

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**2 October 2014**

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*If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections [aaron.hetherington@cherwellandsouthnorthants.gov.uk](mailto:aaron.hetherington@cherwellandsouthnorthants.gov.uk), 01295 227956*

# Agenda Item 14

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

2 October 2014

### WRITTEN UPDATES

**Agenda Item 7**      **14/00825/OUT**      **Land adjoining Foxhill and west of Southam Road. Banbury**

Corrections to report:

3.3 **Head of Strategic Planning and the Economy:** Objection

The principle of development on part of the site has been established but at a lower scale. The original proposal submitted under 13/00185/OUT was for up to 370 dwellings. The reduction to 90 units was made in response to further evidence on landscape sensitivity prepared for part of the evidence base for the Local Plan.

Evidence base for the Local Plan relating to landscape and visual impact for the Banbury area include:

- Banbury Landscape Sensitivity and Capacity Assessment (WYG) September 2013
- Banbury Environmental Baseline Report (LDA) September 2013 with Appendix 1 relating to the Historic Landscape Setting of Banbury
- Banbury Green Buffer Report (LDA) September 2013
- Banbury Analysis of Potential for Strategic Development (LDA) September 2103 with Appendix 1 Peripheral Development Sites Analysis

The LSCA 2013 advised that the overall landscape capacity for development is 'medium-low'. It states, "The development of residential properties within the western area would not be in keeping with the existing landscape character of the area or the presence of Banbury Cemetery and Crematorium due to the change in the cemetery setting that would occur. The capacity for residential development is weighted more toward low than medium." Within this assessment, on 'visual sensitivity', it states, "The presence of the Cemetery within the area does...elevate the sensitivity within the west of the area as users/visitors to the cemetery use the area for contemplation and reflection; the visual sensitivity of the area is therefore elevated to the west of Hardwick Hill. The area is also overlooked by properties located on the northern edge of Banbury which have a combination of direct and oblique views to the north and north east. The sensitivity of the area to the residential population and users of the area is considered to be high overall.... Mitigation potential within the west of the area differs [from the east] due to the overlooked nature of the area and presence of the Cemetery. Planting within the area, especially close to the boundaries of the cemetery would alter the character of the area and the views into/out of the area and potentially compromise the setting of the cemetery. The sensitivity to mitigation is therefore considered to be high."

In terms of 'landscape value' the LSCA 2013 states, "Within the local context, the site has important views connected with the presence and setting of Banbury Cemetery and Crematorium as the area is visited for the peace, tranquillity and contemplation. This is of high importance to the western part of the site but less so the east of the Hardwick Hill. This is fundamental to the operation of the Cemetery and therefore the area has a high scenic and tranquillity value". The perceived value of the area is also considered to be 'medium – high' because of visitors to the cemetery.

The LSCA 2013 considers that overall there is medium-low landscape capacity for development generally (i.e. not just residential) but weighted more towards low for residential as "the development of residential properties within the western area would not be in keeping with the existing landscape character of the area or the presence of Banbury Cemetery and Crematorium due to the change in the cemetery setting that would occur".

The BAPSD 2013 states, "The Southam Road – West site is considered to be highly visually sensitive given its rising topography and prominent location at the fringe of the settlement edge. The site forms part of the attractive Hanwell Brook valley, an important landscape feature in the setting of the Banbury to the north and contains the remnant historic land uses of Hardwick Copse and Gorse adjacent to the Brook. It is our considered opinion that development of the whole site should not be taken forward as it would result in unacceptable harm to the setting of Banbury and because of the site's visual and landscape sensitivity. However, some development could be potentially accommodated within the site provided it is located in the less sensitive south eastern corner of the site and that suitable design and mitigation strategies are adhered to".

An indicative capacity analysis of sites appended to the main report concludes that the south-east corner of the western site has potential for approximately 60 – 90 dwellings (maximum) (i.e as approved under planning permission 13/00158/OUT)

The HLS is currently 3.4 years. There is also need to bring forward sustainable urban extensions. The policies in the development plan are afforded limited weight, given paras 14 and 49 of the NPPF. Para 14 states permission should be granted unless adverse impacts outweigh the benefits when assessed against the NPPF as a whole.

The Council has a comprehensive and an up to date Local Plan evidence relating to the assessment of landscape impact. This concluded that part of the application site could accommodate some development on the lower levels, without compromising the landscape setting of Banbury or the local visual amenity, subject to suitable mitigation to provide a soft landscape edge to Banbury. It is considered that the proposed development is likely to cause significant landscape harm, adversely affecting the setting of Banbury and the setting and perceived value of the cemetery. The proposal would also be contrary to emerging policy in the Submission Local Plan as Proposed to be Modified (August 2014).

- 3.4 **Design and Conservation Team Leader:** In preparing these comments I have reviewed the Design and Access Statement and Indicative Masterplan prepared by Architecture519. I have not reviewed the Visual Impact Assessment and I do not comment on matters relating to the visual impact on the landscape character and setting. The Council is advised by LDA Design in this respect.

In preparing the comments below, I have had regard to the urban design comments made on behalf of CDC by Clare Mitchell to application 13/00158/OUT.

Overall

- Having regard to Policy BAN2 and to the supporting evidence by WYG

and LDA Design, in particular the Analysis of Potential for Strategic Development Sept 2013, I see no compelling urban design reason why the development extent and capacity of the site should be extended beyond that anticipated by the plan.

- My comments below are made on the urban design aspects of the submitted scheme and should not be considered in any way as an endorsement of the proposed site expansion.
- If you are minded to approve the proposal, it is recommended that a design code is prepared in consultation with and to be approved by CDC prior to reserved matters applications being prepared.

#### Access and movement

- The scheme proposes the same two access points and spine road as consented. While the layout of the spine road is appropriate for the consented scheme, it does not connect well to the additional land to the west or to the north.
- The proposed movement pattern as shown at 4.4 of the DAS is a confusing and convoluted network of routes that will not aid legibility or promote walking and cycling.
- If new land to the west is to be developed it should be served by an extended spine road (albeit different in character) along the same contour. A parallel secondary route following the southern buffer should also be provided creating better links to the Dukes Meadow access.
- The east-west links as above should be intersected by north-south links that traverse the contours at an appropriate gradient.
- Unnecessary loops and curves in the road layout should be removed and routes designed with pedestrian and cyclist movement prioritised
- The strategic east-west pedestrian link does not meet Southam Road in an acceptable manner on the indicative masterplan. Where access from the site to Southam Road is constrained, the route should be realigned to meet that access point directly and in the vicinity of a pedestrian crossing. The current proposed arrangement requires pedestrians (notably school children) to cross the entry to the layby before crossing Southam Road. This does not appear to be the most convenient or safest location for a pedestrian crossing on Southam Road and should be reconsidered with specific regard to parent and child access to the school. Traffic calming on Southam Road should also be considered.

#### Response to site topography and gradient

- The DAS suggests that there is a regular incline of 1:12 across the site. However, the contour plan clearly shows steeper gradients in the west area of the site which may require a different approach to development.
- A gradient of 1:12 is generally accepted as the maximum incline for wheelchair users with 1:20 being preferred (Inclusive mobility guidelines - Gov.UK). It is therefore necessary to see detailed sections of proposed public streets and footpaths across the site to ensure that acceptable gradients are achieved. Where steep roads are unavoidable they should be short in length and with convenient alternatives provided wherever possible.
- I am satisfied that the proposed layout and orientation of dwellings seeks to maximise views and solar gain and that in principle large plots will allow for natural contouring and reduce retaining structures. The location of such large plots should be defined on the plan. As above, detailed sections and street elevations will be required to properly understand and assess the fall of development across the site, the extent of retaining structures required and any impact for residential amenity (specifically overlooking between properties).

- The internal layout of housing should have regard to the orientation of the site and ensure that a high proportion of habitable rooms (not kitchens/bathroom/hallways etc) are located with good access to sunlight. An appropriate balance shall be struck between maximising solar gain and ensuring adequate natural surveillance and activity to the street.

#### Density and building height

- The appropriate density of development on the site should be defined, in the main, by the visual impact on the landscape setting and character and response to local topography.
- Two blanket height and density categories do not adequately take account of the site characteristics and sensitivities. Further sub-categories should be defined and linked to individual character areas within the site. Such sub-categories could specify min plot dimensions and max development coverage to ensure adequate breaks between buildings.
- The proposed east-west hedgerow is stated as the transition between the low and medium character areas. However, medium density housing is shown north of the hedgerow and therefore eroding this principle.
- Medium density and up to 3 storey buildings are proposed across an extensive area of the site, considerably beyond the extent of the consented scheme. Given the landscape sensitivities and edge of settlement location, medium density should be contained to the south-west corner of the site.
- I would question the appropriateness of three storey buildings on the site and suggest that these are assessed on their individual merits in the context of detailed layouts, sections and street-scenes. I note on the building heights parameter plan that only the commercial buildings are shown at 3 storey and this should be reflected in the density/height diagrams if this is the applicants intent.
- Two storey buildings at 21 dpha on the western flanks and upper reaches of the site will be highly visible and will not preserve the openness of this part of the site.

#### Form of built development.

- A mix of detached, semi-detached and terrace houses are proposed with more detached properties making up the 'low density' areas.
- As above, the masterplan would benefit from greater variation in plot size particularly in the low density areas, around the site periphery/buffer edge and to address steeper parts of the site.
- The overall form of development should be guided by defined character areas that respond to local site conditions. The main spine road should have a different character to secondary and tertiary streets with variation in layout along its length.
- The commercial buildings in the south-east corner are expected to be double-fronted to ensure appropriate elevations external and internal to the site.
- On plot parking to the front of units creates a cluttered appearance and gives the impression of higher density. All on-plot parking in the low density areas should be provided to the side of properties and recessed from the building line.
- On plot parking to the front of units in medium density areas has the potential to dominate the streetscene and should be broken up to ensure that this is the exception rather than the rule. Clear differentiation between plots by way of a physical boundary treatment is essential. Long rows of unbroken spaces will not be acceptable.

- No house types, elevations, street scenes or sections are provided and comments on these aspects are deferred to the Design Code/ Reserved Matters stage.
- 3.7 **Landscape Officer** – Correction to 2<sup>nd</sup> sentence of the third paragraph should read “The advantage of the *LDA recommendation to CDC* to restrict development to the lower slopes was that agricultural land at the top of the slope would still be visible”.

**Further comments on the Applicant’s response to the Landscape Officers comments:**

- The 102m contour line was considered to be appropriate, not 100m suggested by the Applicant
- (ii) A large area of the western flank of the hill will not be maintained as it will be occupied by built form.
- (iii) The suggestion that the layout incorporates ‘green fingers’ is questioned as there are only two and the southern edge appears very unified.
- (iv) The development extends 2/3rds up the slope which is not all in the lower lying portions of the site.
- Environmental benefits: (ii) no detail to increase biodiversity has been provided
- Disagree with the suggestion the scheme will complement and enhance the character of its environmental context.

**Corrections to the report:**

- 5.52 Corrected paragraph should read: “As part of the Environmental Statement submitted with the application, the applicants have undertaken a landscape and visual assessment of the construction and operation of the proposed development. *Seven* photographic viewpoints were identified *from within* the visual envelope (ie the extent of the area from within which the proposed development may be viewed). The environmental impact of the scheme has been assessed and the level of its impact defined in general terms *within the landscape and visual chapter*”.
- 5.54 Correction to 4<sup>th</sup> paragraph second sentence should read: “*Some* evidence for this is provided in Section 3.2 of the DAS”.
- 5.55 Correction to 4<sup>th</sup> paragraph which should read: “*We are of the opinion* the Green Infrastructure measures could be realised under the approved 90 dwelling scheme (S12.5.4) without the harm caused to landscape and visual receptors by additional development”.
- 5.56 Correction to 1<sup>st</sup> paragraph is the insertion of a new second sentence which should read: “We do not agree with the statement at (S12.6.2 para 4) that “the masterplan still retains development within the lower lying portions of the site” and that the development “does not result in changes that are inconsistent with the existing situation”. *Development would occupy approximately 2/3rds of the slope within the site and would lead to the loss of currently undeveloped countryside*”. The development extends beyond the developable area considered appropriate within the Analysis of Potential Strategic Sites document. The developable area as identified within the Analysis of Potential Strategic Sites document was informed by desk-based and field observation

based on the topography of the site. When viewed on the ground, and confirmed by the topographical plan for the site, there is a recognisable change of slope at 102m beyond which development would encroach on higher, steeper slopes and become highly visible. In the absence of a physical feature on the ground, the 102m contour is the most suitable delineator for this line. In terms of aspect the development extends beyond the developable area to the west. The aspect of the site changes from a southward to westward orientation, opening up views from the countryside and Hanwell to the west and northwest that would otherwise be largely unaffected under the approved scheme. Consequently, the development would be highly visible in views both to and from Banbury”.

5.57 Correction to 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence which should read: “Figure 12.6 of the LVIA is very helpful in comparing the change between the consent and proposed scheme and indicates significant visual effects would occur to landscape and visual receptors to the west and northwest also”.

Additional sentence to the 3<sup>rd</sup> paragraph: “We also note that much of the mitigation proposed is based on the successful propagation of new planting. No detail for how this would be secured is provided”.

5.61 Reworded paragraph incorporating para 5.62 “Detailed above is the evidence base and independent review in relation to the application site in terms of the potential landscape and visual impact. All the evidence indicates the application site is highly sensitive and of high landscape and visual value, with limited capacity to accommodate development without substantial harm to the environmental resource. The Council has previously accepted that the site has limited development capacity because of the topography and harm that would result from further development beyond the 102m contour line. It is considered that the proposal will cause significant harm to the landscape and visual environmental resource including this high quality open countryside that plays an important role in the landscape setting of Banbury as a historic market town. It is therefore concluded there would be significant harm to the environment contrary to Paragraph 135 of the Framework. The Council has evidence to support the Green Buffer Policy and although as an emerging policy it can only be afforded limited weight, it is the Council’s opinion that part of the site meets the Green Buffer criteria and should remain undeveloped and designated as a proposed Green Buffer as part of the emerging local plan, a proposition supported by the various independent landscape assessments”.

5.62 To be deleted.

**Reason for Refusal 1 reworded:**

1. The proposal represents an unplanned, urban extension, encroaching into open, high quality countryside recognised as important for the setting of Banbury as a historic market town. The proposal fails to maintain the area’s rural character and appearance and fails to conserve and enhance the environment resulting in unacceptable harm to the landscape and visual amenity of the area, the distinct identity and setting of Banbury and Hanwell and features of landscape & historic value. Notwithstanding the Council’s present inability to demonstrate that it has a 5 year supply of housing land, required by Paragraph 47 of the NPPF, the development of this site cannot be justified on the basis the land supply shortfall alone. Furthermore the proposal fails to meet the Council’s objectives to meet housing need in a way that is in line with the spatial vision for the area. The application is therefore contrary to Policies H18, C7, C8, C9, C10, C13 and C15 of the adopted Cherwell Local Plan, Policies H19, EN1, EN30, EN31, EN34, EN48 of the Non-Statutory Cherwell Local Plan 2011, Policies BAN2, ESD13, ESD15 and ESD16 of the Submission Local Plan (August 2014) and national policy contained in the National Planning Policy

Framework.

**Agenda Item 8**      **14/01087/F**      **Railway Farm, Station Rd. Hook Norton**

- Members may have received a letter from Framptons Town Planning Ltd on behalf of the applicant. I attach this as appendix 1 in case it has not been seen previously



01-9033 Letter to Ms  
Morgan.pdf





Our Ref: GM/PF/9033  
(Please reply to Banbury office)

greg.mitchell@framptons-planning.com

1st October 2014

Rebekah Morgan  
Planning Officer  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

Dear Ms Morgan

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION 14/01087/F RAILWAY FARM, STATION ROAD, HOOK  
NORTON**

I refer to the above application which is due to be considered by Planning Committee on 2nd October 2014.

I have reviewed your committee report which includes an analysis of the policy context and have to conclude that it is incorrect in terms of the weight that should be given to the policies of the Cherwell Local Plan and the draft Local Plan.

I highlight the following points:

1. The development plan comprises the 1996 Cherwell District Local Plan. This Plan is out of date with a plan period to 2001.
2. Policy EMP4 has been 'saved' by the Secretary of State. However, in 'saving' policies from local plans, the Secretary of State emphasised that it was *'intended to ensure continuity in the plan led planning system and a stable planning framework locally and in particular a continual supply of land for development'*. (emphasis added)
3. The draft Local Plan has been submitted to the Secretary of State for Examination as to its legal compliance and as to whether it satisfies the tests of soundness. The examination was called to halt after two days. As such, little weight should be given to the provisions of the draft Plan in decision taking at the present time.
4. The most relevant policy basis for the determination of this application is the Framework.

5. The planning system should operate to '*encourage and not act as an impediment to sustainable growth*' (Framework para 19)
6. 'Significant weight' is to be placed on the need to support economic growth through the planning system. As such significant weight should be given in the overall planning balance to the needs of DJ Stanton to relocate, and invest in new industrial premises.
7. The Government's commitment to economic growth does not mean that all other planning considerations are outweighed. Properly other considerations such as the impact of the development on the character and appearance of the area need to be taken into account in the planning balance. In the rural areas the objective of the Framework is to support economic growth in order to create jobs and prosperity. DJ Stanton seek to relocate this highly successful enterprise close to Hook Norton. The support for economic growth and the expansion of all types of business is not confined to the conversion of existing buildings. Rather the support extends to 'well designed' new buildings.
8. The provisions of para 28 of the Framework illustrate the inconsistency between Policy EMP4 with up to date national planning policy. Policy EMP4 confines the support for employment development to:
  - An existing acceptable employment site
  - Conversion of an existing building or group of buildings
9. The Framework is not so restrictive on the location of employment generating development- which is supported throughout rural areas.
10. It is fundamental to the undertaking of the planning balance, that the locational decision taking of businesses is understood. Companies will not be forced into locations by the planning system which do not meet their operational requirements. The selected location may be some distance from the existing premises, which may result in the loss of workforce- and indeed avoidable if the planning system had been more responsive to the understanding of the needs of an individual business.
11. DJ Stanton - having operated at Hook Norton for over 50 years - seek to remain within the environs of Hook Norton. Some local employment is provided. The company is clearly well established in the locality and comprises an important component of the job opportunities which are available locally. The company has operated without giving rise to serious disturbance from high levels of traffic or giving rise to disturbance by the nature of the industrial activities undertaken at the existing premises.

## **Alternative premises considered**

### The Brymbo Works

The availability and suitability of this site has been considered. The Brymbo Works is partly occupied by a stone cutting industrial process. Dust emissions from such a process of this scale and sophistication are almost inevitable. The propensity for air borne dust to be carried over a wider area renders this location not suitable, as the performance of DJ Stanton to exact tolerances and specifications in the fabrication process would be adversely affected by any intrusion from abrasive material. In consequence this location is discounted.

### Bruce Hopkins, Shennington airfield

Albeit, this site is some distance from Hook Norton it has been investigated. The availability of space is too restricted to accommodate the needs of DJ Stanton.

### Premises at Wyckham Mill, Bloxham

The premises that are available are too restricted in terms of access by HGV.

### Aynho Road, Deddington

Premises were not available for a freehold purchase.

### Wallingfords Transport, Hook Norton

All the premises are occupied.

The conclusion from the site search of alternative premises is that none are available and suitable to meet the needs of this business. The proposed site at Railway Farm is considered the most suitable on account of its developed form, and its setting against substantial trees and the railway embankment.

## **Conclusions**

It is submitted that the relocation of this business should be supported with encouragement provided by the planning system to accommodate the business within the locality, where it has been established for over 5 decades.

No suitable land allocated for employment purposes is available and suitable to meet the operational needs of this well established and successful business. The Government supports the construction of new buildings within the rural areas to support sustainable growth.

The fact the proposed site lies beyond the built up confines of Hook Norton does not mean that the proposal is inconsistent with the principle of sustainable development.

When considered in the context of the built form of development that exists at Railway Farm, and the containment provided by trees and the embankment, it is considered that the proposal would not harm the character and appearance of the area. Planning permission is invited accordingly.

Following the refusal of planning application 13/01744/F earlier this year, the proposal has been carefully reviewed and now the scheme seeks to confine built development to the footprint of existing buildings on the site. I note that there are no technical objections to this application subject to the imposition of conditions, particularly in respect of highways and landscape.

Accordingly, it seems to me that a local authority that seeks to foster economic growth should be looking to support this application.

It is important that members of planning committee fully appreciate the detail of the proposal. This can only be realistically achieved by going onto the site.

I have offered to you the opportunity to allow members to visit the site but you have rejected this option, for reasons that are not fully clear to me.

I have therefore copied this letter to all members of the planning committee to again provide them with the opportunity to visit the site so that they can fully appreciate the local context. Hopefully they will accept this offer.

As you can see, I consider that your **current** assessment does not properly reflect the principles of the Framework in encouraging economic development at this location. In these terms I submit that planning permission should be granted.

Yours sincerely



G Mitchell

cc All Members of Cherwell DC Planning Committee  
D Stanton  
R Walker