

Land off Warwick Road, North of Hanwell Fields, Banbury

12/01789/OUT

Ward: Banbury Hardwick and
Wroxton

District Councillors: Councillor Donaldson,
Councillor Ilott, Councillor Turner and Councillor
Webb

Case Officer: Jane Dunkin/Tracey
Morrissey

Recommendation: Approval

Applicant: Persimmon Homes Ltd

Application Description: Outline application for up to 350 dwellings, together with new vehicular access from Warwick Road an associated open space

Committee Referral: Major Application (exceeds 10 dwellings and 1ha) and Departure from Policy

1. Site Description and Proposed Development

- 1.1 The application was deferred from last month's meeting to allow for the current focussed consultation exercise to be completed which allowed for representations to be received by 23rd May 2013 (consultation expiry date). The consultation period has now closed and the representations that have been received will be reported to the Executive in due course. Although these comments are presently unresolved, for the purposes of considering this current application, the Council has a continuing obligation to determine planning applications as and when submitted, on the basis of existing policy and other material considerations. Therefore it cannot, in effect, create a hiatus in determining planning applications pending the examination of its emerging local plan.
- 1.2 The application relates to a site that has been identified for residential development in the Proposed Submission Local Plan Incorporating Proposed Changes (March 2013) (PSLPIP). The site as a whole covers an area of some 20.2ha and forms the greater part of the approx 26ha allocated site to the north of Dukes Meadow Drive and to the east of Warwick Road. This proposal relates to a significant proportion of the site which Persimmon Homes has an option on consisting of two agricultural fields on the northern side of the site, and a small segment running from Warwick Road to the first roundabout along Dukes Meadow Drive. The second ownership relates to three segments of land immediately adjacent to Dukes Meadow Drive and the third ownership relates to a dwelling known as Broken Furrow which includes a large paddock to the south of the two agricultural fields.
- 1.3 The application site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries. The small segment to the south of the Broken Furrow Site is currently occupied by a dwelling which is no longer occupied and its associated curtilage.
- 1.4 There are two public footpaths that run across the site, one across the western side of the western field from the Warwick Road towards Hanwell and one which runs along the northern boundary of the eastern field for a short distance before turning towards Hanwell. The site lies within a locally designated area of High Landscape Value (as set out in the Development Plan), there is a tree preservation order on the site relating to the dwelling that is now empty (TPO2/99), records of bats and badgers

on the site and there are also notable habitats including lowland mixed deciduous woodland and a broadleaved woodland plantation. Other site constraints include naturally occurring contaminants, a minor aquifer and known records of minerals.

- 1.5 The site's surroundings consist of the Hanwell Fields development to the south, amenity space, which is not public, to the east (and which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.
- 1.6 The application has been submitted in outline for the construction of up to 350 dwellings, together with a new access from Warwick Road, and associated open space. All matters other than access are reserved, however the submission includes indicative layouts and design principles for the proposed development.
- 1.7 The application is supported by a Environmental Impact Assessment covering Socio-Economics, Ecology and Nature Conservation, Landscape and Visual, Air Quality, Noise and Vibration, Hydrology, Flood Risk and Drainage, Ground Conditions, Cultural Heritage and Archaeology and Agricultural Circumstances, a Transport Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation. A further addendum to the ES was submitted on 7th March 2013.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notices and a press notice. The final date for comment was 2nd May 2013.

To date 75 letters of representation have been received, including a letter from the Hanwell Fields Development Action Group (which includes 97 members) all of which object to the proposed development. They raise the following summarised issues (see file for full content of each):

Material planning comments:

- Height of buildings in an elevated position
- Object to provision of sports and play areas for children (enough nearby)
- Breaches northern boundary (contradicts residents' expectations)
- Lack of infrastructure
- Traffic congestion already at capacity – gridlock waiting to happen
- Education needs have not been correctly assessed
- Detrimental to well being of Hanwell Fields and Hanwell Village residents
- Overbearing, condensed and claustrophobic houses
- Demand for housing grossly over judged by CDC
- Other areas of Banbury have been granted permission for housing, but not implemented
- Spoil perfectly good environmental landscape replaced with urban sprawl
- Nothing changed since previous applications
- Site is unsustainable – will encourage car use
- Far better sites to develop elsewhere (have been removed from the plan) along with brownfield sites – empty business parks for instance
- Dukes Meadow Drive still un-adopted – no confidence in CDC
- Increased HGV activity – causes damage to roads and verges
- This side of Banbury does not have the road network to support an additional 350 houses

- Destroying our countryside
- Contrary to 1997 Design Brief for Hanwell Fields
- Premature whilst Proposed submission of the Local Plan is being finalised

Breach defensible urban boundary and create an unsatisfactory urban form
Must not be developed in a piecemeal way
Erode strategic gap of open countryside
Harmful to quality of landscape
Loss of best farmland
Unacceptable to create a large cul-de-sac from a single access point off Warwick Road
Remote from community facilities
Hanwell Community Observatory vulnerable to any increase in light pollution
Not proven that this site is more sustainable than others
No medical services in the area
Risk of flooding increased
Loss of open space for residents and wildlife
Intrusion into Ironstone Downs AHLV
Loss of outdoor amenity space
Concerns re water supply and sewerage services
Will increase noise and light pollution
Access routes are poor
Urban sprawl ruining its 'Historic Market Town' reputation
CDC should support principle of northern boundary as they are to the south with Salt Way development

Fails to take account of neighbour landowners' extant consent 07/02052/F for resiting of access to the agricultural holding
Proposed foot/cycleway access and emergency access arrangements has not taken account of neighbouring landowner' driveway
The masterplan assumes that access across the wider area of land owned by adjacent landowner would need to be provided solely from estate roads connecting to the wider masterplan area, which is not necessarily the case, and are prejudicial to the full and proper masterplanning of the wider area including the neighbouring landowners land.
Concerned that the development proposals do not satisfactorily provide for the screening of the adjacent landowners land.
The revisions to the layout are not significant

On the evidence so far presented, still not persuaded that the new strategic housing allocations should all be directed to the north of Banbury, rather than to the Salt Way/Wyckham Lane area. The published analysis of sites shows that the issue is far from clear-cut. As Cherwell is now at the final stage of the Local Plan, with additional re-consultation taking place on the Banbury housing sites, none of the competing sites should be considered for approval before the Plan has been through its Examination in public - hopefully later this year - where all the issues can be debated properly and thoroughly in public.

Persimmon have ignored views
Cherwell is ignoring our concerns
Residents of Hanwell Fields have a right to the open countryside
Drawn to the estate for its openness and relaxed life
We will no longer be edge of town
Negative affect on house prices and saleability
CDC should have our concerns in mind and represent us
Council has assisted developer more than residents
Will ruin popularity of the area
Loss of views of the countryside
Timing of application over Christmas and new year
Was informed that there would be no building on the northern boundary of Dukes Meadow Drive

Noise, dust and disruption from construction
Structural damage to property
Chose to live in countryside not Town
Council not as proactive as publicising the application as last time.

3. Consultations

3.1 Hanwell Parish Council: The Parish's main objections and comments are as follows:

Initially it was not possible to engage with all village residents and there was significant confusion regarding this new application and the current Local Plan process. We suspect only a handful will actually comment which is not a true reflection of the concerns expressed by villagers in relation to the Local Plan housing site allocations north of Banbury in October 2012. You will recall that over 100 people agreed to support the Parish's submissions.

The revisions to the layout are not significant and do not alter the position of Hanwell Parish Council. We have consistently objected to the principle of the development of this site and we would refer you to our previous objection letters submitted in January 2013 which set out our views in detail.

On the evidence so far presented we are still not persuaded that the new strategic housing allocations should all be directed to the north of Banbury, rather than to the Salt Way/Wykhams Lane area. The published analysis of sites shows that the issue is far from clear-cut. As Cherwell is now at the final stage of the Local Plan, with additional re-consultation taking place on the Banbury housing sites, we feel strongly that none of the competing sites should be considered for approval before the Plan has been through its examination in public - hopefully later this year - where all the issues can be debated properly and thoroughly in public.

As you will be aware, Hanwell Parish Council has consistently objected to the principle of the development of this site. We note the current context of addressing a shortfall in the five-year housing supply and extending the Local Plan to 2031, but these pressures need to be balanced against basic planning principles and on the evidence so far presented in the Draft Plan we are not persuaded that the strategic housing allocations to the north of Banbury are justified and acceptable.

Our specific grounds of objection to this application are as follows:

(a) Prematurity - Strategic housing sites for Banbury (such as the Persimmon site) should only be approved after a proper, informed and democratic assessment through the Local Plan process. We would contend this application is therefore "premature" while the Proposed Submission Local Plan is being finalised. We note that the Executive report on the draft Local Plan on 3 December outlined many of the difficult issues CDC will face – notably resolving the question of housing sites north of Banbury – and recognised that the "responses illustrate the challenge facing Banbury". We trust that the Council will not feel pressured into making hasty judgments.

(b) Sustainability - It has not been proved that this housing site is more sustainable than others around Banbury which are being considered in the Local Plan and therefore we contend this important process of assessment must be completed - and be open to public consultation - before permitting any major new sites. Again this should be through a proper, informed and democratic assessment through the Local Plan process.

(c) Planning principles - Despite the housing supply position and the draft Local Plan policies favouring strategic sites north of Banbury (eg policy Banbury 5), we still maintain this site is unacceptable on a number of key planning grounds and should be resisted;

(d) Urban boundary - Development of the site would breach the clear, defensible urban boundary to the north of Banbury created by Dukes Meadow Drive, which currently defines the limit of built development. The current urban edge was carefully set by the Council's adopted 1996 Local Plan policies, and the Hanwell Fields Development Brief and Design Brief in 1997, and is not a developer's or landowner's whim. The 1997 Design Brief described the importance of a clear and rational urban boundary: "The objective is to create an urban form and new urban edge which appears organic in character relating to land form and local colour and therefore specifically distinctive as Banbury". In terms of urban form and a new urban edge, we fail to understand why the Persimmon scheme is acceptable. Moreover, the effectiveness of a "Green Buffer" policy has yet to be explained. The draft Plan does not explain how the altered boundary will constitute an effective, defensible long-term urban boundary, how this will protect Hanwell village and its rural setting (previously an Area of High Landscape Value) from further urbanising development and how the various "Green Buffers" now suggested will be achieved.

(e) "Strategic" gap - Development of this site would seriously erode the "strategic" physical gap of open countryside between the urban area and Hanwell village, and in fact would reduce the gap by almost 50% from about 1000 metres to a mere 500 metres. We have consistently argued that insufficient consideration has been given to the fundamental effects of this on the overall rural setting and character of this small conservation village, ie bringing the town to our doorsteps and mitigated only by planting. Assessing this in narrow terms of purely visual impact from the village is missing the point, since the greatest impact will be on the rural character of the area. Hanwell village has stood independently of Banbury for over 800 years and, despite short term housing pressures, we contend this must be given due weight and not dismissed lightly.

(f) Landscape impact - Development of this scale would have a harmful impact on the overall quality of the landscape in the open countryside north of Dukes Meadow Drive. It is hardly likely to "protect or enhance" it. We contend it is vital to protect Hanwell village and its rural setting (previously an Area of High Landscape Value) from further urbanising development. The Draft Plan does not explain how the various "Green Buffers" now suggested will be achieved and there appears to be no provision in the Persimmon proposals for wider landscape mitigation or protection.

(g) Loss of farmland - Development would cause the loss of the best quality farmland. As we know, cumulatively this is now becoming a more important issue nationally. This needs to be balanced against argued benefits.

(h) Remoteness - The site would be relatively remote from key community facilities at the Hanwell Fields centre and is physically divorced from the rest of Hanwell Fields. The centre was never planned or sited with the Persimmon development in mind. Moreover, it appears Persimmon have no plans to provide any on-site facilities apart from play areas.

(i) Deliverability - We understand that Banbury site 5 is in two separate ownerships, Persimmon and Amber Devts, who are clearly intent on submitting separate schemes for 350 and 160 houses respectively. Deliverability appears to be an important factor in bringing sites forward. However, there is no guarantee that Persimmon can actually deliver a satisfactory, comprehensive integrated housing scheme in compliance with the policy requirements of Banbury 5 given these fragmented ownerships, and this is in fact a retrograde step from the 2006 scheme which at least included all the relevant land and access points. We contend the scheme now submitted could lead to undesirable piecemeal development and could be delayed by legal negotiations, and should therefore be resisted.

(j) Access – Following on from the point above on fragmented ownerships, it appears that Persimmon have been forced to show a new separate vehicular access point on to Warwick Road, rather than connecting to the existing distributor road and traffic islands at Dukes Meadow Drive. We contend this is unacceptable and poor planning. The Warwick Road - the A4100 – is a fast, de-restricted (60mph) road up to the 40 mph zone just north of Dukes Meadow Drive. We believe it would be potentially very hazardous to create a simple turning lane for this development and assume the County Council will take that view, and it would be unacceptable to create a large cul-de-sac from a single access point. It is absolutely essential for the vehicular access points to be direct to Dukes Meadow Drive (indicated as potential links) and the scheme should be resisted until this can be legally assured. Similarly, to create adequate “permeability” the pedestrian and cycle links indicated must be legally assured.

(k) Community consultation – The Parish Council was disappointed that Persimmon did not deliver a mail shot to all the residents of Hanwell given the importance of this “strategic site”. According to their “Statement of Pre-application Consultation” the map shows they only consulted residents at the western end of Hanwell Fields. We think this says a lot about Persimmon’s attitude to the potential impacts on the village of Hanwell. It should be quite simple to mail to the postcodes covering Hanwell village. In contrast Framptons, who are the planning agents for Amber Devts for the remainder of the site, have delivered a letter to all the residents of Hanwell advertising their recent exhibition. Cherwell DC only consulted a very limited number of Hanwell Fields householders adjacent to the site – but we accept that is the Council’s policy. As a consequence of this, and the timing of the application - over Xmas and new year – it was not feasible for Hanwell Parish Council to engage with village residents and we suspect there is significant public confusion regarding this new application and the current Local Plan process - and limited grasp of the current Persimmon scheme. If as we anticipate only a few villagers send in comments, this is not a true reflection of the concerns expressed by villagers in relation to the Local Plan housing site allocations north of Banbury in October 2012. You will recall that over 100 people agreed to support the Parish’s submissions. We note that Persimmon acknowledge that the Pre-application Consultation produced very little response and that two large wards are potentially affected by the proposals.

We have endeavoured to concentrate on the principle of this development, rather than details and we trust these comments will be fully taken into account when the Council considers this application.

Hanwell is also the site of the Hanwell Community Observatory (with links to Oxford University Department of Continuing Education) which has several large astronomical telescopes located in the grounds of the Castle. In relation to harmful environmental impacts, this facility -with the telescopes all facing to the south - is extremely vulnerable to any increase in light pollution and night time lighting levels from development at Hanwell Fields. As you will appreciate, dark skies are vital to its functioning and light pollution is virtually impossible to mitigate in practice (you will be aware of the CPRE Dark Skies Campaign for the countryside). In terms of the current proposals we are not aware of Persimmon having any consultations with the Hanwell Community Observatory and it is not clear how far this issue has been assessed.

A further letter has been received from the Chairman of **Hanwell Parish Council** as follows:

I am writing to object in the strongest terms to the Council bringing this application to the Planning Committee on 16 May while the planning authority is still consulting on the controversial issue of housing allocations for Banbury.

We have comments we would like to make on the recommendations in the

Committee report but first I would wish to express my utter amazement at the decision to bring this major application to the Planning Committee whilst the Local Plan Re-consultation is still in progress.

I think everyone assume that, in light of the controversial nature of the housing sites and the huge mass of objections, Cherwell would not determine any of the housing applications before the issues had all been trashed out in front of the Inspector at the Examination in Public on the Local Plan – hopefully later this year. Considering the application now flies in the face of common sense and natural justice, and I cannot see why the Council believes it is necessary. As we have commented in previous representations: “Strategic housing sites for Banbury (such as the Persimmon site) should only be approved after a proper, informed and democratic assessment through the Local Plan process.”

In terms of the committee report, we are grateful that the Hanwell Parish Council comments have been set out in detail.

However, we feel strongly that the Council should be deferring any consideration of the application and that the report does not give adequate weight to the “prematurity” arguments. The Officers recommendation to Members is that on balance CDC would not be justified in refusing: On balance it is considered that the 5 year housing land supply position, together with the presumption in favour of sustainable development embodied in the NPPF, is sufficient to outweigh concerns over the release of this site in advance of the local plan being finalised.

It is clear that Officers accept there are some serious issues about approving the Persimmon application in advance of the Local Plan completion. The report accepts there are sound reasons to support deferring on “prematurity” grounds but on balance they are outweighed by the other two issues. We would therefore argue that the Members of the Committee can come to a different view on the balance – that the “prematurity” arguments are not outweighed by the other matters and therefore the Council should not be considering the application until the Local Plan process is complete.

We would put forward the following grounds for deferring:

- The Local Plan Re-consultation on the Banbury housing site runs until 23 May, and must then be assessed and considered properly by Members. It flies in the face of common sense and “natural justice” to determine this application during the consultation period.
- Key detailed Local Plan evidence on the environmental impact of the various housing sites (including Persimmon) was not made public until this current re-consultation stage and the public must be allowed to consider this and comment on it first.
- There are viable competing housing sites in Banbury, most with current planning applications under consideration, and there seems no good reason to bring a single site forward in this matter.
- There have been a substantial number of public representations about the Local Plan housing sites including the Persimmon proposals.
- Most of the public representations on the Persimmon proposals have made very strong objections to the development. It is clearly a controversial development which has generated a lot of opposition.

- Officers accept in the report that the Persimmon development proposals do not currently meet all the requirements of Policy Banbury 5 – so further work is required before the Council can properly consider the application.
- Deferring the application would not in any way create a significant delay to development of the site if it were adopted as part of the Local Plan process – given the imminence of submitting the Plan and the EIP, one is talking perhaps in terms of months.
- We would argue strongly that Cherwell should in any case take more legal advice on this whole issue, in view of all the other housing proposals in the pipeline which are affected by this decision. It is not clear what happens if the Council decides to plough ahead with considering the Persimmon proposals.

Three final thoughts:

- Are we now to see all the applications for proposed housing sites approved by the Planning Committee before the Local Plan is actually adopted?
- Is this process really giving local people a say in their future?
- What, many will ask, is the point of all this Local Plan consultation and responding to the latest Re-consultation which does not finish on the 23 May?

It would remove any shred of credibility in the new Local Plan process – and the new NPPF – if Councillors approved the Persimmon application on 16 May.

I trust that the Committee will take account of these comments and that they will be reported to the Committee in full.

3.2 **Banbury Town Council:** Object 'Premature'. The Council accepts the need for CDC to meet its housing delivery and bring forward additional sites to achieve this. We would not like growth to take place in those additional areas instead of Canalside which is seen as a priority for growth. Development of these additional areas that were not within the primary site allocations consulted upon as part of the Draft Core Strategy should not be implemented until the already planned Bankside Development is completed. The site is adjacent to a recently developed site and we feel that it would be better to have a period of stability.

3.3 **Drayton Parish Council:** Apologies for the late return of comments – this in part is due to the timing of the PC meeting.

Firstly it would seem inappropriate to consider this planning application before the consultation period for the Local Plan ends; Drayton Parish Council requests that consideration of this application is postponed until after the end of the Local Plan consultation.

The PC objects to this application on the following grounds:

1. There is a lack of infrastructure – roads and schools - at the Warwick Road end of town and at peak times the Warwick Road/Stratford Road junction is causing tailbacks. No information is provided with the application detailing how

the existing road network would handle the additional traffic.

2. To introduce a further road entrance onto Warwick Road seems poorly thought through and would be better direct onto Dukes Meadow.
3. The northern boundary of Banbury is being extended yet again onto good agricultural land and Hanwell is at risk of losing its unique feel as a village if it continues. The proposal will surround the two existing houses – Broken Furrow and the Bungalow – that are currently part of Drayton Parish.
4. This is an opportunist application not properly thought through in the context of BAN 5; it will form a self-contained estate with no natural connections to the existing Hanwell Fields

- 3.4 **Cllr Surinder Dhesi - County Councillor for Hardwick** - I support the need for additional housing in Banbury and other sites have been approved and there seems to be no development at this site. I am very concerned about this application and implications it would cause if this proposal is approved. The infrastructure at the present is inadequate and the nearby primary school Hanwell Fields is oversubscribed and not all the roads are adopted. My main concerns are that Cherwell's Local Plan is not ready and it would be totally irresponsible to pass an important proposal as this. Please could you defer the proposal?

Cherwell District Council Consultees

- 3.5 **Head of Strategic Planning and the Economy:** There are no objections to the proposal on planning policy grounds.

History of the site

A planning application for residential development at the site was dismissed at appeal in 2007. However whilst the appeal was dismissed for housing land supply reasons, the Secretary of State took the view that the development of the site would not harm the character of the Hanwell conservation area, and did not consider the site to be unacceptable on sustainability grounds or that development there would be in an unsustainable location.

The site was first identified as a reasonable option for major development at Banbury as part of the Core Strategy Options for Growth consultation on directions for growth and strategic sites in September 2008. At this stage the application site was included within area "BAN3 North West Banbury" which comprised the application site and adjacent land together with a site to the west of the Warwick Road. Combining the two sites as an urban extension was considered to assist with the delivery of infrastructure. Integration with the existing built up area was considered achievable and compared to other options the area was assessed to have relatively good access to employment areas on the north side of the town. It was noted that BAN3 was less sensitive than some other areas in landscape terms but that a careful approach was needed.

Following consideration of the outcome of the Options for Growth consultation and further site analysis following the completion of additional evidence base studies, the application site was then included as part of "Policy BAN 5 North of Hanwell Fields Reserve Strategic Allocation 3" in the Draft Core Strategy, which was published for consultation in February 2010. The policy identified the site as the second reserve strategic site for the town, suitable for provision of up to 400 homes and associated services, facilities and other infrastructure, but indicated that the site would only be released within the plan period if it was required to meet the defined housing requirements in addition to West of Warwick Road (the first reserve site identified).

BAN 5 was identified as a reserve site only, as other strategic sites (BAN1 Canalside, BAN2 West of Bretch Hill and BAN 3 Land at Bankside) were considered more advantageous and sufficient to meet the housing requirements at that time. However BAN 5 was considered suitable as a reserve allocation, having high capacity in landscape sensitivity terms to accept development compared to the south and south west of Banbury (Draft Halcrow report, 2009) and was potentially deliverable.

The Proposed Submission Local Plan (formerly Core Strategy) was published for consultation in August 2012. The plan period in this plan was extended from 2026 to 2031 to comply with government advice and consequential amendments were made to housing requirements for the district. This resulted in a need for additional strategic development sites to be identified at Banbury and Bicester and in the case of land north of Hanwell Fields the site was no longer proposed as a reserve site but identified as a strategic allocation BANBURY 5 suitable for development of 400 dwellings with associated facilities and infrastructure.

The Sustainability Appraisal of the Proposed Submission Plan indicated the site to be located in an area at low risk of flooding, with no statutory ecological or heritage designations on the site. The site is located close to facilities at Hanwell Fields, North Oxfordshire Academy and employment areas to the north of the town, but some distance to other employment areas and the town centre which the Sustainability Appraisal indicated could discourage walking or cycling. However it identified the high potential for connectivity between the site and the existing high quality pedestrian/cycle links and bus services to the south. The site was assessed as having high capacity to accept residential development from a landscape perspective (Halcrow 2010) provided that the height and extent of development is limited to avoid adverse impact on the setting of the Hanwell Conservation Area.

Further landscape assessment work was undertaken following the publication of the Proposed Submission Local Plan (available at <http://www.cherwell.gov.uk/index.cfm?articleid=3244>). The reports are draft studies pending the completion of a current consultation on Plan changes:

- An updated Landscape Sensitivity and Capacity Assessment for Banbury (LSCA, 2013)
- A Banbury Environmental Baseline Report (2013)
- Banbury Analysis of Potential for Strategic Development (BAPSD, 2013)
- Banbury Green Buffer Report (2013)

The LSCA 2013 assessed the site as having medium capacity to accept development in landscape terms subject to the woodland buffer within the north of the area being retained and enhanced to protect the setting of the Hanwell Conservation Area, views of the development being screened where practicable from Warwick Road when travelling south, and development being sympathetic to the localised landscape and visual qualities of the site and in keeping with existing residential properties to the north of Dukes Meadow Drive.

The Banbury Analysis of Potential for Strategic Development study (2013) assessed the extent to which the town was able to accommodate strategic development whilst retaining its historic market town character and rural landscape setting. This concluded that whilst land to the north west of Banbury makes a significant contribution to the setting of the town, Banbury 5 could accommodate development provided suitable mitigation and green infrastructure measures are put in place, due to the site being visually well contained on account of the relatively flat topography and network of mature vegetated boundaries. Appendix 1 to the study, Peripheral Development Sites, assessed the potential capacity of the allocation site and indicated an indicative capacity of 421-491 dwellings (note: the application site does not cover the whole of the assessed area).

Therefore, from a landscape perspective, this site is a strong candidate for strategic development.

Proposed Changes to the Proposed Submission Local Plan published in March 2013 were informed by the additional landscape evidence and set out amendments to Policy Banbury 5 including an increase in the site's estimated capacity from 400 to approximately 500 dwellings. The Proposed Changes are presently being consulted upon until 23 May 2012.

Main Policy Issues

The main policy issues are considered to be:

- Compatibility with the Development Plan and other Local Plan policies
- Housing land supply position and associated NPPF advice
- whether it would be appropriate to release the site for development ahead of completion of the Local Plan

Development Plan and Other Local Plan Policies

Adopted Cherwell Local Plan 1996 and Non-Statutory Cherwell Local Plan 2011

The application site lies in an area of countryside and is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011. Saved and non-statutory policies relating (amongst other things) to the countryside, landscape and design will need to be considered subject to examination of the weight they should be given according to their degree of consistency with the NPPF.

Proposed Changes to the Proposed Submission Local Plan 2013

The application site forms part of the proposed strategic housing allocation Banbury 5. The strategic housing allocation also comprises parcels of land to the east and south of the application site, together with Broken Furrow and its curtilage (which is encompassed by the application site but excluded from it). As indicated above, the proposed changes to Policy Banbury 5 currently out for consultation proposes a residential led strategic development on the allocated site as a whole for approximately 500 dwellings.

Policy Banbury 5 sets out a range of requirements and development principles against which the application proposals should be assessed. However some key observations are set out below:

The policy requires that the development area will require an integrated, coordinated and comprehensive approach to be taken with a link road through the site to ensure a sustainable and inclusive access and movement strategy for the development with connection to the surrounding road network. As the application site only comprises part of the allocated site this is not fully achievable at this stage. The site is proposed to be accessed from Warwick Road, with the road system within the site designed to facilitate interconnection with adjoining land and through to Dukes Meadow Drive when the opportunity exists.

The policy indicates a housing land area of 11.5ha net, with the site being considered suitable for approximately 500 homes. The application was submitted prior to the publication of proposed changes to the plan which increased the estimated overall allocated site capacity from 400 to 500 dwellings. The application site forms the

majority of the proposed allocation site (9.6ha net, 20.2ha of 26ha gross) and 350 dwellings is broadly in line with the 500 dwellings intended for the site as a whole.

The policy requires good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops including the provision of a bus route through the site. Providing the westernmost "optional link" indicated on the southern boundary of the site as a pedestrian link at this stage would facilitate improved pedestrian access to the nearest bus stop on Dukes Meadow Drive.

The policy requires the maintenance of the integrity and quality of the strategic landscaping for the Hanwell Fields development. The south eastern corner of the application site contains an area of existing woodland which formed part of the landscape mitigation for the Hanwell Fields development as indicated in the Design Brief for development at Hanwell Fields in 1997. However this is shown as being retained on the illustrative masterplan, other than the incorporation of a potential link from the proposed development site to the south. Re-enforcement of the tree belt on the northern boundary of the site will help to form a new landscape buffer and soften the edge of the new development.

The policy requires retention and enhancement of the semi-mature band of trees on northern and western boundaries and establishment of a Green Buffer between the site and Hanwell village. The application indicates the retention and enhancement of the tree band on the northern boundary and western boundary of the site which will help to establish a buffer between the site and Hanwell. In addition proposed Local Plan Policy ESD 15 is intended to protect the area between the site and the village.

Housing Land Supply and the NPPF

The NPPF states that planning should recognise the intrinsic character and beauty of the countryside (para' 17). It states (para' 49) that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

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

The latest position on the district's housing land supply is contained within the Annual Monitoring Report 2012. This indicates that the district has 4.3 years supply from deliverable sites with a 5% buffer and 3.8 years supply based on a 20% buffer.

The Council is unable to currently demonstrate a five year housing land supply of deliverable sites with a five % or 20% buffer as required by the NPPF. Paragraph 49 of the NPPF indicates that where this is the case relevant policies for the supply of housing should not be considered up to date and housing applications should be considered in the context of the presumption in favour of sustainable development (having regard to economic, social and environmental considerations). At a strategic level the wider site has been included in the Proposed Submission Local Plan in the interests of delivering sustainable development.

Whilst the application site is not allocated for development in the adopted Cherwell Local Plan, in view of the advice in paragraph 49 the saved housing policies of the adopted Cherwell Local Plan must be considered out of date. Nevertheless, it will still

be necessary to consider the detailed impact of the proposed development on this area of countryside and its landscape setting.

Whether it would be appropriate to release the site for development ahead of completion of the Local Plan

The NPPF provides (para' 17) a set of core planning principles which, amongst other things, require planning to "be genuinely plan-led, empowering local people to shape their surroundings...".

The application relates to a strategic release of housing land ahead of completion of the Local Plan and ahead of the independent Examination of the Plan's proposals and policies.

Government Guidance on 'The Planning System: General Principles' remains extant and provides advice on the issue of 'prematurity'. It states:

"In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect" (para 17)

"Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.
- Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted.

The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies" (para' 18)

"Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process" (para' 19)

In addition to the current proposal, the Council has a number of other planning applications for the development of housing on greenfield sites at Banbury which are also potentially of strategic significance. The strategic sites identified in the PSLP March 2013 have been the subject of representations many of which are objections. The issue of potential prematurity must therefore be considered.

However, at the time of writing, the Proposed Submission Local Plan is the subject of further consultation (until 23 May). The outcome of the consultation and the implications for plan preparation are not yet known and a date has not been determined for Submission of the Local Plan. On this basis, it is therefore understood that a refusal of permission on prematurity grounds would not be justified.

Notwithstanding this, the new Local Plan would ideally proceed to completion before new greenfield strategic sites are released. However, the Government policy and advice on the need for new housing to be provided urgently is clear:

- Laying the Foundations: A Housing Strategy for England, 2011) - aims to get the housing market and house building 'moving again' and emphasises that urgent action is need to build new homes
- Written Ministerial Statement: Planning for Growth (23 March 2011) - "...there is a pressing need that the planning system does everything it can to help secure a swift return to economic growth"
- Written Ministerial Statement: Housing and Growth (6 September 2012) - in announcing a package of measures to support local economic growth, the Secretary of State for Communities and Local Government advised that the need for new homes is 'acute'

Furthermore, the district does not presently have a five year land supply (plus 5 or 20%) and has experienced lower than necessary housing completions in recent years. The release of the application site for housing would help resolve this situation and assist in ensuring that housing is delivered in the district's most sustainable locations and where the need for new housing is concentrated. Not to release land in appropriate locations at urban areas would require a less sustainable rural-led solution.

The emerging Plan has been through several rounds of consultation and is now supported by an extensive evidence base. Paragraph 216 of the NPPF indicates that weight may also be given to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to policies in the NPPF (the closer the policies in the emerging plan to the policies in the emerging framework, the greater the weight that may be given).

The evidence base for the emerging local plan is now substantially complete and the local plan has reached an advanced stage. The Proposed Submission Local Plan was prepared following the publication of the NPPF and the policies are considered to be generally consistent with the NPPF. It is considered that the first and third bullet points of paragraph 216 of the NPPF are met and therefore some weight can be given to the emerging plan policies.

However the requirements of the second bullet point limits the weight given to the emerging plan policies relating to the site. Whilst the application for residential development is consistent with the strategic allocation in the PSLP, there are alternative strategic sites at Banbury which are being promoted through the local plan process, which are not the subject of proposed allocations in the plan, and which are

the subject of unresolved objections to the location of strategic sites. A balanced judgement is therefore required in the light of the requirement to deliver more housing over the next five years,

Conclusions

The position with regard to housing land supply and advice in paragraph 49 of the NPPF means that the saved housing policies in the adopted local plan can no longer be considered relevant.

The application site forms part of proposed strategic site allocation Banbury 5 of the Proposed Submission Local Plan, which can be given some weight in decision making, albeit limited due to unresolved objections to the location of strategic allocations at Banbury in the plan.

The determination of this application in advance of the local plan being finalised has to be balanced against the advice in paragraph 14 of the NPPF which sets out the presumption in favour of sustainable development, which should be seen as a “golden thread” running through both plan-making and decision taking. It states that for decision taking this means:

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

In view of the 5 year housing land supply position and the presumption in favour of sustainable development embodied in the NPPF the Council has acknowledged that sites may have to be released ahead of the local plan being adopted (ref. superseded Housing Land Supply Position Statement, February 2012).

The application site is a reasonable site to consider. The site has consistently been assessed as being able to accommodate development in landscape terms. It is at low risk of flooding being located in flood zone 1, is located in close proximity to facilities at Hanwell Fields, North Oxfordshire Academy and employment areas to the north of the town (although it is some distance from other employment areas and the town centre). There are no statutory designated ecological or heritage assets within the site. Although the site is in close proximity to the Hanwell conservation area which contains a number of listed buildings, the site is relatively flat and visually well contained. The site is not considered to play a significant role in the landscape setting of Banbury and careful design as required by Policy Banbury 5 can ensure that development of the site avoids impact on the historic environment and minimise impacts on the rural character of the area and local amenity.

There are some issues of concern and the development proposals do not currently meet all of the requirements of Policy Banbury 5. Most of these are issues that can be resolved at the detailed planning stage. The main issue at this stage is that the application only comprises part of the site allocation, which is not ideal and as a result there are issues in terms of connectivity with the existing Hanwell Fields development. However the illustrative masterplan has indicated potential future links to the remainder of the allocated site and as long as this is secured as development proposals are progressed this will enable improved connectivity as the remainder of the allocated site is brought forward.

On balance it is considered that the 5 year housing land supply position, together with the presumption in favour of sustainable development embodied in the NPPF is sufficient to outweigh concerns over the release of this site in advance of the local

plan being finalised.

Update from the Head of Strategic Planning and Economy

The focused consultation on the proposed changes to the proposed submission local plan ended on 23rd May 2013. The representations received will be presented to the Executive in due course. They include objections to the proposed changes for the North of Hanwell Fields Strategic Site (Banbury 5)

Since the original consultation response, there has been a small change in the district's housing land supply position as a result of applications being considered at the last planning committee. The latest position (May 2012) is published on the Council's website at <http://www.cherwell.gov.uk/index.cfm?articleid=3238> and shows that the district now has a 4.4 year supply of deliverable sites incorporating a 5% buffer and a 3.9 year supply based on a 20% buffer. This equates to shortfalls of 438 or 1001 respectively.

- 3.6 **Urban Design and Conservation Team Leader:** During the pre-application process extensive discussions took place on the requirement for a masterplanned approach for the site. A workshop was also arranged by the Council to bring representatives of both landowners around the table to discuss how a masterplanned approach could be established. While this was a productive meeting, no formal agreement has been reached to date.

Requirement for a Masterplanned Approach to Banbury 5

- The site forms part of the Banbury 5 allocation in the Draft Submission Local Plan. One of the policy requirements is for a masterplanned approach to the site: 'The development will require an integrated, coordinated and comprehensive planning approach to be taken with a link road through the site to ensure a sustainable and inclusive access and movement strategy for the Development Area to be taken and connection in to the surrounding road network'
- There are currently two land holdings that form the Banbury 5 allocation and it is critical that certain elements of the plan are considered in a holistic way to ensure a robust approach to the site
- The Council organised a joint masterplanning workshop for the site in November last year, attended by the planning consultants for both sites. While a number of mechanisms were discussed at this meeting, we were not able to sign off an appropriate masterplanning approach with both parties
- Options to secure a coordinated approach for the site, include: Local agreement, S106 agreement – To be agreed as part of the planning process for the site
- In the absence of an agreement being reached, the masterplanning and design approach needs to be considered on a stand alone basis, as there is no certainty that the other element of site will come forward in a fully coordinated way. Therefore the development needs to be considered on a standalone basis.

Masterplanned Approach Development Site

- The development site makes up the majority of the northwest of the Banbury 5 allocation, running along Warwick Road and a substantial portion of the northern boundary to the site. The land running along Dukes Meadow Drive and to the east of the site is in different land ownership

- While not part of the Banbury 5 allocation, Broken Furrow forms a triangular piece of land at the southwest of the site. This area is currently contains a small number of domestic dwellings and is not part of the development proposals
- This site is coming forward as a standalone application for the Banbury 5 allocation and no comprehensive masterplan has been put together for the entire site development in this area and the application therefore needs to be considered on a stand along basis
- The proposed vehicular access to the site is from a single access point along Warwick Road. While this creates a long cul-de-sac, it is acknowledged that the street network has the potential to tie in with the adjacent development when it comes forward
- The current proposals are separated from Dukes Meadow Drive and the existing northern edge of Banbury by the other land holding for this site. As a standalone site the development does not meet the requirement for a well-integrated place that is well connected to the rest of Banbury.

Site Context

- The site is located on the northeast edge of Banbury, four miles northeast of the Banbury Town Centre and forms part (18.6 HA) of the Banbury 5 allocation for 26 HA in the Draft Submission Local Plan
- To the south of the site lies the Hanwell Fields development which currently forms the northern limits of the town. To the north of the site lies the Village of Hanwell. The relationship between the site and this area needs to be sensitively considered to minimise the impact on the village. The impact of light pollution is an especially important factor as there is a community observatory located within the village

Site Character

- The site is made up of two open agricultural fields, containing semi improved grassland and punctuated by trees and hedgerows along the field boundaries.
- The northern boundary is defined by a double row of structure planting, the western boundary onto Warwick Road is defined by an agricultural mixed hedgerow, the boundary to the east of the site is defined by a hedgerow and treed belt, the southern boundary with Broken Furrow is defined by mature planting. A planted belt forms separates the two fields in the centre of the site
- The site is of moderate ecological value and the majority of the ecological assets will be retained and enhanced as part of the proposals. However a number of features have been found that require mitigation, including a badger set in the centre of the site
- The topography undulates across the site, with a number of gentle ridges and low points. Typically the site slopes from the east to the west, with the lowest point to the southwest of the site adjacent to Warwick Road
- It would be helpful to have a summary diagram as part of the design and access statement which sets out the major site constraints and how this has influenced the design process

Development Approach

- The development proposal is for 350 units. There is a net development area of 9.4 ha
- The design / urban design principles set out in the Design and Access Statement are generic good practice approaches and it would be useful if this document set out how these relate to the sites opportunities and constraints
- An appropriate response to the design principles has been demonstrated in the illustrative masterplan
- The masterplan is based on a series of perimeter blocks and clearly defined landscaped spaces. The structure of these spaces is defined by the existing landscaped constraints, new spaces and landscaped connections
- The structure provides active frontages and surveillance onto the main
- The average density across the site is 37u/ha. How the density varies across the site will be important in helping to establish the character and setting of various areas of the site and it would be helpful to see a plan which explains how this might work
- Key frontages have been highlighted, to ensure that greater presence is provided to key routes and spaces
- The building height and scale varies through the site and areas of greater sensitivity will be lower and more dispersed
- No information has been provided on the building form or typology which would be helpful to better understand the approach
- The thresholds will be clearly defined by walls, railings or hedging

Development Character

- There is no information within the Design and Access Statement on how character will vary across the site
- While some work has been undertaken on the character of adjacent settlements. This has largely focused on the architectural details and paid less attention to the form and structure of place
- Understanding the morphology of existing settlements is as important as the details and materials. How buildings address public open space, provide hierarchy, structure will be particularly important in informing the design of key open spaces and landmark areas
- The villages of Wroxton and Hanwell have been reviewed, but it would be helpful to draw out what design principles can be applied to the site
- It would be useful if a Design Influences / Character Study that sets out how the vernacular forms should influence the design of this settlement

Movement Network

- Access to the site will be from Warwick Road. While the proposals for this application offer the potential to connect to adjacent land, this does not in itself demonstrate the required 'masterplanned' approach as the Council has no guarantee that development of an appropriate form will come forward at the

adjacent site to create an acceptable movement network for the overall Ban 5 allocation. As the proposals stand, development will form a large cul-de-sac. The site is landlocked to the south, limiting the opportunity for any movement, including walking and cycling to the south of the site and the existing residential northern boundary

- The application does not meet the requirements of the Proposed Submission Local Plan for 'a layout of development that enables a high degree of integration and connectivity with the Hanwell Fields development to the south.
- The internal movement network is logical, and assuming that the adjacent land holding comes forward in an interconnected way, will offer an appropriate level of connectivity to adjacent areas
- A public right of way runs through the northwest of the site and connects with the footpath network to Hanwell Village and beyond
- The internally movement network is based on a spine road runs west – east through the site and potentially into the adjacent development area. This route will be designed as a bus route
- A network of lower order streets provides low key access to development. These streets, defined on the plan as Village Streets / Shared Surfaces and Lanes / Private drives, will be designed to promote low vehicular speeds and enhance pedestrian movement
- Schematic street layouts have been provided within the Design and Access Statement, which demonstrate an appropriate response given the site context and layout
- There is limited information available on the proposed parking strategy for the site

Illustrative Plans

- The Illustrative plan demonstrates how the strategic approach and layout could be interpreted on the site and it is acknowledging that these are for illustrative purposes only
- The plan demonstrates that the block structure landscape and street layout can establish an appropriate response to the site constraints
- My main criticism of the plan is it puts forward an approach with a very even density and housing mix. I feel that a more interesting scheme and better mix of housing could be produced if greater consideration was given to this area. In particular, ensuring that development provides appropriate active frontage to junctions and key open spaces, while providing a low density, low key edge to the sensitive north of the site

Planning

- A number of planning requirements are set out in the Draft Submission Local Plan for this site, including a: local centre, continuing care and self build. It is also a requirement of the local plan for development to be at code level 4.

Conclusion

- Further information should be provided: Density Plan for Site, Design Influences / Character Area Study and also a masterplanned approach should be pursued with the adjacent land owner

3.7 **Housing Strategy Officer:** This application for up to 350 residential units will require 30% affordable housing, which equates to up to 105 affordable units

These affordable units should have a tenure split of 70/30 rented and shared

ownership or some other low cost home ownership product to be agreed with the planner.

It has been agreed that we will not seek 50% lifetime homes standard on this scheme, however a minimum of 10% of the units should meet Lifetime Homes Standards, with preference for them being in the rented element of the affordable housing.

All the Affordable Rented units should be built to Code for Sustainable Homes Level 3 and the HCA's Design and Quality Standards, together with the HQI requirements.

It has been agreed that the shared ownership can be built to the developers' standard house type sizes and layouts appropriate for the units required for shared ownership. This has been agreed to aid in the delivery of the affordable housing.

The affordable units should be dispersed throughout the scheme in clusters of no larger than 15 units unless otherwise agreed with planners and there should be 30% affordable housing represented within each phase where this is feasible.

Below outlines an indicative affordable housing mix which will form the discussions with the applicant upon pre-submission of a reserved matters application;

Rent

18x1b2pF

4x2b3pF

23x2b4pH

11x3b5pH

11x3b6pH

5x4b7pH

2x2b4pBungalow (wheelchair standard)

Shared Ownership

4x2b3pF

17x2b4pH

10x3b5pH

The preference is for the affordable housing to transfer to one of CDC's preferred RP partners, however further discussions can be held with developers should this arrangement not be feasible.

The application includes HOTs for a planning agreement. There are a number of issues with this drafting as it relates to the affordable housing provision. Some key issues are:

- The base plot price: (The principle of this is currently being considered further) Our wording under current policy is for free serviced land to be provided. The draft planning obligations SPD seeks units that are provided through internal subsidy into the scheme at discounted land values. We expect the development to be able to support affordable housing at an offer price payable by an RP for built units. I would not want to dictate in a S106 what the land value as part of this offer price should be. Furthermore our initial preplanning response wanted to see a deal done to allow for some units to be delivered through self-build/self-finish methods. For this we may want plots to be transferred at slab level so that they can be then built out through a self-build scheme.
- The intermediate product appears to focus on shared equity whereas usually we ask for shared ownership units (there is no definition for this product). If we did accept some units as shared equity we would want the equity share, once repaid, to revert to the Council and not to the developer.

- The trigger points are too late: We would usually look at a 30% market completions only until an offer has been made to an RSL and 80% trigger for units to be completed and transferred
- We are not currently using a cascade mechanism: We used to when affordable housing delivery was dependent on grant but with the acceptance of affordable rent we believe that 30% affordable housing delivery is viable with no grant.
- The cluster sizes should be no more than 15 units in a cluster with no 2 clusters adjoining
- Extra care housing would be required as part of the mix

3.8 **Environmental Protection Officer:** The applicant recognises the need for an intrusive site investigation in the Environmental Statement which summarises the findings of the EIA (section on ground conditions). I would concur with the applicant's intentions and would recommend conditions J12, J13, J14, J15, J16, J17.

3.9 **Anti-Social Behaviour Manager:** The existing noise climate of the site has been considered. The EIA suggests that the dominant source of noise that can be heard on the site is that of road traffic from the nearby B4100 and to a lesser extent noise from local traffic passing along Dukes Meadow Drive. Noise surveys have been carried out to quantify these noise levels for both day time and night time periods.

This data has been used to inform studies as to the environmental effects of noise produced by construction and demolition activity on the site and of noise produced by traffic generated from the construction and demolition phase of the development. Cumulative impact studies have also been carried out to assess the noise produced by construction and demolition noise from this and other known potential development sites in the area and a similar approach has been taken with regard to traffic noise on a cumulative basis.

Interestingly the EIA also includes an appraisal of the suitability of the site for development in noise terms.

From the construction site noise perspective no impacts that cannot be overcome by the use of best practicable means were identified. A construction management plan (CEMP) should deal adequately with construction site noise. Construction and demolition traffic noise are not considered likely to produce significant impacts, equally the cumulative impacts are not considered significant.

From a site suitability perspective the EIA shows that compliance with the BS 8233 'Good' standard for habitable rooms can be achieved by the installation of up rated double glazing and appropriate ventilation and that the WHO open space standard can be achieved by an appropriate layout for the site. Conditions will be needed to demonstrate this compliance at the reserved matters stage.

3.10 **Landscape Officer:** I am encouraged by the inclusion of another LAP in the western area of the site.

Light Pollution Re Hanwell Village and Observatory

The developer is to provide evidence of how they intend to reduce light pollution of the Hanwell's night sky. I assume the developer would require information on the extent of the sky's "visual envelope" at different times of the year in respect of the Observatory. The developer must make with the group to ensure that this is done: <http://www.hanwellobservatory.org.uk/>

Landscape Visual Assessment

The LVA is acceptable; however I am concerned about the walker receptor impacts on the entrance to the PRow off Warwick Road. Additional space should be allocated

for medium sized, clear stemmed standard trees to mitigate views of the built edge from this location. This can be dealt with under reserved matters.

The 'Green Spine'

Is there going to be a proposed paved pedestrian link down between the new interconnecting path and the LAP/LEAP? But this would have to be kept away from the RPZs. RM again.

Formal POS

The football pitch does not appear to fit the formal POS area: the appropriate pitch size that the Recreation and Health Improvement Manager requires is a 86 x 56 m junior pitch with the run-off areas included. There are going to be major constraints on the northern and western corners where the root protection zones of peripheral vegetation (hedgerows and trees) will be encroached upon. The corners of pitch will overlap the Warwick Road boundary and the tree belt with the present proposals. The public footpath will have to be relocated approximately 6 -10 m eastward to accommodate the pitch and the line of trees proposed. Even the corner of the housing layout and carpark may have to be revised to accommodate this change. I recommend that the correct pitch footprint is indicated on the revised layout along with tree and hedgerow root protection areas to ensure that the pitch can be accommodated in this area.

- 3.11 **Waste and Recycling Manager:** The developer should take into account the Waste and Recycling guidance which can be found on the Cherwell District Council website <http://www.cherwell.gov.uk/index.cfm?articleid=1735> Section 106 contribution of £67.50 per property will also be required.
- 3.12 **Ecology Officer:** With regard to the above application the surveys within the environmental statement are sufficient in scope and depth. Detail is lacking on methodology, specifically with regard to reptiles, but in general all the information is there and as they include a working method as a precaution for reptiles I have no concerns on that point. There are a number of constraints on site - bats, badgers, some breeding birds as well as the woodland areas and hedgerows. I concur that in general the likely impacts on ecology can be mitigated against by those measures outlined within the environmental statement. I am pleased to see the majority of the woodland areas and hedgerows being retained. The suggested enhancements on site within section 6.4 of the Environmental Statement are appropriate however I would prefer to see the inclusion of further enhancements within the built environment. For example nest boxes to be built in rather than added externally such that their future retention is more ensured. I can advise the applicant further or clarify this if needs be. Given the bat activity across the site I would also like to see the inclusion of at least 10 roosting opportunities for crevice-dwelling bats within the buildings on site in addition to the boxes suggested for trees.

There should be sufficient scope on site to satisfactorily mitigate for the loss of the maternity roost of brown long eared bats such that a licence could be obtained. The suggested level of mitigation is likely to be appropriate but a detailed mitigation plan for the bats on site showing the location of the proposed replacement roost on plans, how its future use will be assured and confirming the timing of works and of each phase must be submitted for approval.

Details of the proposed planting and future management of the green space including informal green space and biodiversity enhancements on site should be submitted prior to commencement of works for approval (as an LEMP?).

Given the above the following conditions would be appropriate to cover biodiversity on site: Mitigation for bats, protected species check, nesting birds, mitigation for badgers, biodiversity enhancement, LEMP/CEMP for biodiversity and use of native

species.

- 3.13 **Biodiversity and Countryside Officer:** As a result of new information provided on 25/01/13 by Sarah Aldous, the OCC Rights of Way Officer, relating to the definitive route of Drayton Footpath No 6, I need to revise my comments on this application dated 9/01/13 and the earlier comments on the scoping opinion dated 25/07/12.

This outline application affects Drayton Footpath No 6 (191/6), Banbury Footpath No 107 (120/107) and Hanwell Footpath No 7 (239/7).

The plans and Design and Access Statement show that the existing routes of these rights of way will be maintained and have been taken into account within the estate layout.

The amended plans show that the existing routes of these rights of way will be maintained and have been taken into account within the estate layout. Comments from OCC Highways (01.02.13) have been taken into account with regard to the enhancement and extension of the ROW network in relation to this site so I assume corrections have also been made to the route of Drayton Footpath No 6 so that it follows the definitive line?

- 3.14 **Arts and Visitor Services Manager:** Public art will be required at a rate of £150 per dwelling (£52,500 in total). CDC to work with the developer in determining what is to be commissioned.
- 3.15 **Arboricultural Officer:** There are a significant number of semi/young mature trees along the boundary of the site providing good screening from the surrounding areas and valuable wildlife habitat.

The indicative master plan shows the development in the centre of the site with a buffer adjacent to the existing trees.

No objections to the development in principle subject to condition based on recommendations in BS5837 2012.

Oxfordshire County Council Consultees

- 3.16 **Strategic Policy:** No comments received
- 3.17 **Highways Liaison Officer:** Withdraws its "holding objection" to one of No objection; subject to a S106 Agreement securing the agreed transport contributions and the recommended planning conditions quoted in initial assessment being imposed

Summary of Transport Assessment (TA)

The proposed 350 dwellings will be located off the B4100 (classified B class road). Access to the site is to be taken via the B4100 (Warwick Road).

Within the submitted TA it has been stated that there is unlikely to be an impact on the local highway network from the proposed development due to capacity within the highway network, with the exception of the Southam Road/Hennef Way junction.

A review of the accident data for the area has been carried out, which found one incident had occurred; looking at the information provided the incident involved was down to driver error rather than the characteristics of the local highway network.

A review of public transport, pedestrian and cycle accessibility has been undertaken. A Travel Plan for the site is proposed.

Transport Assessment (TA) Comments

The site is located to the north west of Banbury, off the B4100 Warwick Road (classified B class road) and is currently arable farm land. The B4100 Warwick Road is a single carriageway road which links Banbury to the local villages in the area. To the west of the site the B4100 speed limit is 40mph, this increases to 60mph as you travel north pass the site. There is an existing footway that runs along the B4100 from Dukes Meadow Drive; however this terminates opposite the entrance of the local golf club.

The site is around 4km (2 miles) from Banbury Town Centre and the Banbury railway station. To the south of the site is the residential estate known as Hanwell Fields, which is served by Dukes Meadow Drive via a number of roundabouts along this road. Dukes Meadow Drive is a single carriageway road and is subject to a 30mph speed limit, linking the B4100 Warwick Road and the A423 (Southam Road) north of the Hanwell Fields estate. Dukes Meadow Drive currently remains un-adopted.

Traffic Generation, Distribution & Modelling

The trip generation figures that have been submitted as part of the TA (approximately 0.4 peak hour 2 way trips) is in my opinion low. I would expect to see a higher rate closer to 0.6 due to the site's location, its distance from the town centre and the limited access the proposed site will have to local facilities within the area. On this basis the junction capacity assessments that have been submitted need to be amended at to ensure a robust assessment has been carried out.

The traffic distribution information submitted appears reasonable for the proposed access arrangements for this part of the Banbury 5 site. However it is in my opinion difficult to provide a robust assessment of what the actual distribution impact will be on the local highway network from the whole of Banbury 5 unless this allocated site comes in as one; or all planning applications for Banbury 5 are considered at the same.

The submitted TA states that there is unlikely to be an impact on the local highway network from the proposed development due to capacity within the highway, which could not be agreed initially without further work being carried out and was a concern. However the TA traffic generation figures have been addressed by the applicant with additional information. This additional information has been analysed by the LHA and is deemed reasonable. From the analysis of the information provided, this shows that the Southam Road and Hennef Way junction will go over capacity with the proposed development and the expected future growth of Banbury (i.e. future developments allocated within the current Draft Cherwell District Local Plan).

With the proposed development there will be an increase in traffic movements on this junction (and possibly others) at peak times. Therefore, the developer/applicant is expected to provide mitigation improvements on the public highway (as would the other parts of Banbury 5) or a general transport financial contribution is to be provided towards future improvements on this junction (and potentially others) and the surrounding Banbury transport network. Such a contribution would need to be in line with Cherwell District Council's Planning Obligation Draft Supplementary Planning Document and secured by the Local Planning Authority by a S106 Agreement.

A review of the accident data for the area has been carried out, and has highlighted one incident has occurred within the last 5 years. Looking through the information provided it appears that the incident that occurred was down to driver error rather than the characteristics of the local highway network. In light of this data it is considered that the proposed development is unlikely to increase the number of recorded accidents in this area. I have re-checked the accident data since the TA was written and have also looked at the wider highway network, which has shown a few

other incidents have occurred, however these were also down to driver error too.

Access Arrangements

From observations on site, the proposed access arrangements (indicative drawing ref 0214/SK/0012A/D) of a standard priority T-junction with a ghost island right turn lane facility is deemed acceptable in principle i.e. appropriate vision splays can be achieved subject to vegetation being cut back, alteration to speed limit etc.

It was noted on site that the current street lighting infrastructure may have to be altered/added to for the new junction works to serve the proposed site. All existing vehicle (gated) access points to the proposed site are to be permanently closed with the reinstatement of the highway verge, full face kerbing etc.

Pedestrian and cycle access to the site is to be in the form of a 3m shared footway/cycleway from Dukes Meadow Drive along the eastern side of Warwick Road from the roundabout, up to a dedicated route into the south part of the proposed site. This route will then continue along Warwick Road to a second dedicated entrance to the northern part of the site. Such a proposal is acceptable in principle, although there appears to be no formal crossing point being identified or being offered for pedestrians (children) to cross Dukes Meadow Drive towards the primary school, this must be incorporated.

In addition to the proposed footway/cycleway on the B4100 (Warwick Road) directional/destination signage should be provided to clarify where routes go to/from the development site to assist directing new/existing residents using to key destinations, such as Hardwick Primary School, North Oxfordshire Academy, the former mineral railway cycle way leading to Ruscote Avenue/Beaumont Road etc. In my opinion this development proposal does not offer any direct, accessible or desirable routes to the adjacent residential areas or the local facilities within them, especially for residents who will be located some distance into the site away from the site's entrance with the B4100 etc i.e. site's accessibility is considered poor without the other sections of Banbury 5 coming forward at the same time.

It is acknowledged that the submitted Access Parameter Plan does show future links to the other sections of Banbury 5 site to address the above concern, however there is no guarantee when these links will come forward, therefore accessibility remains an issue. I would add that there is a risk that with the other sites coming forward separately within Banbury 5 potential ransom strips may be created, which must be avoided to ensure any future link(s) are not prevented if this application is approved.

It was observed on site that there is a ditch that runs along the frontage of the site, which means any access works that need to take place may also need to include culvert works. It was also noted that the proposed site is above the public highway (and Dukes Meadow Drive); therefore drainage is likely to be an issue. I recommend the applicant/developer approaches the County Council's Drainage Team for advice and guidance on 01865 815700. Please note the proposed development is to accord with SUDS.

Parking Levels

The proposed parking levels quoted within the submitted TA (page 13, table 2.1) is acceptable, as they are in line with the new County Council parking standards. However, it should be noted these standards are yet to be adopted by the Local Planning Authority so consideration still has to be given to the current parking standards adopted by Cherwell District Council.

For future reserved planning applications, please note that garages or car ports will only be considered a parking space if they meet the internal dimensions quoted within the County Council's parking standards i.e. 6m x 3m.

The cycle parking levels proposed are acceptable.

Layout Comments

As mentioned above there is a number of accessibility issues that need to be resolved for this development proposal, as well as the need to establish a Design Code for the whole of Banbury 5, which is to include a Street Hierarchy. Such a Design Code is considered essential and must be imposed as a prior to commencement of work planning condition.

Any Street Hierarchy must ensure the streets within the development are wide enough to accommodate a bus service route (minimum of 6m in width, 6.5m width on corners) and refuse vehicles.

Please note any future layout is expected to be in line with the guidance in MfS and the County Council's Residential Design Guide. In addition tracking plan(s) will be required to demonstrate refuse vehicles and cars can turn within the site. If the proposed development is to be offered for adoption to the Local Highway Authority a S38 Agreement will be required, alternatively if the development is to remain private a Private Road Agreement will be required between the developer and Oxfordshire County Council.

For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk.

Public Transport Team Comments

The submitted planning application appears to broadly replicate the public transport strategy proposed for the previous planning application for this site. Which included a revision of the current B10 bus route to commence in the proposed development, and to link with Banbury Town Centre via the existing Hanwell Fields residential development, then along the Southam Road. A significant financial contribution to public transport services is required, equivalent to the cost of providing one additional vehicle on this service over a number of years – the actual number of years being related to the build-out rate. The previous S106 agreement for public transport for this site was in excess of £1 million.

Roads through the site must be capable of accommodating a medium-sized bus (10 metre midi-bus such as Solo or Dart) without excessive sudden vertical deflection. These roads designated for bus use need to include different routeing at different stages, including temporary turning circles and an eventual turning loop, should the connecting road to Dukes Meadow Drive never materialise. They need to be wide enough for bus use, taking into account any on-street parking.

The developer will also need to provide bus stops within the development to an acceptable standard (including shelters, with on-going maintenance arrangements) and locations will need to be agreed before the development commences.

Further negotiations on the public transport services associated with this application are required. The OCC contact officers are:

David Taylor (David.Taylor@oxfordshire.gov.uk) and
Adam Kendall Ward (Adam.Kendallward@oxfordshire.gov.uk).

Travel Choices Team Comments

The Travel Plan is very well written and contains all of the information required from a development like the one proposed. Initial concerns about the Travel Plan have been resolved and the updated Travel Plan detail has been provided.

Oxfordshire County Council has created a number of different survey templates to suit different types of developments and site users. The templates provided are of two types: survey templates and analysis templates. Each survey template has an analysis template to match it, and the two are designed to work together. Each survey template and analysis template pair provides all the tools needed to carry out a survey, record the results, analyse the potential to reduce car use and increase use of other modes, and set targets for the travel plan. To access the survey and analysis templates (when they are needed), please contact the Travel Choices team at Oxfordshire County Council.

For further advice and guidance the OCC Travel Choices contact officer is Natalie Moore (Natalie.Moore@oxfordshire.gov.uk).

A Construction Traffic Management Plan (CTMP) will be required for this development, and must be agreed formally by both the Local Planning Authority and the Local Highway Authority prior to commencement of this development. This CTMP requirement needs to be imposed as a prior to implementation/commencement of work on site planning condition. Attached is a guidance note for a CTMP.

Transport Financial Contribution & Legal Agreements

The proposed development will add additional pressures to the existing public transport services (stated within submitted TA); therefore a contribution towards these services is required. The previous S106 agreement for public transport for this site was in excess of £1 million and the County Council will be seeking a similar amount. Further negotiations on the public transport services associated with this application are required.

A general transport contribution is also to be sought by the Local Planning Authority in line with Cherwell District Council's Planning Obligation Draft Supplementary Planning Document (Chapter 19, page 65) i.e. £442 per 1 bed unit, £638 per 2 bed unit, £994 per 3 bed unit and £1,366 per 4+ bed unit. Based upon the housing mix shown in Table 1.4 Estimated Education Requirements and offsite highway improvements, the overall transport contribution (which has been agreed) is: £680,000 made up as follows:

- Public Transport : £500,000
- Offsite highway improvements to:
 - Dukes Meadow Drive Pedestrian Crossing £80,000
 - Hennef Way / Southam Road Junction £100,000

A Rights of Way contribution of £10,000 (index linked to January 2013 prices).

The S106 Transport admin fee still to be confirmed.

For non-highway SUDS, a future maintenance scheme and fund for such infrastructure is to be included within the associated S106 Agreement for this development. This is to ensure such drainage features are designed, constructed and maintained to an adoptable standard in the absence of the Flood & Water Management Act coming into force. Other details such easement areas to SUDS features may also need to be included within this part of a S106 Agreement.

For any off-site works i.e. new access, footway etc a Section 278 Agreement(s) will be required between the developer/applicant and OCC to work upon the public highway. In addition to this legal agreement(s) a bond will be required to cover the construction costs of the any works as well as there being a supervision fee of 9%. This agreement will be part of a S106 Agreement for this development.

If the Local Planning Authority is minded to approve the submitted application,

conditions relating to the following are recommended: formation of access, vision splays, new footways/cycleways, drainage design, CTMP, Travel Plan and Design Code.

- 3.18 **Drainage Officer:** It is acknowledged that the application is outline only. The developer has the basis of a SUDS strategy, however the flood risk assessment states 20% allowance in their calculations for climate change. The current allowance should be 30%. The discharge rates into public surface water sewer seem quite high for the size of the development. These should be checked by Thames Water. Prior to the development commencing a full drainage strategy and drawings will be required and approved by the drainage authority.
- 3.19 **Developer Funding Officer:** There will be a requirement to provide financial contributions towards libraries, elderly care, adult learning, education special needs, museum resources and waste management. The developer funding requirements to cover these necessary resources and services has been subject to negotiation and an amount of £70,000 has been agreed.
- 3.20 **Archaeology Officer:** The site is located in an area of some archaeological potential but in an area where little formal investigation has been undertaken. An archaeological evaluation and subsequent watching brief undertaken on the area immediately south of the application site recorded a small number of archaeological features consisting of undated linear ditches and a pit (PRN 16512). It is likely that further similar features will continue onto this site. A shrunken medieval village and Saxon site is recorded approximately 500m to the north (PRN 5924). No further archaeological features have been recorded in the vicinity but this may be partly due to the lack of formal investigations in the area and therefore the site also has the potential to contain previously unknown archaeological deposits.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of suitable negative conditions. If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

- 3.21 **Rights of Way Field Officer:** There are two public rights of way that will be directly affected by this development, Drayton Footpath 6 (191/6) and Banbury Footpath 107 (120/107) which becomes Hanwell Footpath 7 (239/7) when it crosses the parish boundary. The information within the application states that these footpaths will be maintained on their existing alignments through the development and now subject to amended plans the public footpath is now shown correctly. I am also pleased to see that the informal pedestrian link along the northern edge of the site has been included on the plans. If planning permission is granted I would be happy to talk to the developers about the possibility of formalising this link by dedicating it as a public right of way to ensure that it can be protected in perpetuity. If the developers do not wish to formally dedicate this path then it would be advisable for some form of legal agreement to be entered into to ensure it is maintained.

Other Consultees

- 3.22 **Environment Agency:** We have no objection to the application as submitted, subject to the inclusion of a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Without the inclusion of this condition we consider the development to pose an unacceptable risk to the Environment

- 3.23 **Thames Water:** Waste Comments: Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

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

Supplementary Comments: The developer is encouraged to contact Thames Water Developer Services at the earliest opportunity to progress an impact study where a suitable solution can be investigated.

- 3.24 **Thames Valley Police:** It has been established that in order to maintain the current level of policing, developer contributions towards the provision of infrastructure will be required. The proposed development will have an impact upon the ability of TVP to police the new development and surrounding area by placing unplanned demand upon the existing police service. As such the Local Police Area Commander requests a contribution of £32,100, broken down into:
- Automatic Number Plate Recognition (ANPR) Cameras) x 2 = £22,000
 - Remote IT Facilities x 2 = £8500
 - Bicycles x 2 (including necessary kit) = £1600
 -

- 3.25 **Oxfordshire Playing Fields Association:** If the development goes ahead, Oxfordshire Playing Fields Association fully endorses the provision of formal open playing space and a locally equipped area of play. Given that there is an identified shortfall of playing space locally, this would go some way to filling this shortfall. OPFA would like to ensure that the proportion of playing space provided meets the Cherwell Open Space standards and that 25% of the total site is devoted to open space. The application states that it is fully compliant with open space requirements.

- 3.26 **Sport England:** The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No 2184), therefore Sport England has considered this a non-statutory consultation.

The proposed development is for 250 new houses with open space on the edge of Banbury. Sport England has reviewed sports provision for the site and it is understood this includes a formal sports area measuring 106m x 60m. A contribution is being made to indoor sport.

The 'formal sports area' does not appear to come with changing facilities and it does not appear to have been allocated for a particular sport. It is understood that there is

a need for new playing fields in Banbury but it is not clear which sports will benefit from the new playing field. Sport England is asking that the Applicant clarifies which sports the field will be laid out for and why changing provision is not being provided?

Sport England welcomes the contribution to indoor sport but requests further details on the size of the contribution and what it will be spent on?

In light of the above and the lack of evidence of any other exceptional circumstances Sport England objects to the proposal.

Sport England would withdraw this objection if further information is provided that satisfied Sport England that the sports needs of the new development will be met by the outdoor sports facilities and financial contribution provided.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H5:	Affordable Housing
H18:	New dwellings in the countryside
R12:	Provision of public open space in association with new residential development
C1:	Protection of sites for nature conservation value
C2:	Development affecting protected species
C4:	Creation of new habitats
C7:	Landscape conservation
C8:	Sporadic development in the open countryside
C13:	Area of High Landscape Value
C14:	Trees and landscaping
C15:	Prevention of coalescence of settlements
C17:	Enhancement of the urban fringe through tree and woodland planting
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
C31:	Compatibility of proposals in residential areas
C33:	Protection of important gaps of undeveloped land
ENV1:	Development likely to cause detrimental levels of pollution
ENV12:	Contaminated land
TR1:	Transportation funding

Non-Statutory Cherwell Local Plan

H1a:	Availability and suitability of previously developed sites
H4:	Types/variety of housing
H7:	Affordable Housing
H19:	New dwellings in the countryside
TR2:	Traffic generation
TR4:	Transport mitigation measures
EN1:	Impact on natural and built environment
EN22:	Nature conservation and mitigation
EN25:	Development affecting legally protected species

- EN30: Sporadic development in the countryside
- EN31: Development size, scale and type in a rural location
- EN34: Conserve and enhance the character and appearance of the landscape
- EN44: Setting of listed buildings
- D1: Urban design objectives
- D3: Local distinctiveness
- D9: Energy Efficient design
- R6: New or extended sporting and recreation facilities
- R8: Provision of children's play space
- R9: Provision of amenity open space
- R10A: Provision of sport and recreation facilities
- OA1: General Infrastructure policy

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012)

Cherwell Local Plan – Proposed Submission Focused Consultation (March 2013)
(PSLPIPC)

The draft Local Plan has been through a first public consultation and is currently in the 2nd phase of public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

Sustainable communities

- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, sport and recreation provision
- BSC11: Local standards of provision – outdoor recreation
- BSC12: Indoor sport, recreation and community facilities

Sustainable development

- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD16: Character of the built environment
- ESD17: The Oxford Canal
- ESD18: Green Infrastructure

Strategic Development

Policy Banbury 5: North of Hanwell Fields

Infrastructure Delivery
INF1: Infrastructure

5. Appraisal

Context

- 5.1 The application relates to one of three separate parcels of land covered by Policy Banbury 5 (BAN5) of the Proposed Submission Local Plan Incorporating Proposed Changes (March 2013) (PSLPIPC) and is submitted by Persimmon Homes for up to 350 dwellings with access off Warwick Road and associated open space. Policy BAN5 seeks to provide approximately 500 dwellings with associated facilities and infrastructure in a scheme that demonstrates a sensitive response to this urban fringe location.
- 5.2 The case officer is in negotiation with the two other land owners to resolve the provision of a link road from the application site to the roundabout off Dukes Meadow Drive and the remaining quantum of dwellings on this key strategic site.
- 5.3 The key issues for consideration in this application are:
- Environmental Statement
 - Relevant Planning History
 - Planning Policy and Principle of Development and prematurity
 - Five Year Housing Land Supply and Proposed Housing Delivery Programme
 - Landscape Impact
 - Indicative Design/Layout/Scale
 - Housing Mix
 - Residential Amenity
 - Transport Impact
 - Flooding and Drainage
 - Loss of Agricultural land
 - Historic Environment
 - Ecology
 - Trees
 - Footpaths
 - Noise
 - Light
 - Developer Obligations
 - Pre-application community consultation
 - Code 4 Construction
- 5.4 **Environmental Statement**
The application is accompanied by an Environmental Statement (ES). The ES covers the application site and contains information describing the project, outlining the main alternatives considered, aspects of the environment likely to be significantly affected by the development and measures to prevent or mitigate any identified impacts. Where an ES has been submitted with an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information.
- 5.5 The applicants submitted an application for a scoping opinion prior to submitting the current application for up to 380 dwellings. The ES accompanying the application covers the areas identified in the scoping report. The areas covered are cumulative

effects, socio economics, ecology and nature conservation, landscape and visual, transport and access, air quality, noise & vibration, hydrology, drainage and flood risk, ground conditions, cultural heritage and archaeology and agricultural circumstances. An Addendum to the ES was submitted on 7th March 2013 providing an amendment to the proposed development as described within the December 2012 ES to include:

- The repositioning of the formal open space within the NW corner of the site
- Provision of ancillary small car park (approx 12 cars) to the support the formal open space
- Provision of interconnecting footpath to join the two existing rights of way to offer an informal but clear connection between the paths within the open space and landscaping on the northern boundary
- Provision of a further LAP within the open space near the formal open space

5.6 The ES and Addendum for each chapter consider the impacts and the significance as well as the cumulative effects. It is not possible within this report to set out all of the impacts identified but below is a summary of the areas covered. The full reports and technical notes can be viewed via the web site.

5.7 **Cumulative effects** - Effects that result from incremental changes caused by other past, present or reasonably foreseeable actions with a Proposed Development are known as cumulative effects. There are two main types of cumulative effect:

- Combined effects on a particular receptor or individual effects from the Proposed Development, for example, noise, dust and visual effects; and
- Effects from several developments, which individually might be insignificant, but when considered together there could be a significant effect.

The ES has considered the remainder of the BAN5 allocation, land west of Bretch Hill (BAN3 allocation) approximately 400 dwellings subject to planning application 13/00444/OUT, land at Hardwick Farm, Southam Road (BAN2 allocation) approximately 800 dwellings (now reduced to 600) subject to planning applications 13/00158/OUT and 13/00159/OUT and land west of Warwick Road (screening and scoping opinion sought for upto 300 dwellings). It is considered that due regard has been had to the cumulative effects of the proposal, which is considered acceptable.

5.8 **Socio economic impacts** – The ES identifies significant positive effects for the economy in terms of job creation as there is likely to be a number of construction jobs generated during the construction phase of the Proposed Development which is considered to be a major beneficial effect.

The Proposed Development will provide up to 350 residential dwellings which at an average household size of 2.45 will accommodate 858 people. The development of 350 new dwellings in a mixture of types and tenures is considered to be a major beneficial effect as it will contribute to meeting the housing requirement of Banbury.

It has been identified that sufficient capacity is available within existing educational facilities to accommodate the school aged children likely to be generated by the Proposed Development. Sufficient open space will be provided within the Proposed Development in line with CDC's requirements. Furthermore officers are satisfied that the ongoing negotiation in respect to the S106 package, detailed later in the report can be delivered to mitigate the impacts of the development in this regard.

5.9 **Ecology and nature conservation** - The Application Site was surveyed in August 2012 based on extended Phase 1 methodology as recommended by Natural England. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys

conducted in respect of bats, Badger, reptiles and breeding birds.

The Application Site itself is not subject to any statutory or non-statutory nature conservation designation, and no statutory nature conservation designations are located within 10km of the site. The nearest non-statutory designation is Fishponds Wood Local Wildlife Site (LWS) located approximately 0.5km to the north. This LWS and all other ecological designations in the local area are well separated from the Application Site, such that no adverse effects are anticipated.

The woodlands, lines of trees, ditch and hedgerows within the Application Site are considered to be of moderate/low ecological value at the site/local level, and will be largely retained and protected under the proposals, with the exception of several small losses to facilitate development. The remaining habitats within the site are either species-poor, and/or intensively managed, and composed of common and widespread species such that these habitats are of low/negligible ecological value. No significant effects on habitats are anticipated.

False Virginia Creeper and Cotoneasters are present within the site. Accordingly, safeguards will be implemented, where practical, to avoid the spread of these species throughout the site and off-site.

The habitats within the Application Site provide limited opportunities for bats, Badger, reptiles, common birds and Stag Beetles, and therefore mitigation/precautions are to be implemented and it is anticipated that there will be no significant effects on any protected species.

Conclusions drawn on the information submitted and proposed by the implementation of safeguards/mitigation in respect to ecology and nature conservation are considered acceptable.

- 5.10 **Landscape and visual Impacts** – Together with the other strategic site allocations landscape and visual impacts have been subject to several reports, the latter being undertaken recently by WYG and LDA as core documents for the evidence base for the local plan, this has built on the previous findings of the Halcrow report dated Sept 2010. This will be discussed further in the relevant section of this committee report, but for the purposes of this ES section, the application site is not within or covered by any statutory landscape designation. However, the Application Site is located within the Ironstone Downs Area of High Landscape Value (AHLV) local plan designation.

Retention of the majority of the existing landscape features such as trees and hedgerows on the Application Site as an integral part of the Proposed Development together with the enclosed nature of the Application Site would limit the effects of the Proposed Development on the character of the wider landscape and the Application Site itself. It is considered that the effect of the Proposed Development on landscape character would not be significant and that over time the Proposed Development would increasingly be perceived as an integral part of the Banbury urban area.

The majority of the existing landscape elements and features on the Application Site would be retained and integrated into the Proposed Development. Though there would inevitably be a certain loss of trees and hedgerows, primarily to provide access, these losses would be mitigated by new planting within the open spaces that form a Green Infrastructure framework.

The Application Site benefits from a high degree of physical and visual enclosure provided by substantial boundary hedgerows and tree belts. Retention of these elements and features as part of the Proposed Development together with the screening and filtering effect of land form and vegetation in the intervening landscape between the Application Site and a particular receptor greatly restrict views into the Application Site, and consequently of the Proposed Development.

Except for views from the two existing public rights of way that pass through the

Application Site, it is considered that there would be no significant visual effects. The significance of these views would reduce over time through the growth of planting.

Landscape mitigation measures, including the retention of existing hedgerows and tree belts along the Application Site boundary will integrate the Proposed Development into the surrounding landscape and to provide visual screening when viewed from the surrounding landscape.

Conclusions drawn on landscape and visual impact are considered acceptable.

- 5.11 **Transport and access** – An assessment of the likely transport effects of the Proposed Development has been undertaken with the assessment for one existing road link in the vicinity of the Proposed Development. The assessments concluded that the level of severance, driver stress, pedestrian and cyclist delay and amenity will remain the same with the addition of the Proposed Development. The effect of the Proposed Development on all effects except driver stress and delay have been classed as neutral, whilst there is likely to be a minor adverse effect on driver stress and delay.

Off site mitigation measures are proposed in the form of:

- Improvements to the Hennes Way/Southam Road junction as part of the package of S106 contributions £100,000 has been agreed to fund these improvements.
- Improvements to Dukes Meadow Drive uncontrolled crossing in the form of a toucan crossing and the reposition of the uncontrolled access further away from the roundabout and as part of the package of S106 contributions £80,000 has been agreed to fund these improvements.
- Provision of a footway along Warwick Road, to connect with the footway on Dukes Meadow Drive.

Conclusions relating to construction traffic, modelling and impact on the network are acceptable.

- 5.12 **Air Quality** - A qualitative assessment of the likely significant effects on local air quality from the construction phase of the Proposed Development has been carried out based on the appropriate construction assessment procedure. Conclusions are acceptable with regard to local air quality management from traffic emissions and dust relating to the construction and demolition phase.

- 5.13 **Noise and vibration** - The dominant noise source at the Application Site is road traffic from the B4100 Warwick Road and Dukes Meadow Drive.

A qualitative assessment of noise and vibration during the demolition and construction phases has been undertaken. The assessment has highlighted potential processes that may result in noise and vibration disturbance.

Noise from demolition, construction and operational road traffic on the surrounding road network is predicted to result in a negligible effect in the short-term and in the long-term.

An assessment of the suitability of the site for residential development has shown that acceptable internal noise levels can be achieved with suitable glazing and ventilation specifications and acceptable external noise levels can be achieved through suitable plot orientation.

When considering the Proposed Development in conjunction with the other known potential development sites in the surrounding area it is considered likely that cumulative construction activities will result in a negligible to moderate adverse effect

if current Best Practicable Means are adopted on other surrounding sites. The cumulative assessment has also shown that operational noise from combined road traffic activity would result in a negligible to moderate adverse effect in noise on the surrounding roads in the short-term and a negligible effect in the long-term.

From the conclusions drawn from the cumulative assessment it is accepted that there are no additional mitigation measures necessary.

- 5.14 **Hydrology, drainage and flood risk** - The Application Site is located within Flood Zone 1 and assessed as having less than a 1 in 1000 (0.1%) annual probability of flooding from fluvial sources. The National Planning Policy Framework confirms that all types of development are appropriate in this location.

A surface water drainage strategy has been prepared which is based on sustainable drainage principles in accordance with best practice and provides a number of treatment stages to reduce and mitigate effects on existing water quality from run off from the Proposed Development. Permeable paving will be provided which will be designed to control the passage of potential contamination of the existing groundwater.

The Proposed Development includes surface water balancing areas to reduce flows before discharging from the Proposed Development at the existing runoff rate. Climate change has been included within the balancing facilities. The effect on flood risk following implementation of these mitigation measures is considered to be negligible.

These conclusions are considered to be acceptable.

- 5.15 **Ground conditions** – The underlying ground conditions beneath the Application Site are identified as Marlstone Rock Formation over Whitby Mudstone Formation.

Available historical mapping has indicated that the Application Site has been in use for agricultural purposes since at least the late 1880's and has been in its current layout since then. The un-occupied building on the Application Site was not present until the mid-1950. Proposed mitigation measures include and are not limited to:

- Undertaking an intrusive investigation and risk assessment to assess the actual contamination and geotechnical characteristics of the Site;
- Compilation of a site specific CEMP;
- Appropriate use of site working practices, hygiene requirements and PPE during construction and maintenance;
- Appropriate site drainage including use of interceptor systems in areas where motor vehicles are used; and,
- Appropriate remediation and validation of any identified contamination.

Implementation of the guidance detailed in Water Regulations Advisory Scheme (WRAS): Should contaminants be identified, the Selection of Materials for Water Supply Pipes to be Laid in Contaminated Land (WRAS 2002) will be followed during the redevelopment of the Site to ensure pipe materials will not allow ingress of potential contaminants.

Residual effects during construction, operation have all been assessed as negligible significance, based upon the above mitigation measures being implemented appropriately.

The proposed mitigation methods aim to remove either the source of contamination or pathway of contaminant migration, thus removing the potential for harm to the identified receptors.

These conclusions with appropriate mitigation measures are considered to be acceptable.

- 5.16 **Cultural Heritage and Archaeology** - An assessment of the likely significant effects of the Proposed Development on heritage assets has been undertaken. No World Heritage Sites or sites included on the Tentative List of Future Nominations for World Heritage Sites issued by the Secretary of State for Culture, Media and Sport are situated within the Application Site or its immediate vicinity.

There are no Scheduled Monuments or Listed buildings (both statutory) within the Application Site, although Listed buildings are present within Hanwell Conservation Area. There are no sites on the non-statutory English Heritage Register of Parks and Gardens or Battlefields Register within the Application Site or its immediate vicinity.

Hanwell Conservation Area is located approximately 360m north of the Application Site, which includes the Grade I Listed Church of St Peter and the Grade II* Listed Hanwell Castle as well as eight Grade II Listed buildings/Groups of buildings. Hanwell Conservation Area comprises the historic village settlement of Hanwell as well as Hanwell Castle and extant associated grounds.

Drayton Conservation Area is located c. 570m south-west of the Application Site. Drayton Conservation Area includes the Grade II* Listed Church of St Peter, as well as Grade II Listed buildings. Drayton Conservation Area comprises the historic village settlement of Drayton as well as agricultural land defined as 'Village Setting'.

Development will require the removal of small parts of hedgerows of low value. However, the wooded belt along the northern area of the Application Site will be retained which will screen views from Hanwell Conservation Area.

It is not anticipated that the proposed development will result in changes to the significance of Hanwell Conservation Area or Drayton Conservation Area. As such there will no change to the value of these assets.

Prior to construction a programme of further archaeological survey/mitigation will be agreed with Oxfordshire County Council to ensure that an appropriate archaeological strategy is implemented.

These conclusions are considered to be acceptable.

- 5.17 **Agricultural circumstances** - The Application Site comprises predominately of agricultural land comprising mostly of Grade 3a with patches of Grade 2 and Grade 3b. The Application Site is occupied by one agricultural business.

The loss of approximately 17.2 hectares of "best and most versatile agricultural" land comprises a moderate adverse significance of effect. While there will be an effect on the agricultural business this is considered to be of minor adverse significance as following the loss of this land the farm will still remain viable.

These conclusions are considered to be acceptable.

- 5.18 All new development has some impact. The ES has not identified major adverse impacts and where impacts, for example from construction and increased traffic have been identified mitigation measures are proposed. Should the application be approved, the proposed mitigation measures would need to be secured through conditions and the planning obligation. The ES, addendum and technical notes are considered to contain 'adequate information' to enable the determination of the application.

Relevant Planning History

- 5.19 Planning permission was refused on 3 November 2006 for an application (06/01600/OUT refers) for up to a maximum of 400 dwellings across an area resembling the Banbury 5 allocation in the proposed submission of the Cherwell Local Plan, albeit, the site area included an extra small area of land to the very east of the site and excluded the property known as The Nutshell, a bungalow to the southern side of the site.
- 5.20 The application was refused for six reasons which are summarised below:
1. Proposal represented development in the open countryside beyond the limits of Banbury with no justification for the release of land for residential development to meet the house supply needs of the district.
 2. Proposal prejudiced the consideration of alternative sites to accommodate future growth associated with Banbury representing an unjustified encroachment into the open countryside.
 3. Limited mix of land uses proposed therefore not considered to be a sustainable extension to Banbury.
 4. Visible within the local landscape as an urban feature which would detract from the overall character and appearance of the rural area.
 5. Proposal did not demonstrate that surface water run off from the development would not have an adverse impact on flooding in the area.
 6. No satisfactory legal agreement to secure affordable housing, open space, play space, off site playing pitches, indoor sports, education, libraries, fire infrastructure and transport measures.
- 5.21 The applicant appealed against the Council's decision, however the appeal was dismissed, the inspector concluding that:
- "there is no need at the present time for new housing, and therefore no need to release the appeal site now. There is in excess of 5 years' supply of housing in Cherwell and Banbury. The supply will drop in 2011/2012 but, by that time, new housing allocations will have been identified in the Delivery DPD, and new housing will be coming on stream. The need for affordable housing will be addressed by the LDF process, and the current shortfall is not sufficient reason to grant planning permission in advance of that process.
- 5.22 The proposed residential development would have an adverse impact on the character of the rural landscape, albeit within a localised area. Open fields would become a housing estate. The houses would be on land that is outside Banbury's clearly defined limits. The distinct northern edge of Banbury would become blurred. However, the character and appearance of the village of Hanwell would not be greatly affected, and the setting of its conservation area and listed buildings would be preserved.
- 5.23 The appeal proposal would fail to meet the Government's and CDC's sustainability objectives. A sustainable community would not be created. Residents of the 400 houses would have to travel off the site for nearly everything. Because of the distances involved, the majority of journeys would be made by car.
- 5.24 My conclusions on housing supply, housing need, visual impact and sustainability lead me to the view that there are no material considerations to indicate that planning permission should be granted for a development that conflicts with the development plan. The conflict with the development plan arises largely because the proposed residential development would occupy a Greenfield site in the countryside, and the site is not allocated for housing.
- 5.25 The plan led system is central to planning (paragraph 8 of PPS1). It is important to ensure that the pattern of Banbury's development is determined by the development

plan, and not by *ad hoc* appeal decisions on individual planning applications. The appeal site is one of the many options for housing to be considered during the LDF process. It is possible that, after a detailed comparative assessment of all the options, the appeal site will be allocated for housing in the forthcoming Delivery DPD in 2010. However, there is an equal possibility that it will not be allocated, because brownfield sites, or other Greenfield sites, will be found to be more suitable. It is too early to say. However, waiting 3 years for the LDF process to run its course would not be fatal to the supply of new housing in Cherwell; there is a 6.5 year rolling supply of deliverable housing land in the District for the 5 year period 2007-2012. There is no need to grant outline planning permission for the proposed residential development”.

Planning Policy and Principle of Development and prematurity

- 5.26 The development plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise.
- 5.27 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para’ 7). It also provides (para’ 17) a set of core planning principles which, amongst other things, require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - proactively drive and support sustainable economic development
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - support the transition to a low carbon future in a changing climate
 - encourage the effective use of land by reusing land that has been previously developed
 - promote mixed use developments
 - conserve heritage assets in a manner appropriate to their significance
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are of can be made sustainable; and
 - deliver sufficient community and cultural facilities and services to meet local needs
- 5.28 Local Planning Authorities (LPAs) are expected to set out a clear economic vision and strategy for sustainable economic growth and to identify priority areas for economic regeneration, infrastructure provision and environmental enhancement (para’ 21). Local Plans are considered to be the key to delivering sustainable development that reflects the vision, aspirations and agreed priorities of local communities (para’s 150 & 155). An adequate, up-to-date and relevant evidence base is required (para’ 158).
- 5.29 LPAs are expected to create sustainable, inclusive and mixed communities (para’ 50). Paragraph 52 advises, “*The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or*

extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development”.

- 5.30 As well as allocating sites to promote development and the flexible use of land, LPAs are expected to “*identify land where development would be inappropriate, for instance because of its environmental or historic significance*” (para’ 157). Para’ 126 of the NPPF emphasises the importance of seeking to conserve heritage assets in preparing Local Plans; the wider social, cultural, economic and environmental benefits of doing so; and, the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.31 The PSLPIC seeks to meet the NPPF’s objectives. A clear development strategy has been set out in the interests of securing growth and achieving sustainable development. Overall housing requirements are in line with those previously set by the South East Plan and the Plan includes proposals for major land releases to meet employment, housing and other needs and to achieve place specific objectives.
- 5.32 In terms of material considerations, the Non Statutory Cherwell Local Plan (NSCLP) 2011 was approved by the Council for development control purposes. The site is not allocated for development within this plan and therefore, is a location where new residential development is restricted to where they are essential for agricultural or other existing undertakings (Policy H19 refers). The development must also therefore be considered a departure from the NSCLP.
- 5.33 The National Planning Policy Framework (NPPF) at paragraph 14 states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...for decision taking this means¹:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted²
- 5.34 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as an existing land use, where there is no specific allocation. Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings. The proposal clearly does not comply with this policy criterion and therefore represents a departure from the adopted development plan (the Adopted Cherwell Local Plan 1996 – ACLP).
- 5.35 Notwithstanding this policy and supporting evidence, more weight has to be attributed to the NPPF given the current status of the development plan and a deficit in the five year land supply if it can be demonstrated that the ACLP is at odds with the goals of the NPPF. The NPPF includes a presumption in favour of sustainable development

¹ Unless material considerations indicate otherwise.

² For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Specific Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast, or within a National Park; designated heritage assets and locations at risk of flooding or coastal erosion.

and states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole*” (para. 14).

- 5.36 The NPPF goes on to state that “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”. (para 49).
- 5.37 Having established that the proposal conflicts with principle policy H18 it is necessary to establish the status of that policy, what it is seeking to do and how much weight it should be given. In referencing the experience of the recent Bloxham appeals, the position is that policy H18 of the ACLP seeks to achieve two main objectives. The first is to restrict the supply of housing (which needs to be weighed against the objective housing need test) and the second is to serve the purpose of protecting the countryside (which is ultimately a more subjective test). If the housing need argument is lost then Policy H18 is not automatically out of date because it still serves the purpose of protecting the countryside which remains very much a continued policy objective of the NPPF. The housing need and landscape impact assessments are discussed in the following paragraphs.
- 5.38 Whilst the site is not allocated for development within the ADCLP, it has been identified as a proposed site for residential development allocated under Policy Banbury 5 within the PSLIPC. This document has been through the first round of public consultation, initial amendments have been made to the plan and a second round of consultation concluded 23rd May 2013.
- 5.39 The key components of Policy BAN5 are to provide approximately 500 dwellings, to achieve 30% affordable housing, and to ensure that infrastructure needs relating to education, health, open space, access and movement, community facilities and utilities are met. The key design objectives include achieving a high degree of integration and connectivity with Hanwell Fields, maximising walkable neighbourhoods, new footpaths and cycleways, good accessibility to public transport, a travel plan, careful consideration of active street frontages, a soft approach to the urban edge, strategic landscaping, good access to the countryside, and the enhancement of the existing mature hedgeline to the north.
- 5.40 Whilst the PSLIPC has limited weight, the Council’s five year housing land supply must be given consideration. The housing supply figure (updated May 2013) for the period 2013 – 2018 currently stands at 4.4 years (incorporating a 5% buffer) and 3.9 year supply (with a 20% buffer)³ this equates to shortfalls of 438 or 1001 respectively. Given the Government’s emphasis on maintaining a five year housing land supply; and given how the advice in the National Planning Policy Framework affects decision making in such circumstances (reference paragraph 49 and 14 of the NPPF), that is plainly a matter which must weigh heavily in decision making.
- 5.41 It is material that the application site relates to a draft allocation in emerging local plan which has been considered by the Council’s Executive for residential development. However, as the proposed allocation has not yet been tested at examination, is the subject of unresolved objections and as alternative sites are being promoted through the local plan process, the question of prematurity must be considered.

³ The Council is not in a position currently to establish whether it is 5% or 20% authority and the matter is subject to debate at recent appeal public inquiries.

- 5.42 Of note, paragraph 216 of the NPPF advises that emerging Local Plan policy can attract weight and consistency with the emerging Local Plan is an advantage of those sites allocated for inclusion within the PDLIPC, whilst those sites not within the emerging Local Plan do not. This paragraph states:
- From the day of publication, decision-takers may also give weight⁴ to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.43 Guidance on prematurity is provided in the Planning System: General Principles paras 17-19. The guidance advises where an emerging plan is out for consultation then refusal on grounds of prematurity will not usually be justified because of the delay in determining the future use of the land in question. The weight that can be given to an emerging plan depends on the stage of its preparation and the level of representations received which support or opposes the policy. The emerging local plan policy is the subject to a significant number of objections, further objections have been received in response to the recent focused consultation, this reduces the weight that can be attached to the policy.
- 5.44 Concerns have been raised that the application should not be determined prior to the examination of the proposed submission of the local plan. Members are advised that in this regard the Council must face squarely whether there is a disadvantage in considering the planning applications now, given that the Council's ability to compare the subject site to others is limited, whereas the local plan examination inspector will have a better ability to do that comparative exercise. The importance of that factor can be seen when the merits of the current application and other competing sites are considered in detail and assertions that some sites are less harmful in landscape terms than those included within it.
- 5.45 Weighed against that disadvantage would be whatever advantages attach to the planning application, not least the provision of housing and affordable housing now, in circumstances in which there is a five year housing land supply shortfall.
- 5.46 Furthermore, it should be remembered that the advice in the PSGP document calls for a judgment to be made about whether the grant of planning permission could prejudice the emerging Local Plan by predetermining decisions about the scale, location or phasing of new development which are being addressed in the plan. If so, then it *may* be appropriate to refuse planning permission (paragraph 17). Whether it is appropriate to do so will depend on all the other material considerations weighing for/against the current application. Of note is recent caselaw, *Larkfleet*⁵ case which makes clear, prematurity is "simply one relevant circumstance among others and the weight to be given to it will depend crucially on the individual circumstances of each case".
- 5.47 All applications submitted for determination should be treated fairly and consistently –

⁴ Unless other material consideration indicate otherwise

⁵ *Larkfleet Limited v Secretary of State for Communities and Local Government* [2012] EWHC 3592 (Admin),

whether or not they are favoured within the emerging Local Plan. That means acknowledging any disadvantage (whether in prematurity terms or otherwise), and otherwise conducting the planning balance in the ordinary way.

- 5.48 Given the number of dwellings proposed in this application it is not considered to be so significant as to prejudice the development of the local plan. However the Council is currently faced with a number of applications around Banbury which cumulatively would have a more significant impact. Nevertheless this has to be balanced against the range of issues raised by the application including the position on five year housing land supply.
- 5.49 In this regard there have been a number of recent appeal decisions nationally which have given consideration to non allocated sites in Districts where housing land supply is significantly lower than five years. In these decisions weight was given to the need to meet the five year housing land supply.
- 5.50 In conclusion, it is appreciated that there are a significant number of objections to this application, and as mentioned before, not least the case that the application should not be determined before the local plan has been formally examined. However Members are also aware of the Council's current five year housing land supply position and the balancing exercise that needs to be undertaken when considering the merits of this current application. Members are advised that due regard must be had to the comments made in paragraph 3.5 by the Head of Strategic Planning and the Economy, which provide a detailed background to the current policy position. Whilst the Head of Strategic Planning and Economy considered that the application was unlikely to be premature it is clear that the application relates to a strategic site subject to unresolved objections and that there are other competing sites which are yet to be tested at examination. The grant of permission would entail making a decision about the location of new strategic development which ideally would be more appropriately made through the local plan, however, the absence of a five year housing land supply and the need to address housing need is a significant material consideration which must be weighed against any potential harm to completion of the local plan. Members therefore need to make an assessment of prematurity as guided in the PSGP and also the cumulative effect of decision making in relation to the various applications for housing development in the district in advance of the Local Plan examination. These factors are all material considerations to the determination of this current application and that an on balance assessment of the proposal in policy terms needs to be given.

Five Year Housing land Supply and proposed housing delivery programme

- 5.51 LPAs are required to boost significantly the supply of housing by meeting assessed needs and identifying key sites critical to the delivery of the housing strategy over the plan period (para' 47).
- 5.52 They are expected to *"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"* (para' 47).
- 5.53 Footnote 11 to paragraph 47 states, *"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that*

schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans”.

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

5.55 The Council cannot currently demonstrate a five year housing land supply. However, in this case, the proposal whilst only providing 350 dwellings will make a contribution to the current five year supply position. In terms of housing delivery, the delivery programme proposed envisages commencement of development in January 2014 with the first 50 completions by December 2014. A further 100 by December 2015, +100 by December 2016 +75 by December 2017 and final 25 by March 2018. This phased programme assumes a swift delivery of development completions over a timescale 2 years sooner than the Councils proposed housing Trajectory 2006 - 2031 (Table 17 PSLIPC Focus Consultation March 2013). The contribution to meeting the five year housing land supply is a significant factor in favour of the proposed development.

Landscape Impact

5.56 Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. One of the core planning principles enshrined within paragraph 17 of the NPPF requires planning to recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

5.57 More specifically, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, [inter alia] protecting and enhancing valued landscapes, geological conservation interests and soils.

5.58 The following policies of the Adopted Cherwell Local Plan are relevant to the consideration of the landscape impact of the proposal:

C7 – Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

C9 – Beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will normally be resisted.

C28 – Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.

C31 – In existing and proposed residential areas, any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion, will not normally be permitted.

5.59 The Non Statutory Local Plan also contains relevant policies as set out below;

Policy EN31 (Countryside Protection) (like its equivalent policy C9 in the Adopted Cherwell Local Plan 1996) states that beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will be refused.

Policy EN34 (Landscape Character) sets out criteria that the Council will use to seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not 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
- harm the setting of settlements, buildings, structures or other landmark features
- harm the historic value of the landscape

5.60 Given its rural location and the presence of heritage assets in the vicinity, the proposal has the potential to cause harm and each of these criteria needs to be carefully considered.

5.61 Policy ESD13 (Local Landscape Protection and Enhancement) of the PSLPIPIC seeks to avoid damage to local landscape character, and mitigation where damage cannot be avoided. Development proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue visual harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

5.62 Policy ESD16 (The Character of the Built Environment) of the PSLPIPIC sets out that where development is in the vicinity of any of the district's distinctive natural or historic assets, delivering high quality design will be essential. New development should preserve, sustain and enhance designated and non designated heritage assets. Again, the impact of the proposal on heritage assets in the wider vicinity therefore needs to be considered.

5.63 Policy BAN5 within the PSLPIPIC sets out some key site specific place shaping principles, including:

- a well designed 'soft' approach to the urban edge, which integrates with the design and layout of the Hanwell Fields development and which respects the rural, gateway setting;
- the maintenance of the integrity and quality of the strategic landscape for the Hanwell Fields development;
- enhancement of the semi-mature band of trees on northern and western boundaries and establishment of a Green Buffer between the site and Hanwell Village
- Careful design of the height and extent of built development to minimise adverse visual impact on the setting of Hanwell Village and Hanwell Conservation Area.
- Provision of appropriate lighting and the minimisation of light pollution in order to avoid interference with Hanwell Community Observatory based on appropriate technical assessment.

5.64 As advised in paragraph 5.10, the landscape and visual impacts of this site and the

wider Banbury and Cherwell district have been subject to several reports, the latter being undertaken recently by WYG and LDA as core documents for the evidence base for the local plan, this has built on the previous findings of the Halcrow report dated Sept 2010 (CDC LSCA 2010). These reports include:

- **Banbury Landscape Sensitivity and Capacity Assessment (March 2013) WYG** - This document provides an assessment of the landscape sensitivity and capacity of 10 sites on the periphery and within the town of Banbury. Following this, the sites have then been cross referenced to The Cherwell Local Plan (Local Plan), Proposed Submission, August 2012 to provide further analysis of sensitivity and capacity in relation to the Local Plan. The site areas for each are identified within the CDC LSCA (2010) and have been used as a starting point from which to progress the assessment.
- **Banbury Environmental Baseline Report (March 2013) LDA** - The Banbury Environmental Baseline Study is intended to serve a number of purposes, including:
 - To provide a summary of the character, development and environmental assets of Banbury as a whole, but focussing in detail on its rural setting and the urban-rural fringe.
 - To allow an understanding of the environmental 'baseline' environment around Banbury.
 - To allow an understanding of the 'setting' of Banbury and how the town relates to the countryside in which it lies.
 - To identify and map environmental 'assets' around Banbury and ascertain their function, role and contribution to the sustainability and quality of life of the town's inhabitants.
 - To contribute to the evidence base of the emerging Local Plan.
 - To inform other studies of Banbury used as part of the evidence base of the Local Plan.
 - To act as a stand-alone reference document for CDC, allowing the Council to make informed decisions about the future growth and development of Banbury.
 - To inform the Banbury Masterplan work.

The study does not consider the urban settlement of Banbury in detail but provides a brief overview of relevant aspects to provide context and allow further understanding. Detailed studies concerning the urban area of Banbury are available as part of the evidence base of the Local Plan.

- **Appendix 1 of the Baseline Report: The Historic Landscape Setting of Banbury (March 2013) LDA** – this report is an interim outline study of the heritage aspects of Banbury and its surrounding villages, in the context of assessing options for urban expansion and associated studies. The study commences with consideration of Banbury itself, and advances anticlockwise round Banbury, starting from Hardwick in the north. The purpose of the study is to provide a broad view of the relevance of the historic landscape; it does not assess in detail all the potential historic landscape features and assets that would need to be addressed in any specific site study.

- **Banbury Green Buffer Report (March 2013) LDA** – This study determines clear criteria for inclusion of land within the Green Buffer, review the illustrative Green Buffer against those criteria and recommend revised boundaries to the Green Buffers, ensuring that areas recommended for inclusion meet the requirements of the emerging Green Buffer policy. The study has taken into account the Strategic Sites allocated for development in the Proposed Submission Local Plan but, where appropriate, gives a broad indication as to whether areas of the site could meet the criteria for inclusion in the Green Buffer.
- **Banbury: Analysis of Potential for Strategic Development (March 2013) LDA** – This is an appraisal of the countryside around the margins of Banbury's fringes to assess the extent to which the town is able to accommodate strategic development whilst retaining its historic market town character and rural landscape setting. The appraisal is based on the findings of the Banbury Environmental Baseline Study and the Banbury Green Buffer Report. Reference should be made to these documents when reading this report.

The analysis of the town and its setting led to a view on the future of Banbury from an environmental perspective, taking account of the natural, historic, biodiversity and landscape assets and character of the town and its setting. These led to conclusion that the future growth of Banbury is constrained by 'environmental limits', that is, a combination of landform containment, rural setting and historic character and assets beyond which the town should not grow without significant harm to the town's special character and identity.

Conclusions from this appraisal are that Banbury does have some capacity for further growth in this plan period, but that it is very constrained beyond this. If Banbury is to retain its special identity as a historic market town, the following two guiding themes should be adopted and followed:

- A compact, sustainable, historic market town contained within its environmental limits.
- A landscape setting which is accessible and rich in environmental assets, which is protected and which contributes positively to quality of life for the town's inhabitants.

The recommendations made related to strategic development sites have been informed by these environmental themes for the future of Banbury. This strategic development sites appraisal seeks to highlight the constraints to development posed by the countryside around Banbury and identify where there is potential to accommodate strategic development without significant harm to the two environmental themes identified above.

The appraisal follows the same basis as the Banbury Environment Baseline Study, dividing the countryside around Banbury into four quadrants. These are:

- North West
- North East
- South West
- South East

This strategic analysis includes an appraisal of each of the proposed strategic development sites shown in the Cherwell Submission Local Plan (August 2012), in order to advise on their suitability and capacity for development.

The analysis concluded that development could be accommodated in the proposed allocated site North of Hanwell Fields provided that suitable mitigation and green infrastructure measures are put in place.

- **Banbury: Appendix 1 Peripheral Development Sites Analysis (March 2013) LDA** - As part of the Banbury Analysis for Potential Strategic Development Report, each of the proposed Local Plan allocated development sites around Banbury were reviewed in more detail to test their suitability and capacity for development. Indicative capacity studies for sites are based on policy requirements as set out within the Cherwell Local Plan Proposed Submission Draft (August 2012). Policies include guidance for housing density, employment and infrastructure needs for each site.

5.65 The WYG (Banbury Landscape Sensitivity and Capacity Assessment (March 2013)) report provides the following assessment of the application site:

"Landscape Sensitivity - There are limited areas of potential for habitats with much of the site comprising arable fields with an area of grassland in the north east of the site. The area has potential for reptiles with potential surveys taking place at the time of survey. The site hedgerow boundaries provide some nesting for birds whilst the double hedgerow on the north boundary shows signs of mammal digging which may indicate the presence of badgers. In general the site is simple in its composition although the potential for protected species high. The overall sensitivity of natural factors is medium.

There are no designated heritage assets within the site boundary however the Drayton Conservation Area, Hanwell Conservation Area and Registered Park & Garden of Wroxton Abbey are just outside the site boundary. The setting of the Hanwell Conservation Area is not directly affected by the presence of the site due to the structure planting located along the northern site boundary. The Drayton Conservation Area is however affected by the southern extent of the site, although this has already been compromised by the presence of the driving range and academy sports pitches. The northern area of the site is however linked to the historic landscape of Site A in forming the barrier between Hanwell and the residential area of Banbury. Due to the heritage assets associated with the area the cultural sensitivity is considered to be medium.

Within the north of the site, the area is enclosed to the south by existing residential properties to the south of Dukes Meadow Drive and to the north and north east by a buffer of semi mature trees defining the upper valley side of a River Cherwell tributary. Along the western boundary of the northern area some enclosure provided by hedgerows and trees along Warwick Road although filtered views are possible beyond this towards Drayton Lodge and Drayton in the distance. The aesthetic value of the northern area is medium. The southern area is more open in its characteristics with views to the west towards Drayton possible beyond the adjacent golf driving range and arable farmland. The sensitivity of aesthetic factors in the southern area is considered to be medium – high.

Visual Sensitivity -The general visibility is restricted from Hanwell to the north and from the east at the Crematorium by the semi mature tree belt located on the northern site boundary. To the west the northern area is partially screened by trees along Warwick Road enabling sequential filtered views. Medium to long distance views into the north area from the south are restricted by residential properties at Dukes Meadow Drive although there are a large number of viewers passing the site along Dukes Meadow Drive that have direct views into the area. The general visibility of the northern area is considered to be medium. Views are possible onto the southern area across the Sor Brook Valley from the urban areas of Wroxton and Drayton and a number of isolated dwellings. When passing along Warwick Road to the east of the

southern site area sequential filtered views are available through the roadside vegetation. The site has a variety of open views and screened/filtered views; however, given the sensitivity of some of these views, in particular from the adjacent conservation area, the general visibility of the site is considered to be high.

The northern area is well contained to the north, east and west by vegetation which limits views into the area. Existing residential properties to the south of Dukes Meadow Drive have direct views into the site and across the area to the northern boundary. Within the southern area, the site is overlooked by the North Oxfordshire Academy. There are also views into the site from Drayton to the south west and Wroxton beyond. The visual sensitivity of the southern area is of medium – high sensitivity due to the adjacent Drayton Conservation area that adjoins the south western site boundary and the views gained into the Site from the Conservation Area. The combination of residential views into the northern area and views from the Drayton Conservation area result in a high visual sensitivity to surrounding population.

Within the northern area there is a high potential for mitigation along the boundary of Dukes Meadow Drive within the rough grassland area. In the south area to the west of Warwick Road, there is potential for mitigation along the west and southern site boundaries without resulting in a negative effect upon the adjacent Drayton Conservation Area. The site has a medium – low sensitivity to mitigation. The combined visual sensitivity of Site J is medium – high.

Landscape Capacity and Capacity for residential development - The Landscape Character Sensitivity and Landscape Value are combined to arrive at the potential Landscape Capacity. Residential development the site remains to be medium capacity for development following the exclusion of the southern area of the site [land west of Warwick Road]. There remains to be a medium capacity for residential development and a low capacity for employment development within Banbury 5 due to the sensitivity of the site highlighted above. The site does however retain a high potential for development of informal recreational uses and woodland”.

- 5.66 In terms of Banbury: Appendix 1 Peripheral Development Sites Analysis (March 2013) undertaken by LDA the following is the extract that identifies the issues, constraints and opportunities for this allocated site:

SITE ISSUES IDENTIFIED FROM BASELINE AND GREEN BUFFER STUDIES

- Lies within ‘environmental limits’ of Banbury.
- Potential future extension of Green Buffer designation into northern and eastern parts of site.
- Does not play a significant role in the landscape setting of Banbury.
- Sensitive gap to Hanwell to the north.

ENVIRONMENTAL CONSTRAINTS AND ISSUES

- The site sits to the east of the Warwick Road ridgeline but is relatively flat with a slight gradient eastward toward Hanwell Brook.
- Locally visually contained.
- Mature boundary hedgerows and hedgerow trees which include planted landscape belt along northern boundary.
- Hedgerows likely to be of historic importance under the Hedgerow Regulations.
- No designated heritage within the site or immediate vicinity although Hanwell Conservation Area (containing several listed buildings) to the north.
- One footpath crosses the site in the north west.
- Historic Gullicotte Lane from Hanwell to the north of the site.

KEY DESIGN ISSUES

include:

- Protection of historic routes
- Incorporation of Public Rights of Way into scheme.
- Incorporation of existing significant hedgerows and landscape features across the site.
- Treatment of frontage on to Warwick Road to retain green gateway to Banbury.
- Treatment of buffers; major POS/GI towards north of site to minimise potential impacts on Hanwell/screen development from Hanwell.
- Relationship between development, retained dwellings and surrounding neighbourhoods.

Indicative Capacity Study

Total Site Area	25.66 ha
Developable Area	19.3 ha
Net Housing Area*	14.03 ha
Density	30 - 35 dph
No. of dwellings	421 - 491

* Figure calculated makes provision for local centre (0.5 ha), SUDs (0.77 ha) and Public Open Space (POS) (4 ha) within Developable Area.

- 5.67 Although the application is in outline form, at the time the application was made, the Department for Communities and Local Government (DCLG) Circular 01/2006 set out the scope of information to be submitted with an outline application. Even if layout, scale and access were reserved, an application still required a basic level of information, including scale parameters (upper and lower limits for heights of buildings) and an indicative layout. The indicative scale parameters, layouts, densities and form contained within the Design and Access Statement have been used by the applicants to analyse the impact of the development, including landscape, within the Environmental Statement.
- 5.68 Since the submission of the application, an Order amending the rules on the information which must be submitted with an English planning application came into force on 31 January 2013. This Order removed existing national requirements for information on layout and scale to be provided with outline applications where these are reserved matters to be determined at a later date. The DCLG support Council's 'Local Validation List' approach, which sets out a list of information requirements to support specific types of planning application. Consequently, it is likely that the Council's current validation checklist will be updated to reflect the change to national information demands, to require large scale major applications such as this to be supported with information on layout and scale.
- 5.69 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. Various photographic viewpoints were identified as forming part of the visual envelope (ie the extent of the area from within which the proposed development may be viewed).
- 5.70 Taking into account the detail provided as part of the ES and that of the studies undertaken by Halcrow, WYG and LDA it is considered that the site is capable of accommodating the development proposed without having significant adverse landscape impacts. The indicative scale of development proposed in respect to building heights is accepted and that the public open space that extends around the

northern most aspect of the site, which is its most sensitive, essentially protects the viewpoints from the adjacent conservation area.

Indicative Design/Layout/Scale

- 5.71 Based on the master plan approach set out in the BAN5 Policy of the Proposed Submission Cherwell Local Plan, The Council's Design and Conservation Team Leader has highlighted the need to consider the site in a holistic way given the different land ownerships involved. Whilst a master plan approach has been discussed with both interested parties, only the applicant has signed up to this to date. For this reason, there is no certainty that Amber Developments will come forward in a fully coordinated way. However commitment to developing the site has been shown by them through a public exhibition and carrying out EIA work in relation to the site and officers have had sight of an indicative scheme that demonstrates how all the required elements can be addressed across the allocation, even if development as planned can't be guaranteed.
- 5.72 Under the circumstances, the proposed development of 350 dwellings by Permission must be considered as a standalone site as there is no guarantee that connectivity across the remainder of the site to Dukes Meadow Drive would be secured. Access to the dwellings would be taken from a single point off of the Warwick Road which would effectively result in the creation of a large cul-de-sac that has no relationship with Dukes Meadow Drive or the rest of Hanwell Fields. As such integration is a concern given the landlocked nature of the site. Walking and cycling opportunities directly onto Dukes Meadow Drive would not exist and for this reason the proposal does not meet the requirements of the BAN5 Policy which seeks a high degree of integration and connectivity with Hanwell Fields.
- 5.73 Detailed discussions amongst officers have been had around this concern and in order to achieve a proposal that is sustainable on all fronts, it is considered that the Persimmon site should be linked to the Amber Developments site in terms of the delivery of certain phases. Officers are comfortable with some development of the Permission site closest to the Warwick Road where connectivity can be maintained to the existing road network, however the development of the entire site is not supported without at least the connecting roadways through the Amber Developments site. Movement is a concern given the landlocked nature of the site. Walking and cycling opportunities directly onto Dukes Meadow Drive are required to enable access to local facilities and encourage sustainable travel.
- 5.74 As such it is considered that either a condition or as part of the legal agreement should be put in place which states that no more than a set number of dwellings on the western side of the Permission site can be built and occupied until the roadways that would connects to the adjacent land and the connecting road onto Dukes Meadow Drive has been constructed.
- 5.75 Prior to the submission of the application, at a meeting between the Council and agents acting for the two landowners/developers, a master plan illustrating the three key interfaces (Area A – Central, Area B – Southern and Area C – SW interfaces) for connectivity was tabled by officers. Whilst no written agreement has been achieved, essentially the follow on drawings submitted by both parties indicating the set of co-ordinates has generally been agreed, which in your officers' opinion demonstrates that the necessary link road could be achieved. This linking road is key to the 'best planning' for site to deliver the required number of dwellings in the most sustainable way by allowing accessibility to public transport through the site as a whole and pedestrian and cycle accessibility. In order to achieve this, the agreed co-ordinates of the road connection as detailed on the submitted drawings, along with the interface masterplan will be secured along with the phasing of completions through the S106 agreement.

- 5.76 Another mechanism to be secured through the S106 is the provision/construction of the new footpath along the northern edge of the site connecting footpaths 191/6 and 120/107 along with part of the footpath 120/107 within the site to be upgraded. These works are to take place prior to the construction of housing in the second field. Whilst details of the construction method and surface material would be conditioned, essentially this will allow pedestrian and cycle access to Dukes Meadow Drive whilst the second field is being developed and that on the adjacent third party land.
- 5.77 With regard to the design approach for the proposed development, the Council's Design and Conservation Team Leader considered that it follows good practice and that an appropriate response to the design principles has been demonstrated in the illustrative master plan. The master plan also identifies landscaped spaces, new spaces, landscaped connections and active frontages. Variations of densities across the site will be important to establish character and the setting of specific areas, but this is not shown in any significant detail. Building height and scale will vary across the site with areas of greater sensitivity being lower.
- 5.78 With regard to character there is little information about how this will vary across the site. More work needs to be done on the form and structure of place based on the design principles of surrounding settlements and this could be addressed through planning conditions.
- 5.79 With regard to the layout of the site, schematic street layout demonstrates an appropriate response to the site context however there is limited information on the proposed parking strategy. Overall a more interesting scheme is required with a better mix of housing and densities, active frontages and low key edges to the sensitive northern side of the site. The applicant is aware of the requirements for more detail and this is currently being work on and will form the design code detail, which will be submitted imminently.

Housing Mix

- 5.80 An assessment of the type and size of housing needed in Cherwell informs the PSLIPC Policy BSC4: Housing Mix. Although at this stage the policy carries limited weight, It does identify the size and type of housing is expected to be required to meet the needs of Cherwell's future population.
- 5.81 This application for up to 350 residential units will require 30% affordable housing, which equates to up to 105 affordable units the remaining 245 dwellings will comprise a mix in general accordance with Policy BSC4.
- 5.82 For the purposes of providing an estimated education requirement from the proposed development, the following mix of residential development which includes affordable housing mix, comprises:
- 18 x 1 bed units
 - 70 x 2 bed units
 - 140 x 3 bed units
 - 105 x 4 bed units
 - 17 x 5 bed units

Affordable Housing

- 5.83 The affordable units should have a tenure split of 70/30 rented and shared ownership or some other low cost home ownership product to be agreed. It has been agreed with the Affordable Housing Officer that we will not seek 50% lifetime homes standard on this scheme, however a minimum of 10% of the units should meet Lifetime Homes Standards, with preference for them being in the rented element of the affordable housing.

- 5.84 All the Affordable Rented units should be built to the HCA's Design and Quality Standards, together with the HQI requirements.
- 5.85 It has been agreed that the shared ownership can be built to the developer's standard house type sizes and types and do not need to meet HCA's HQI requirements. This has been agreed to aid in the delivery of the affordable housing.
- 5.86 The affordable units should be dispersed throughout the scheme in clusters of no larger than 15 units unless otherwise agreed with planners and there should be 30% affordable housing represented within each phase where this is feasible. The mechanism for the delivery of the housing is still being negotiated at the time of writing and further update will be provided.
- 5.87 The following units are an indication of the type of affordable housing provision that should be delivered on this site. Further agreement will be had at REM stage should Members be minded to approve this application.

Rent

18 x 1b2pF
4 x 2b3pF
23 x 2b4pH
11 x 3b5pH
11 x 3b6pH
5 x 4b7pH
2 x 2b4pBungalow (wheelchair standard)

Shared Ownership

4 x 2b3pF
17 x 2b4pH
10 x 3b5pH

Residential Amenity

- 5.88 The indicative layout for the development demonstrates that the proposed dwellings could be accommodated on the site without causing harm to existing neighbouring properties. At the time of the reserved matters application(s), the exact detailing of the positioning of the dwellings and their fenestration would be assessed to ensure that no unacceptable harm would be caused to residential amenity by way of loss of light, being over bearing or resulting in a loss of privacy.
- 5.89 The indicative layout and submitted information also demonstrates that the new dwellings, could achieve an acceptable standard of amenity in terms of private and public amenity space. The outdoor sports pitch has been relocated mainly to ensure that the definitive route of the public footpath crossing this part of the site is not obstructed, however this has increased the separation of the pitch from the nearest dwellings which would subsequently improve the impact of the pitch upon residential amenity in terms of noise and disturbance.
- 5.90 For these reasons, officers consider that the proposed development would comply with Policy C28 of the adopted Cherwell Local Plan and Government Guidance contained within the core principles of the NPPF.

Transport Impact

- 5.91 The proposal seeks to provide a new access off the B4100 Warwick Road, which will provide a suitable and safe access point to serve the development on this western boundary. Further linking roads are shown on the illustrative masterplan which will eventually link through to Dukes Meadow Drive to the South of the site, this aspect is

expanded on further below. Concerns have been raised that the existing road network is already at capacity and will not be able to cope with the increase in volume of traffic from the proposed development, especially at the key junction Hennef Way/Southam Road.

- 5.92 The application has been submitted with a Transport Assessment, which Oxfordshire County Council as local highway authority are now content with, following the submission of additional information and consider that the scheme in principle is acceptable subject to the improvements/off site mitigation measures. The Hennef Way/Southam Road junction has been identified for improvement which will address the concerns raised by those objecting to the scheme. The improvements/off site mitigation measures proposed and have been agreed are in the form of:
- 5.93
- Improvements to the Hennef Way/Southam Road junction as part of the package of S106 contributions £100,000 has been agreed to fund these improvements.
 - Improvements to Dukes Meadow Drive uncontrolled crossing in the form of a toucan crossing and the reposition of the uncontrolled access further away from the roundabout and as part of the package of S106 contributions £80,000 has been agreed to fund these improvements.
 - Provision of a footway along Warwick Road, to connect with the footway on Dukes Meadow Drive.
 - Public Transport contribution of £500,000.
- 5.94 As discussed in paragraphs 5.71 – 5.75 above, OCC acknowledges that the submitted Access Parameter Plan shows future links to the other sections of BAN5 site, however as it currently stands the development proposal does not offer any direct, accessible or desirable routes to the adjacent residential areas or the local facilities within them, especially for residents who will be located some distance into the site away from the site's entrance with the B4100 etc i.e. site's accessibility is considered poor without the other sections of BAN5 coming forward at the same time. Whilst there is no guarantee when these links will come forward, accessibility remains an issue and that there is a risk that with the other sites coming forward separately within BAN5 potential ransom strips may be created, which must be avoided to ensure any future link(s) are not prevented if this application is approved. Clearly this is a significant issue, however with the proposed measures detailed in paragraphs 5.74 – 5.76 above, it is considered that given the different land ownerships this matter cannot be reasonably addressed or secured any other way.
- Loss of agricultural land**
- 5.95 Policy Banbury 5 states '*A detailed survey of the agricultural land quality identifying the best and most versatile agricultural land, and a soil management plan*'. Within the Environmental Statement, this matter is addressed.
- 5.96 In terms of planning policy, National policy guidance governing the non-agricultural development of land is set out in the National Planning Policy Framework (2012). Annex 2 of the NPPF identifies the "best and most versatile agricultural land" (BMV) as land in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 112 of The Framework states: "*Local planning authorities should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality agricultural land in preference to that of a higher quality.*"
- 5.97 Policy EN16 of the non statutory Cherwell Local Plan states that '*Development on Greenfield land including the best and most versatile (Grades 1, 2 and 3a) agricultural*

land will not be permitted unless there is an overriding need for the development and opportunities have been assessed to accommodate the development on previously developed sites and land within the built up limits of settlements. If development needs to take place on agricultural land, then the use of land in grades 3b, 4 and 5 should be used in preference to higher quality land except where other sustainability considerations suggest otherwise'. This policy goes on to advise that 'in some instances where there is an overriding need for a particular development and there is no suitable alternative, it will be necessary to use best and most versatile land. This is the case at Banbury, where the Panel's report into the Structure Plan Examination in Public states "it recognises, however, that further major development could mean building on high quality land and/ or breaching landscape constraints". The search criteria in paragraphs 30 and 31 of PPG3 mean that sustainability considerations such as building communities and reducing the need to travel by the private car have resulted in best and most versatile land being used for the urban extension at Banbury. In such circumstances, grade 3a land should be used, if possible, rather than higher grades.

- 5.98 The ES identifies the relevant receptors as agricultural land quality (potentially of national importance) and the affected farm business (of local importance) both at the construction phase and after completion. The ES describes the work that has been undertaken on this site to establish the quality of the agricultural land. It concludes that the land is mainly unbroken Grade 3a with small patches of Grade 2 and 3b. Accordingly, the majority (93%) of the application site is identified as the *best and most versatile quality agricultural land*.
- 5.99 With regard to agricultural land quality, the ES concludes that there would be a low magnitude of change (because the proposed development would directly lead to the loss of less than 20 hectares of best and most versatile agricultural land); of high sensitivity; leading to a moderate adverse significance of effect. The proposed development affects a single farming occupier and compromises 7% of the total holding. The loss of this land will not affect the viability of the unit and the loss of 17ha will therefore only have a very slight effect in terms of the farmability and profitability of the retained land.
- 5.100 With regard to the effect of the development on farm businesses, the ES concludes that there would be a low magnitude of change; of low sensitivity; leading to a minor adverse significance of effect.
- 5.101 The ES describes that mitigation of the loss of agricultural land is best achieved by limiting the extent of the development to the smallest size possible and that soil handling and conservation should be undertaken in accordance with the relevant chapters in "The Good Practice for Handling Soils" document (MAFF 2000). Soil functions include improving drainage and maintaining solution pathways, supporting ecosystems and providing green areas for communities to use and enjoy. In order to sustain these basic functions it is important that appropriate consideration is given to the soil resource on any development site, and if it is not managed carefully during construction and ground preparation these functions can be lost. The use of the Code of Practice for the Sustainability of Soils on Construction sites (DEFRA 2009) would ensure that the soil resource on site may be enhanced and achieve wider environmental benefits. For example the movement of soil during ground preparation, including timing of land work and storage of soils for after use, will provide materials in better condition for landscaping and will also help natural site drainage. There are however few measures that can mitigate against the effects on agricultural businesses.
- 5.102 The use of the best and most versatile quality agricultural land is an unfortunate outcome from the proposed development given LPAs should seek to use areas of poorer quality agricultural land in preference to that of higher quality. In this case, it is

considered that the information submitted demonstrates that the proposal is a low magnitude of impact because of the scale of the development but of high sensitivity because the loss of the best and most versatile quality agricultural land is a matter of potentially national significance. The information provided demonstrates that the proposal would not result in a serious economic impact for the farm holding that the land belongs to and that the farm will still remain viable. The information demonstrates that the soil on the site will adequately be dealt with, including its management to ensure that the soil benefits the overall site including the landscaping and to help natural drainage. Furthermore as the majority of the land falls within grade 3a quality, this meets the requirements of policy EN16, where the best and most versatile agricultural land is necessary to be used. As such, the proposal on balance, taking into account these factors as well as the other benefits that would arise from the development of the site overall, it is considered that the development of the land is acceptable in principle and that the loss of best and most versatile quality agricultural land is acceptable in this case.

Flooding and Drainage

5.103 The National Planning Policy Framework (NPPF) states that developers should “seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems”. The surface water drainage will be designed in accordance with the Environment Agency’s current guidance and utilise Sustainable Drainage Systems (SUDS) so as to satisfy the following design requirements;

- Mitigate the risk of flooding to downstream receptors
- For two credits the development must be situated in a flood zone with a low annual probability of flooding.
- Provide sufficient attenuation to comply with the requirements of NPPF
- Consideration of the risk of solution features
- Provide the most practical and economic scheme, utilizing as much of the existing drainage system as practicable
- Provide a scheme that is compatible with the development phasing and site topography
- Designed in the spirit of SUDS techniques as defined with the CIRIA guidance
- Pollution control

Surface Water Drainage

5.104 For sites greater than 1 ha in size, a surface water strategy should be carried out as part of a FRA to demonstrate that the proposed development will not create an increased risk of flooding from surface water. The surface water strategy should be carried out in accordance with NPPF and its associated practice guidance, giving preference to infiltration (where appropriate) over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

Drainage Scheme Requirements

5.105 Infiltration rates should be worked out in accordance with BRE 365. If it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge may be appropriate. The surface water drainage strategy has been designed in accordance with the following principles:

- Look to achieve Greenfield runoff rates to reduce the impact of the development on the surface water drainage infrastructure
- Discharge volumes from site will not increase as a result of the proposed development, up to a 1 in 100 year storm with a suitable allowance for climate

change;

- The site will not flood from surface water up to a 1 in 100 year storm with a suitable allowance for climate change, or that any surface water flooding can be safely contained on site up to this event.

Increases in Surface Water Volume

- 5.106 If it is identified that the volume of runoff will be increased then the difference should be disposed of by way of infiltration or, if this is not feasible because of the soil type, discharged from the site at flow rates below 2 l/s/ha. Where this is not feasible, the limiting discharge for the 30 - and 100-year return 7 | 34 periods will be constrained to the mean annual peak of runoff for the Greenfield site (referred to as QBAR in IoH Report 124 as part of the ES).

Sustainable Drainage Techniques

- 5.107 A well designed drainage scheme will involve a number of SUDS features in sequence, forming a surface water management train (CIRIA C609). A management train will incrementally improve the quantity and quality of surface water run off reducing the need for a single, large attenuation feature. Guidance on the preparation of surface water strategies can be found in the DEFRA / Environment Agency publication "Preliminary rainfall runoff management for developments". Guidance on climate change allowances can be found within Annex B of NPPF.
- 5.108 SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.
- 5.109 A surface water drainage strategy has been prepared which is based on sustainable drainage principles in accordance with best practice and provides a number of treatment stages to reduce and mitigate effects on existing water quality from run off from the Proposed Development. Permeable paving will be provided which will be designed to control the passage of potential contamination of the existing groundwater.
- 5.110 The Proposed Development includes surface water balancing areas to reduce flows before discharging from the Proposed Development at the existing runoff rate. Climate change has been included within the balancing facilities. The effect on flood risk following implementation of these mitigation measures is considered to be negligible.
- 5.111 The wide (3.0 ha approximately) 'Green corridors' which bound the northern edge of the East and West fields and open green space (1.2 ha) are in the application boundary but are considered not to be contributing to the development in terms of development area.
- 5.112 In terms of residual flood risk, the topography of the site suggests that the properties are extremely unlikely to be affected by a flooded watercourse. Furthermore all building thresholds will be set above adjacent levels so overland flows during extreme events will not affect properties.
- 5.113 The proposed SUDS systems shall be offered to Oxfordshire County Council for adoption. In the case that infiltration into the ground failed, it is proposed that permeable paving overflows are to be redirected via an overflow pipe to the detention

basin.

- 5.114 This FRA demonstrates that the proposed development site can be drained in a sustainable manner and that the development is not at flood risk from all sources and will not increase flood risk to other parties.
- 5.115 With regards to the comments made by Thames Water, the applicant has confirmed that at the time of submission they were informed that there were no capacity issues as reported in the ES. However the applicant has confirmed that "If further details are required in respect of Foul Drainage it is understood that Thames Water acknowledge that they have an obligation to provide services to any scheme which has planning permission. The impact study is required in this case to assess costs of any improvements to capacity. Scoping the study itself is a minor matter (circa £400 plus VAT). The Clients have undertaken to underwrite this and will work with Thames Water thereafter". This matter will therefore be subject to necessary condition.

Historic Environment

- 5.116 The site lies within approximately 400m on the Hanwell Conservation Area and 500m of the nearest listed building. Due to the separation between the site and these heritage assets, the Council's Conservation Officer believes that the issue relates to the landscape setting of Hanwell village rather than the impact upon the significance of the heritage assets within the village, which has already been addressed above. Drayton Conservation Area is located within approximately 500m of the site, however due to the proximity of existing residential development, officers do not believe that the proposal would have any greater impact upon the significance of this designated heritage asset.
- 5.117 The site is also located in an area of some archaeological potential. Previous archaeological work carried out within the locality has revealed undated linear ditches and a shrunken medieval village and Saxon site approximately 500m to the north. Given these findings, it is thought that the site could contain previously unknown archaeological deposits, and as such the County Archaeologist recommends that the appropriate level of archaeological investigation is carried out during the period of construction. With the appropriate conditions in place, officers are satisfied that the proposal would not result in any unacceptable loss of archaeological remains.
- 5.118 For the reasons set out above, the proposed development would not result in causing unacceptable harm to the significance of any heritage asset in the locality and as such the proposal complies with Government guidance on conserving and enhancing the historic environment contained within the NPPF.

Ecology

- 5.119 NPPF – Conserving and enhancing the natural environment requires that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures" (para 109)
- 5.120 Paragraphs 192 and 193 further add that "The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question". One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a

planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.

5.121 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”

5.122 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

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

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

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

5.125 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

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

5.126 Therefore where planning permission is required and protected species are likely to

be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council's Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.

- 5.127 The Council's Ecologist is satisfied that the work done to date with regard to ecology is sufficient in scope and depth however the methodology work particularly in relation to reptiles is lacking. Despite this, the precautionary approach to be taken, as set out within the EIA, is appropriate. She is also content that any impacts upon ecology can be mitigated by the measures set out in the EIA.
- 5.128 Much of the woodland areas and hedgerows are to be retained and enhancement works are set out which is supported. Further enhancement measures will however be required in relation to the built environment.
- 5.129 A license will be required for the loss of the existing maternity roost on the site. The Council's Ecologist believes that there is scope within the site to mitigate this loss and as such sees no reasons why a license would not be granted.
- 5.130 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework -Conserving and enhancing the natural environment and Policy C2 and C4 where relevant of the adopted Cherwell Local Plan.

Trees

- 5.131 There are a significant number of semi/young mature trees along the boundary of the site providing good screening from the surrounding areas and valuable wildlife habitat. The indicative master plan shows the development in the centre of the site with a buffer adjacent to the existing trees. Subject to conditions relating to protection of trees to be retained, including the protected tree subject to TPO2/99 in the garden of the unoccupied property, it is considered that the proposed development will maintain the existing boundary coverage provided by the those trees.

Footpaths

- 5.132 As referred to above, there are two public footpaths that cross the site. Neither would be physically affected by the indicative layout for the proposed development as amended. Originally, the formal sports pitch was arranged across the definitive route, however this is now shown as being relocated further to the north west so that the public right of way is not obstructed. Reference was also made by the OCC Rights of Way Officer that the definitive route of this particular footpath would be obstructed by the proposed dwellings. An amended plan has been submitted which demonstrates that this would not be the case and in any event as layout is a reserved matter, the exact siting of the dwellings can be secured at that time to ensure that the footpath is not obstructed.
- 5.133 The OCC Rights of Way Officer also identified that the two footpaths crossing the site are informally linked on the ground by a route running along the north boundary of the two agricultural fields. As the Design and Access Statement sets out that the existing

public rights of way would be enhanced, she has recommended that this route be dedicated as a new footpath, which would ensure that this route is not lost in the future. A rights of way contribution of £10,000 to secure these enhancements would be required.

- 5.134 Given the protection of the existing footpaths and the proposed enhancement of the network by providing a new route, together with the developer contribution sought, the proposal would comply with government guidance on promoting healthy communities contained within the NPPF.

Noise

- 5.135 Paragraph 109 of the NPPF seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by inter alia unacceptable levels of noise pollution. Further, paragraph 123 advises that planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

- 5.136 This is further guided through the use of DEFRA Note to the Noise Policy Statement for England (NPSE), which seeks to meet the Governments objectives on sustainable development and promotion of good health and a good quality of life through the effective management of noise. For the purposes of this application and the NPSE “noise” includes “environmental noise” from transportation sources; “neighbour noise” from inside and outside people’s houses; and “neighbourhood noise” arising from within the community and includes industrial, construction sites and noise in the street.

- 5.137 Paragraph 2.14 of the NPSE advises that “It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between quality of life’ effects and ‘health’ effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.”

- 5.138 The NPSE also advises in paragraph 2.9 that “noise management is a complex issue and at times requires complex solutions Noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments”.

- 5.139 The Council’s Anti-Social Behaviour Manager has considered the information contained within the EIA with regard to the site’s existing noise climate and noise generated from the site in terms of construction and construction traffic. He is satisfied that the EIA work demonstrates that compliance with the appropriate British Standard for habitable rooms could be achieved (protecting them from unacceptable levels of noise) emanating from passing traffic on the Warwick Road and Dukes Meadow Drive. He also considers that any noise impacts arising from the construction phase can be overcome by a construction management plan.

- 5.140 With these measures in place (to be secured via planning condition), officers are satisfied that the proposed development complies with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the core principles and on conserving and enhancing the natural environment contained thin the NPPF.

Light (Hanwell Observatory)

- 5.141 This aspect was covered in the submitted ES and is summarised below:

Baseline scenario:

The Hanwell Community Observatory lies approximately 800m north of the Application site's northern boundary, within the village of Hanwell, although lighting sources would be located further within the site.

- 5.142 Paragraph 7.3.48 of the ES notes the existing night time influences which would affect the Hanwell Community Observatory. These include sky glow from Banbury and various light sources within Hanwell, including street, vehicular and domestic lighting. Whilst street lighting within the settlement is limited, it does not appear to incorporate cowls or other forms of restriction around the light source.

- 5.143 Paragraph 7.3.48 also notes the existing and proposed bands of vegetation along the Application site's northern boundary. Appendix 7.4 Arboricultural Impact Assessment of the ES states that the two bands of existing Early Mature or Semi-mature woodland (W54 and W109 of the tree survey schedule) along the Application site's northern boundary are currently around 10m in height and contain a mix of deciduous and evergreen native tree species. Several of these tree species would be forest scale trees at maturity (e.g. Beech and Scots Pine up to 40m tall, depending on location and condition).

- 5.144 Proposed mitigation measures:

Paragraph 7.4.122 of the ES states that lighting proposed would comply with relevant guidance from the following bodies: British Standards, Institute of Lighting Engineers (ILE) and the Health and Safety Executive.

The ILE guidance note "Guidance notes for the reduction of obtrusive light" (2005) defines 3 forms of obtrusive light:

Sky glow – brightening of the night sky above towns, cities and countryside;
Glare – uncomfortable brightness of light when viewed against a dark background;
Light trespass – spilling of light beyond a site boundary.

- 5.145 The document recommends various approaches to minimise each of the forms of obtrusive light, including the use of lighting equipment with horizontal cut off luminaires to reduce sky glow and to help minimise visual intrusion into the open landscape.

- 5.146 Further information in relation to light pollution is also provided by a guidance note produced by the Scottish Executive (Controlling light pollution and reducing lighting energy consumption – March 2007). This defines the term sky glow as "*The variable brightness value of night-time sky caused by upward components of light from direct and inter-reflected light off the earth's surface (the brightness of sky glow is dependent on the amount of upward light and the presence and density of atmospheric particles and their distance above ground level).*" This confirms the variable nature of the perception of sky glow, dependant on atmospheric conditions such as low cloud cover when sky glow would be more noticeable.

- 5.147 Paragraph 7.4.123 of the ES notes that high quality lighting systems, which would be well designed and located, would be used within the proposed development to reduce sky glow, light spill and to minimise glare. More specifically, paragraph 7.4.114 of the ES notes the intended use of cowls and deflectors on the light source, and also the retention of existing boundary vegetation to further screen light sources within the proposed development. The careful choice of lighting columns and any other forms of light (e.g. bollards) within the public areas of the proposed development would ensure that upward light is not emitted above the horizontal plane, thus limiting the direct views of the light source and the contribution of the lighting scheme to sky glow.
- 5.148 As noted in the ES, the existing 10m tall band of Early/Semi-mature vegetation along the northern boundary of the Application site would provide immediate screening between Hanwell and the proposed development. This band of planting will mature with time to include forest-scale trees. This would be supplemented by additional screen planting within the Application site boundaries. The details of the additional screen planting have not been finalised, but they are likely to reflect the scale and some of the species mix of the adjoining planting. This would further thicken the existing screen between Hanwell and the Application site.

Assessment

- 5.149 Paragraphs 7.4.34 to 7.4.36 of the ES provide an analysis of the likely effects of the proposed development on the existing night time scenario at the Hanwell Community Observatory. The assessment has been made incorporating the mitigation measures outlined above which would reduce or strongly limit the effects on glare and light trespass, whilst minimising the contribution of the lighting scheme to the perception of existing sky glow associated with Banbury.”
- 5.150 “Accordingly it is recommend that a condition be imposed covering the above on the following basis. Prior to the commencement of development details of the street lighting to be installed together with cowl and deflectors to direct light sources shall be submitted to and approved in writing by the LPA and the development shall be implemented in accordance with the approved scheme.”
- 5.151 The Landscape Officer has commented briefly on this aspect, but has considered the matter in the context of the landscape impact and visual impact of development and has asked that the applicant provide evidence of how they intend to reduce light pollution of the Hanwell's night sky. As detailed above in para 5.147 , details of the cowls and lighting systems specifications to be installed shall be subject to condition which will be sufficient to ensure that the light pollution from the development will not cause harm to the locality and in particular to the Hanwell Observatory.

Pre-application Community Consultation

- 5.152 Under Section 18 of the Planning and Compulsory Purchase Act 2004 Local Planning Authorities (LPAs) are required to produce a Statement of Community Involvement (SCI). As part of the SCI, LPAs are requested to encourage participation from local community groups where development is proposed.
- 5.153 Notice of the Public Consultation Event consisted of advertisements in the Banbury Cake and Banbury Guardian newspaper on 13th September 2012 and a leaflet delivered to local residents on 14th September 2012 to notify them of the opportunity to participate in a community planning exhibition consultation event. The newspaper adverts and leaflet notice aimed to encourage participation by providing details relating to the public exhibition. A plan detailing the Leaflet drop area is shown within the submitted pre-application statement.

- 5.154 The public consultation events were held at Hanwell Fields Community Centre on Thursday 20th September 2012 between 1pm and 5pm and Saturday 22nd September 2012 between 10am and 1pm.
- 5.155 The development proposals along with details were set out on display boards. Representatives of the Planning Consultant were in attendance throughout the exhibition who were available to explain the proposals and answer any questions. Details of the display boards have been submitted in the pre-application statement.
- 5.156 An "Exhibition Attendance Register" was made available for participants to record their attendance to the public exhibition; however it is apparent that not everyone who attended the event chose to record their visit. A total of 81 people attended the public exhibition across the two days (41 on Thursday and 40 on Saturday).
- 5.157 The site is partially located within the Banbury Hardwick and Wroxton wards, where the Census data (2001) indicates they have a total of 2,453 and 1,038 households respectively. It is therefore important to recognise that although the consultation events were widely publicised with various methods available for residents to offer their views on the scheme, only a small proportion of residents chose to, or were able to attend the consultation events. However, the turn out for the public consultation event is nevertheless relatively high compared to consultations elsewhere.
- 5.158 Those attending the exhibition were invited to record their views on the leaflet available for distribution, (as detailed in the pre-application statement). These could be completed at the exhibition or returned to Pegasus Group at a later date either by the email address provided on the leaflet or via a (supplied) freepost envelope. The comments section allowed people to put forward their thoughts fully independently.
- 5.159 There were 5 written responses to the Public Consultation (including a response from the Hanwell Fields Development Action Group which acts on behalf of a number of residents in Hanwell Fields) and the responses are set out the pre-application statement).
- 5.160 Of the responses received (as detailed in the pre-application statement) and applicant response to the issues raised, the comments have been grouped under the following five headings:
- Impact on the countryside
 - Need for housing and location of proposed development
 - Traffic and access
 - Impact on infrastructure and services
 - Design and layout

Developer Contributions

- 5.161 The draft Supplementary Planning Document (SPD) relating to the requirement for financial contributions towards infrastructure or service requirements was considered by the Council's Executive Committee on 23 May 2011 and was approved as interim guidance for development control purposes. It has not been subject to public consultation.
- 5.162 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National planning policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost, of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning Obligations are the mechanism used to secure these measures.

- 5.163 Circular 05/05 contains advice on planning obligations. Planning agreements should only be sought where the development would otherwise be unacceptable and matters cannot be covered by conditions. Clauses in agreements must be relevant to planning, necessary, directly related to the proposed development and fair and reasonably related in scale and reasonable in all other effects. The circular advises:

*The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold.***

- 5.164 Listed below are the requirements and financial contributions requested and those currently agreed/resolved. These matters are directly related to the development and the effects that would arise from it and necessary to enable the impact of development to be mitigated. The proposed development, due to its scale and number of dwellings proposed, meet the threshold for a wide range of developer contributions that are normally sought by both the District and County Councils. The applicant has questioned the validity of the Council's SPD and whilst they are willing to enter into an appropriate planning obligation, they seek further justification on some aspects. This further justification and discussions are on-going at the time of writing between officers and the applicant as to the level of contribution that would be acceptable and there is every expectation that an agreement can be reached – these matters are shown unresolved.

- 5.165 The full S106 Heads of Terms will be based on the requirements set out below, along with development phasing and with the applicant agreeing to making contributions towards 30% affordable housing (the exact provision and terms of affordable or social rent and intermediate is still being negotiated), provision of public open space, formal open space and play areas, public art, indoor sports (still to be justified), access, public transport, offsite highway improvements, primary education, libraries, adult learning and strategic waste services.

5.166 Financial contributions

Refuse bins and recycling banks - **£23,525.00 (agreed)**

Public Transport - **£500,000.00 (agreed)**

Offsite highway improvements **(agreed)**

- Dukes Meadow Drive Pedestrian Crossing - **£80,000.00**
- Hennef Way/Southam Road Junction - **£100,000.00**

Primary Education - **£1,430,486.00 (agreed)** (phasing offered – 10% 50th, 40% 150th, 10% 200th, 40% 300th)

General County Council contributions - **£70,000.00 (agreed)**

- Libraries
- Day care for the elderly
- Adult learning
- Museum resource centre
- Strategic Waste Management

Public Art - **£52,500.00 (agreed)**

Open space, formal open space and play areas - **£2,108,930.00 (agreed)**

- 2 x LAP
- 1 x LEAP

- junior sports pitch and car park
- public open space
- maintenance of above and hedgerows, woodland, ditch/watercourse and balancing pond

Upgrade of Public Right of Way payable to OCC - **£10,000.00 (unresolved)**

Offsite Indoor Sports - **£143,644.00 (unresolved)**

Offsite Community Facilities toward Rotary Way Community Hall - **£85,584.00 (unresolved)**

Community Development Officer (Events & Projects 15hrs p/w) - **£19,250.00 (unresolved)**

OCC & CDC Admin and Monitoring fee - **£15,000.00 (unresolved)**

Thames Valley Police - **£32,100.00 (unresolved)**

- Automatic Number Plate Recognition (ANPR) cameras x 2 £22,000.00
- Remote IT facilities x 2 £8,500.00
- Bicycles x 2 (inc necessary kit) £1,600.00

The total contribution sought from the proposal is £4,671,019.00

- 5.167 It is acknowledged that Thames Valley Police have made a request for contributions towards police infrastructure (set out in full in the Consultations section). This request will form part of the S106 negotiations and it along with all other requests for contributions will have to be scrutinised with regard to compliance with the Community Infrastructure Levi Regulations (CIL). It is therefore requested that Members delegate to Officers the negotiation of the S106 agreement.

Code 4 construction

- 5.168 The PSLPIPC is proposed to include Policy ESD3 concerning sustainable construction and the requirement for Code 4 construction. The scheme proposed would comply with Code 3 and as part of their building cost, the forthcoming Building Regulations 2013 to be incorporated into the construction of all new development when it is brought in following consultation. The applicant has challenged this requirement and has advised the following in support of the case to not condition its compliance with Code 4.

“This policy is the subject of objections. At the Examination concerning the Local Plan it will be necessary for the Inspector appointed to consider inter alia para 173 of the NPPF and the need to ensure viability and deliverability so that sites should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

Persimmon are concerned that the additional costs and burden involved in seeking to meet Code Level 4 would be unacceptable and would lead to an appeal in relation to any such condition. Were this course to be followed any appeal on the site would be heard in the context of a shortfall in residential land supply in the context of the current development plan without draft Policy ESD3. The suitability of the site to meet housing requirements would be promoted by the Appellants having regard inter alia to NPPF para 50. The Inspector at any such Inquiry would consider the appeal in the context of para 49 of the NPPF.

I would draw your attention to the recent appeal decision concerning 44 dwellings at Chesterton. The appeal was plainly determined after the proposed submission

version of the New local Plan. The Inspector allowed the appeal and applied conditions reflecting those suggested by the Council and the discussion at the hearing. The 16 conditions do not require Code Level 4 housing and neither did any such requirement feature in the S106.

I have also researched the Statement of Common Ground relating to three current non determined appeals in Cherwell as follows:

LPA Ref:

PINS ref:

12/01139

APP/C3105/A/12/2189191

11/01755/OUT

APP/C3105/A/12/2184094/NWF

12/00080/OUT

APP/C3105/A/12/2178521/NWF

None of the SCGs include conditions seeking Code Level 4.

In the light of all the foregoing we would respectfully request that the Report to Committee does not include a draft condition relating to Code Level 4.

- 5.169 Clearly the Policy ESD3 has limited weight given its status, however, the Council are seeking to achieve this sustainable construction value in all new development, and especially so as part of the allocations. The points raised by the applicant are valid however and at the recent appeals stated the Code Level 4 requirement was not pursued which is a material consideration. However, if we do not see evidence to justify the position of not imposing Code 4 we will set a precedent and not be able to secure it on any of the current sites, and therefore it may be that the applicant will need to have a viability assessment undertaken, but essentially this matter is unresolved at the time of writing.

Other Matters

- 5.170 It is considered that the majority of the third party representations issues and concerns have been addressed in the preceding report, however in response to the comments made by the adjacent landowner at Broken Furrow in respect to access and wider planning of the area, the applicant has specifically commented as follows:
- 5.171 “The proposal includes means of access for a shared 3m wide footway and cycleway along the eastern boundary of the Warwick Road, the relationship between this and the new driveway for Broken Furrow is perfectly normal and straightforward. There is and would be adequate visibility and no unacceptable conflict with the nature and severely restricted speed on any manoeuvres at this point. Similarly the proximity of the proposed emergency access is also acceptable in these terms. If the driveway were to be installed prior to the construction of the footway then a dropped kerb and possibly tactile paving could be provided at the crossing of the driveway bell mouth. The provision and location of the emergency access is unaffected and would only be used if the main site access is obstructed and would not be used by vehicles at any other time.
- 5.172 In respect to the access to the wider area, the access points within the site are indicative access points for future development if required. The masterplan and all application drawings also show that the existing access to the Broken Furrow property would be maintained ensuring that access for all vehicle types currently using the property remains possible.
- 5.173 With regard to screening, it is unclear what is being referred to. In the context of the Town and County Planning (Environmental Impact Assessment) Regulations 2011 a Screening Opinion was sought from CDC under Reg 5 in order to determine the requirements for an ES. CDC responded noting that they considered the proposed development ‘EIA development’ due to the potential for cumulative effects when

considered with other developments in a similar location. The submitted ES addresses this and the application has been appropriately screened and the potential for cumulative and in combination effects satisfactorily identified.

- 5.174 If the screening reference is physical screening of the land then this can be adequately addressed through the preparation of a Construction Environmental Management Plan to be agreed through condition with CDC”.
- 5.175 Members will be aware that a number of the issues have been raised by local residents such as the views from private properties and impact on their value, these are not material to the consideration of a planning application.

Engagement

- 5.176 With regard to the duty set out in paragraphs 186 and 187 of the Framework, there have been a number of meetings and discussions with regard to issues arising from the application and officers have sought to address the problems and issues throughout the application process, by working with the applicants. It is considered that the duty to be positive and proactive has been discharged through consistent negotiation and discussion with the applicants over the course of the application process.

Conclusion

- 5.177 The NPPF presumes in favour of sustainable development and in the context of this application, requires that developments are considered favourably unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.178 The Council accepts that it cannot currently demonstrate that it has a five year housing land supply and recognises the contribution towards affordable housing provision as a material consideration in favour of the proposal.
- 5.179 Whilst the proposed development is contrary to the adopted Cherwell Local Plan insofar as it is not an allocated site for development, the land is identified for development in the PSLPIPC and as such is part of the emerging strategy to accommodate necessary development, accepting that the plan is in emerging stages and can only therefore carry limited weight. However on balance it is considered that the proposed development will not be so significant as to prejudice the development of the local plan and that the Framework advises that weight can be given to emerging policies.
- 5.180 It is also acknowledged that due regard to prematurity as guided in the PSGP must be had along with the cumulative effect of decision taken to the various applications for housing development in the district in advance of the examination of the Local Plan.
- 5.181 The Council has a Local Plan evidence base for the assessment of landscape impact which has concluded that the site is capable of accommodating the proposed development without compromising the landscape setting of Banbury or the visual amenity of the locality, subject to the mitigation and green infrastructure measures proposed.
- 5.182 These factors are all key material considerations to the determination of this current application and that an on balance assessment of the proposal in policy terms needs to be given.
- 5.183 Officers accept that the PSLPIPC identifies a number of requirements for such development. However, as outlined in the relevant sections above, it is considered

that any potential impacts of the development can be mitigated and secured through suitable planning conditions and an appropriate S106 agreement.

- 5.184 In terms of viability, and notwithstanding paragraph 5.169 above, it is considered that the development of the site could make appropriate contributions to community infrastructure and affordable housing whilst still returning a reasonable return to both land owner and developer. Negotiations are progressing and given the agreed level of contributions and those offered, an appropriate S106 package needs to be achieved in order to mitigate the impacts of the development and create a sustainable, inclusive, high quality development. This requirement is reflected in the recommendation set out below.
- 5.185 Taking the above assessment into account, the proposed development is considered to be acceptable in principle. Whilst the consultee and local residents comments have raised a number of concerns and issues which require further detail it is considered that these are not insurmountable and would be subject to condition or detail/information that would be submitted as part of the next stage reserved matters application.
- 5.186 Officers consider that taking the above assessment into account, on balance it is considered that the proposed development will not on its own be so significant to prejudice the development of the local plan (although together with other current applications there is a more significant cumulative impact which weighs against the determination at the current time) , will contribute the Council's housing land supply in providing housing in a plan-led way, will not significantly harm the landscape setting of Banbury, and will provide the necessary infrastructure to support it. In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal would result in sustainable development and for these reasons, the application is recommended for approval as set out below.

6. Recommendation

Approval, subject to:

- a) The delegation of the completion of the S106 negotiations as detailed in paragraph 5.165 – 5.167 to Officers in consultation with the Chairman
- b) The completion of the S106 legal agreement
- c) The following conditions:
 1. That no development shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted 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 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.
 2. That in the case of the reserved matters, application for approval shall be made not later than the expiration of one year beginning with the date of this permission.

Reason - This permission is in outline only and is granted 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 4(1) of the Town and Country Planning (Development

Management Procedure)(England) Order 2010.

3. That the development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted 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 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following documents and drawings:

Environmental Impact Assessment covering Socio-Economics, Ecology and Nature Conservation, Landscape and Visual, Air Quality, Noise and Vibration, Hydrology, Flood Risk and Drainage, Ground Conditions, Cultural Heritage and Archaeology and Agricultural Circumstances, a Transport Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation. A further addendum to the ES dated 7th March 2013.

Access Parameters Plan – P.0616_23C-3

Green Infrastructure Plan – P.0616_23C-4

Land Use Parameters Plan – P.0616_23B-1

Building Heights Parameters Plan – P.0616_23B-2

Red Line Plan – P.0616_23B-5

Site Access Junction (and footway cycleway) – 0214/SK/012/A
(included in TA at Appendix D)

Interconnectivity Access Coordinates Plan – P.0616_50-6

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

5. That the site shall be developed with a mix of housing types/sizes to meet the local housing needs in accordance with the requirements of Policy BSC4 of the Cherwell Local Plan - Proposed Submission Local Plan Incorporating Proposed Changes (March 2013), details of the mix shall be submitted to and approved in writing to the local planning authority, prior to the commencement of the development.

Reason – In the interests of meeting housing need and creating a socially mixed and inclusive community and to comply with Policy BSC4 of the Cherwell Local Plan - Local Plan Incorporating Proposed Changes (March 2013) and government guidance contained within the National Planning Policy Framework.

6. No reserved matters applications shall be made or development commenced

until Design Codes for the site have been submitted to and approved in writing by the Local Planning Authority. This shall include a density plan for the site, design influences / character area study, form of buildings, street frontage, materials, servicing, parking and sustainability features. Thereafter, the development shall be carried out in accordance with the approved Design Code.

Reason – Design Codes are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality development in accordance with the Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

Reason – To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of any dwelling on the site, a final Code Certificate, certifying that the dwellings in question achieves Level 4 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

9. No more than 350 dwellings shall be accommodated on the site

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land contamination and mitigation

10. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. If a potential risk from contamination is identified as a result of the work carried out under condition 10, 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. If contamination is found by undertaking the work carried out under condition 11, 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. If remedial works have been identified in condition 12, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 12. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Landscape, Trees, Maintenance, Public Open Space & Play

15. That no development shall take place on a phase identified in condition no. 7, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to conserve and enhance biodiversity and prevent the spread of non-native species and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. That 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 occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and 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 – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

17. Prior to the commencement of the development a survey identifying trees to be retained, 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 survey.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any

retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works

(b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

18. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.
- (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan
- (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) details of any levels changes within or adjacent to protection zones;
- (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees.
- (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.

Reason – To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of

the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.

Reason – To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved, full details of a method of supervision and programme of works for the landscaping [including POS and play areas], which is appropriate to the scale and duration of the development works (to include the information set out below at (a) to (e) below), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method of supervision and programme of works shall be carried out in accordance with the approved details.

- (a) developer's 'clerk of works' employed to undertake supervisory/monitoring role of approved landscape works. Applicant/Agent to provide written confirmation and contact details of chosen individual or company
- (b) relevant persons/contractors to be briefed by project 'landscape architect'/'architect' on all on-site matters relating to the implementation of the approved landscaping
- (c) timing and methodology of scheduled site monitoring visits to be undertaken by 'clerk of works'
- (d) procedures for notifying and communicating with the LPA when dealing with unforeseen variations to agreed works.

Reason – To ensure proposed landscape operations are carried out in accordance with the approved landscape details in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. Except to allow for the means of access and vision splays the existing hedgerow/trees along the Warwick Road, Southern and Eastern site boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

24. The existing trees along the Northern Boundaries of the site shall be retained and properly maintained at their mature heights, and that any tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

25. Within the first available planting season following the occupation of the building, or on the completion of the development, whichever is the sooner, the existing hedgerow along the Western, Eastern and Southern boundaries shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species in accordance with BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces) or the most up to date and current British Standard). Thereafter the new planting shall be properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

26. Prior to the commencement of the development hereby approved, a plan showing the existing and proposed levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved levels.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

27. Prior to the commencement of the development of any phase identified in condition no. 7, hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

28. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the

development shall be carried out in accordance with the approved details and specifications.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

29. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Archaeology

30. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

31. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 30, 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.

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 Government guidance contained within the National Planning Policy Framework.

Ecology/Biodiversity

32. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with

the approved details.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

33. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, detail of the location, construction and timing of the bats mitigation works, together with the details of the maintenance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

34. Prior to the commencement 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 C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

35. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

36. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for biodiversity enhancements on site together with the long term maintenance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out 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 C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

37. No removal of hedgerows, trees or shrubs nor works to, or demolition of

buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Drainage

38. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, based on sustainable drainage principles and an assessment of the hydrological and hydrological context of the development detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following corresponding rainfall event. The strategy shall also provide details of how the scheme shall be maintained and managed after completion. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason – To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

39. Prior to the commencement of the development, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason – To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand and to comply with Government guidance contained within the National Planning Policy Framework.

40. Prior to the commencement of the development full details of the foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason – To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand and to comply with Government guidance contained within the National Planning Policy Framework.

Highway/Access

41. Prior to the commencement of the development hereby approved, full details of the means of access onto the B4100 (Warwick Road), including its construction (which shall be strictly in accordance with the highway authority's specification), along with drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. And that prior to the first occupation of the development, the approved means of access shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.

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

42. No dwelling shall be occupied until there is pedestrian and cycle provision between the Warwick Road adjacent the B4100 and the Dukes Meadow Drive.

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

43. No development shall commence on site for the development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the locality during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

44. Prior to the commencement of the development, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Other

45. Prior to the commencement of the development details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development

shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

Reason – In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

46. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

47. That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority

Reason – To secure the provision of essential community infrastructure and Government guidance contained within the National Planning Policy Framework.

48. No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

Reason – In order to comply with Government guidance contained within the National Planning Policy Framework.

49. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason – To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

50. Prior to the commencement of any part of the development hereby approved within 10m of the existing public footpath(s), the affected footpath(s) shall be

protected and fenced to accommodate a width of a minimum of 5m in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall remain fenced and available for use throughout the construction phase in accordance with the approved details.

Reason – In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

51. The details of the layout and construction of the car park to the formal open space/sport area including details of its porous surfacing, shall be submitted to and approved in writing to the Local Planning Authority prior the first occupation of the dwellings. The car park shall be provided in accordance with the approved details, prior to the layout of the formal open space. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason – To ensure that adequate provision is made for the parking of vehicles to serve to the formal open space and in the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

Informatives

1. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. Legal agreement
3. Pursuant of condition no. 32 the badger mitigation strategy should take account of badgers that will utilise the 'corridors' through the site to reach wider areas off site for foraging and the consideration of the impacts or potential conflicts with badgers foraging in the green spaces on site. Also the development the other side of the road also has a badger population and a badger tunnel was put in under the Dukes Meadow Drive for badgers to access foraging on that side, consideration of this tunnel and that badger population should be considered to avoid disruption by that population. Further planting, installation of tunnels or further corridors may be required to help badgers access foraging areas to be incorporated into the badger mitigation strategy.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMSSION AND DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. Although a departure from the adopted development plan, it is considered to be acceptable on its planning merits as the proposal forms part of an allocated site within the emerging development plan and would not cause serious harm to the character or appearance

of the countryside area, residential amenity, ecology matters, flood risk or highway safety and adequate provision is made for open space, play areas, affordable housing and other essential local infrastructure. Further, the need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. As such, the proposal is in accordance with government guidance contained in the National Planning Policy Framework and Policies H5, R12, C1, C2, C4, C7, C13, C14, C17, C28, C30, C31, ENV1, ENV12, TR1 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the outline application should be approved and planning permission granted subject to appropriate conditions, as set out above, and a legal agreement to secure the essential infrastructure requirements.

Statement of Engagement

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