered by the applicant that the quantity of rainwater which presently falls on the site would not change as a result of this development and that the use of filtration features ensures that there would be no change in water quality leaving the site. In terms of water quality, the applicant is of the view that as the current use of the site is for agriculture which would have been subject to regular use of fertilizers and pesticides. The development of the site for residential use would result in a significant reduction in the use of pesticides and agricultural fertilizers. Rainwater falling on roofs would flow directly to soakaways and would therefore be "clean" water.
- 9.102 In response to this objection the applicant has stated that, as the proposal is in outline form, with all matters reserved except access, landscape planting details are not available to use in a Biodiversity Impact Calculator to determine a net gain in biodiversity. In addition the applicant also points out that when they ran the development proposal through the DEFRA v2 Biodiversity Impact Calculator selecting baseline as arable and generic 'Urban - Suburban/ mosaic of developed/natural surface' for post-development, due to the lack of landscape planting details at this stage showed there would be a 40% increase in Biodiversity Net Gain. Furthermore, as the proposed development can clearly deliver

Biodiversity Net Gain in principle, given that the site is under arable production and the proposed development as shown on the submitted illustrative layout includes large areas Green Infrastructure which could be planted with native species mixes. It is suggested that a planning condition is imposed which requires the detailed landscaping proposals to be submitted at the reserved matter stage and demonstrate how Biodiversity Net Gain will be delivered through selection of appropriate species mixes.

- 9.103 BBOWT has been re-consulted on the revised / further information submitted by the applicant and at the time of drafting this report no further comments had been received. Any comments received prior to the planning committee meeting will form part of a verbal update on this item. Notwithstanding this point, unless the BBOWT responds with further objections or maintains its initial objection, it is considered that the applicant has provided evidence to demonstrate that the development would not result in any adverse impact on the ecology on / near the site and that the development through conditions would allow for a net biodiversity gain.

Infrastructure / S106

- 9.104 Due to the level of development on the site the issue of S106 contributions along with an element of affordable housing should be taken into account. A number of contributions are sought by Cherwell District Council, via the adopted Developers Contributions Supplementary Planning Document February 2018, which follows the tests of the National Planning Policy Framework and is therefore relevant to this planning application.

Policy Context

- 9.105 Paragraph 54 of the NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.* Paragraph 56 continues by stating that *planning obligations must only be sought where they meet all of the following tests:*
- necessary to make the development acceptable in planning terms;*
 - directly related to the development; and*
 - fairly and reasonably related in scale and kind to the development.*

Development Plan

- 9.106 Policy INF 1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that *the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:*
- Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*
- 9.107 Policy BSC 3 of the CLP 2015 states, amongst other things that *at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.*

The Policy continues by stating that, *all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*

- 9.108 The Council also has an adopted Developer Contributions SPD in place which was adopted in February 2018. Under the SPD it is outlined that Although the scope for securing S106 planning obligations has been reduced since April 2015 due to the pooling restrictions, it is expected that planning obligations will still be sought for:

- Affordable housing; and
- Infrastructure which is required to mitigate the direct impact of a development.

It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case by case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

Assessment

- 9.109 Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 64 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.* This application is for 43 dwellings on the site which would represent a major application in terms of definition. As such the application should provide an element of affordable housing as part of the proposal. In addition, this it is also considered that the development should contribute towards community hall facilities, Indoor and outdoor sports provision, towards Public Art and highway infrastructure improvements necessary for the development.
- 9.110 In considering the issue of affordable housing the advice from the Strategic Housing Officer is that the total number of affordable dwellings shall be at least 35%, as outlined in Policy BSC3. Furthermore, it is outlined that the tenure proportions would be split 70/30 between Rented units/Shared Ownership units and we would seek social rent. Notwithstanding this point however, it is also highlighted that there has been a relatively large amount of housing growth already in the village which has yielded a number of new affordable homes (most recently 20 new dwellings at Bourne Lane) so we would firstly need to determine if there is sufficient need for more affordable homes in the area by way of a Parish Needs Survey. Any new affordable homes that were provided must be appropriate to the findings from this and be in-line with the housing policies outlined in the Hook Norton Neighbourhood Plan 2014 – 2031. Although it is noted in the applicant's Planning Statement that the provision of affordable housing should be given substantial weight, the view of the Strategic Housing Officer is that this could only be agreed if it addressed our – yet to be identified - housing needs. It is accepted that there is a need across the District for more affordable housing, but it has to also be accepted that new affordable housing provided in the village should primarily meet a local need. It is also the case that this approach also has to be taken into account in the consideration of the development of this site in the open countryside.

- 9.111 As also outlined in the response from the Council's Recreation and Leisure Officer there is a need for contributions towards community facilities to be included as part of any S106 agreement. Finally, there is a need for contributions towards highway infrastructure requires to be covered by a S106 agreement.
- 9.110 The application is not supported by any draft heads of terms although it is accepted that the applicant has confirmed that they are prepared to enter a planning obligation that may be lawfully demanded pursuant to Regulation 122 of the CIL Regulations 2010. The obligation will include a policy compliant provision for affordable housing; education facilities; health facilities and other facilities considered lawful. As part of the process of the application the applicant has confirmed that on granting outline planning permission work on the S106 will progress to an agreement which is policy compliant. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

Conclusion

- 9.111 The application is not supported by any draft heads of terms for a S106. But as noted above of the applicant is in agreement to comply with a S106 requirement in association with the development. Therefore, this application will comply with Policy INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

Sustainable Construction

Policy Context

- 9.112. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.* Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

Development Plan

- 9.113. Policy ESD1 in the adopted Cherwell Local Plan covers the issue of Mitigating and Adapting to Climate Change and includes a criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*

- 9.114. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.115. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*

Assessment

- 9.116. This application seeks outline planning permission for a new development of 43 dwellings on the site. As such the final design of the building is not provided as this will be the subject of a reserved matters application. At that stage it is considered that the full details of the sustainability measure to be incorporated into the design will be provided and agreed. A condition is attached to this outline permission which highlights the need to ensure that the final design of the building complies with Policy ESD3 as well as the requirements of Section 14 of the NPPF.

Conclusion

- 9.117. Although it is accepted that at this stage no information is provided with regards to the final design and hence sustainability measures to be used on this site. However, it is considered that the imposition of a condition to secure the sustainability credentials of the development would comply with the aspirations of these policies.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. Having regard to the Council's current housing land supply position, i.e. less than a 5-year housing land supply, Paragraph 11d of the NPPF is engaged; with a presumption of granting planning permission unless such would cause conflict with other policies and would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.4. The site is an open agricultural field unallocated in the adopted CLP 2015 and in the Neighbourhood Plan. Hook Norton is designated as a Category A Village under Policy Villages 1 of the CLP 2015. Policy Villages 2 supports development of sites for more than 10 homes at Category A villages in certain circumstances, this development would be for 43 dwellings and therefore fall within this category. 750 homes are to be delivered across these villages. The Council has yet to deliver 750 homes under PV2. When considering sites under this policy several criteria apply relating to the site's environmental value and impact and deliverability.
- 10.5. It is considered that the site being an area of open countryside on the approach to Hook Norton has a tranquil and rural character which would be lost as result of this development. The field boundaries to the west, north and south are strong reference points outlining the area of the agricultural field as different to the built form of development of the village. The site is clearly outside the built form of the village and the proposal would urbanise the countryside. However, a significant landscape buffer is proposed along the eastern boundary which over time would help to screen the development and would mitigate the visual impact of the development.
- 10.6. The proposals are considered acceptable in terms of transport, and neighbour amenity. It is further considered that a net gain in biodiversity across the site can be achieved and that subject to confirmation from the Local Lead Flood Authority that an acceptable drainage solution is achievable at the site that would ensure that flood-risk is not exacerbated. The application due to its size and nature requires the submission and agreement of a S106.
- 10.7. It is accepted that the development would make a valuable contribution to housing delivery and that significant weight should be attached to this benefit. Significant weight would be given to the provision of affordable housing as part of this but in this instance there is a question over the need for and quantum of affordable housing required due to the level of existing and recent new development in the village. There would also be some economic benefit in the support of construction jobs and spending in the area those future residents would bring about although this is only afforded minor to moderate weight.
- 10.8. It is recognised that in recent appeal decisions in similar scenarios, albeit where the Council could demonstrate the required housing supply (3 years at that time), e.g. at Ambrosden and Sibford Ferris, the principle impact was on the character and appearance of the countryside and the local landscape and yet that impact was considered not to outweigh the benefits of additional housing. Officers consider the same applies here.

10.9. Overall, it is considered that the harm in the form of the views into the site and the loss of landscaping as identified in this report would not outweigh the benefits of the additional housing in the District. Given the above assessment and in light of current guiding national and local policy set out in the report, it is considered that the proposal would amount to sustainable development and therefore the recommendation is that outline planning permission be refused in this instance.

11. RECOMMENDATION

RECOMMENDATION – SUBJECT TO NO OBJECTIONS BEING RAISED BY THE LOCAL LEAD FLOOD AUTHORITY OFFICER AND THE BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST AMENDED INFORMATION, TO DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

S106 Obligations

- a) Provision of 35% affordable housing on site
- b) Payment of a financial contribution towards Community Hall Facilities in the locality of £55,075.58
- c) Payment of a financial contribution towards Outdoor Sport Provision in the locality of £97,182.15
- d) Payment of a financial contribution towards Indoor Sport Provision in the locality of £40,228.34
- e) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling (index linked)
- f) Payment of a financial contribution towards the improvements of 488 bus service in the village of £52,550
- g) Payment of the Council's monitoring costs of £1500].

Conditions

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason : To comply with the provisions of Section 92 of the Town and Country

Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. Prior to the commencement of the development hereby approved, details of the means of access between the land and the highway on Station Road, including position, layout and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

4. Before the development permitted is commenced a swept path analysis shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that for a modern family vehicle and refuse vehicle can safely and easily pass one another throughout the development site.

Reason: In the interest of highway safety

5. No development shall take place [on any phase], including any works of demolition until a Construction Method Statement [for that phase] has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;
- j) The mitigation measures recommended at (ADD REFERENCES) of the submitted Environmental Statement (DATE)

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

Reason : To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. No dwelling of the development hereby permitted shall be occupied until cycle parking has been provided according to a plan showing the number, location and design of cycle parking for the dwellings that has previously been submitted to and approved in writing by the Local Planning Authority. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - To ensure appropriate levels of cycle parking are available at all times to

serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

7. A Residential Travel Information Pack is required prior to first occupation and then distributed to all residents at the point of occupation.

Reason – to ensure all residents are aware of the travel choices available to them from the outset.

8. The development shall not be occupied until confirmation has been provided that either:-

1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

9. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. Following the approval of the Written Scheme of Investigation referred to in condition 9, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019)

11. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are

submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

12. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

13. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- ii) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

14. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. If a potential risk from contamination is identified as a result of the work carried out under condition 14, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. If contamination is found by undertaking the work carried out under condition 15, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. If remedial works have been identified in condition 16, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 16. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

18. If, during development, contamination not previously identified is found to be

present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

19. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve, and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

20. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal of the Land North of Station Road, Hook Norton by Harris Lamb Property Consultancy dated 11/01/2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

21. A method statement for enhancing the Biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

22. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

23. Details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of

those works. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. No development shall take place until the existing tree(s) to be retained have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;

- a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
- b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
- c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
- d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

25. A detailed drainage scheme to prevent surface water from the development being discharged onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to first use or occupation of the development hereby approved.

Reason: In the interests of highway safety and to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1

26. The landscaping scheme to be provided as part of the reserved matters submission shall show details of the landscape boundary along the eastern boundary of the development site to a depth of not less than 7.5 metres. The landscaping details shall show a mix of species of trees, hedgerow and plants to provide a screen for the site along its eastern and northern boundaries. The trees shall be to a height of not less than 3 metres and shall be completely implemented

within the first planting season following the first date on which any part of the approved development is completed.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. OR

27. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

28. Prior to the commencement of development above slab level, a design stage confirmation that the development shall be constructed to high environmental standards, demonstrating sustainable construction methods and measures to reduce impact on the environment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

29. The development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

CASE OFFICER: Wayne Campbell