

## **Site Address: Land north of Hanwell 14/00066/OUT Fields, Warwick Road, Banbury**

**Ward:** Banbury Hardwick

**District Councillor:** Councillor Ilott, Councillor Donaldson, Councillor Turner

**Case Officer:** Tracey Morrissey

**Recommendation:** Approval

**Applicant:** Amber Developments

**Application Description:** OUTLINE - Development for up to 160 dwellings together with associated infrastructure and open space with all matters reserved except access

**Committee Referral:** Major application (exceeds 10 dwellings and 1ha) and departure from policy

**Committee Date:** 30.10.14

### **1. Site Description and Proposed Development**

- 1.1 The application relates to part of a site that has been identified for proposed residential development in the Submission Local Plan (January 2014) (SLP) under Policy Banbury 5 (BAN 5): North of Hanwell Fields. Outline planning consent is sought for the above proposed development.
- 1.2 This application site comprises three segments of land and covers some 7.23 ha forming the second largest element of a 26 ha, three way land split to the north of Dukes Meadow Drive and to the east of Warwick Road. The site and part of the surrounding land is currently in agricultural use. Planning permission for the larger portion of the BAN 5 strategic housing allocation for the construction of up to 350 residential units was approved under 12/01789/OUT for Permission Homes. The third land ownership relates to a dwelling known as Broken Furrow which includes a large paddock to the immediate north of the application site. Two further separate dwellings 'Briar Lodge/Close' and 'The Nutshell' are adjacent to the north of the site and are served by a separate access off the Warwick Road.
- 1.3 The site is relatively level, open and is characterised by the agricultural landscape and typical field boundaries and hedgerow structures which break up the extent of the open agricultural fields. The existing Hanwell Fields development and associated open space lies to the south of the site.
- 1.4 In terms of site constraints the site forms part of an Area of High Landscape Value and land containing naturally occurring Arsenic Chromium Nickel. Public footpaths FP120/107 & FP 239/9 run to the north of the site. The Conservation Areas of Wroxton/Drayton and Hanwell are approx. 500m and 600m away (respectively).
- 1.5 The application is supported by an Environmental Impact Assessment covering Socio-Economics, Ecology including protected species, Highways and Transport, Landscape and Visual impact, Air Quality, Noise and Vibration, Flood Risk and Drainage, Cultural Heritage and Archaeology and Soils and Agricultural Circumstances, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation. An addendum to the EIA in respect to Ecology was made in July 2014.

### **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press

notice. The final date for comment was the 21<sup>st</sup> August 2014.

To date 42 letters of representation have been received, all of which object to the proposed development. They raise the following summarised issues (see file for full content of each):

Breaches northern boundary (contradicts residents' expectations)

Lack of infrastructure

What about Localism?

Significantly more than 12 comments made at the community centre/exhibition and lots of negative comments not highlighted as part of the submission

Traffic congestion already at capacity

Education needs have not been correctly assessed

Detrimental to well being of Hanwell Fields and Hanwell Village residents

Overbearing, condensed and claustrophobic houses – will enclose the existing residents

High density against the road appear squeezed into the site

Demand for housing grossly over judged by CDC – housing need already met including Miller Homes site adjacent the Warwick Road

Spoil perfectly good environmental landscape replaced with urban sprawl

Dukes Meadow Drive still un-adopted problems with illegal parking and anti social behaviour

Increased HGV activity – causes damage to roads and verges

This side of Banbury does not have the road network to support an additional houses

Destroying our countryside – loss of green open fields, lush with vegetation and wildlife

Home to badgers and other wildlife

Erode strategic gap of open countryside

Harmful to quality of landscape

Loss of best farmland

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

Loss of outdoor amenity space

Concerns re water supply and sewerage services

Will increase noise and light pollution

Access routes are poor

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

Loss of views of the countryside

Was informed that there would be no building on the northern boundary of

Dukes Meadow Drive

Noise, dust and disruption from construction

### **3. Consultations**

3.1 **Banbury Town Council:** No objections.

3.2 **Hanwell Parish Council:** Objections received for application 12/01789/OUT are to be used as part of this current application. The 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/Wykham 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.

## **Cherwell District Council Consultees**

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

#### History of the site

A planning application for residential development at land incorporating the application 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 application site is part of a wider site 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 (BAN 1 Canalside, BAN 2 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 Local 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=9637>):

- 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 application site as part of a wider site and concluded the area has 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 Analysis, 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, the site, in its entirety, 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. Further minor amendments were made to the policy prior to submission of the Cherwell Local Plan in January 2014 to the Secretary of State, for Examination. Hearings sessions to examine the soundness of the Local Plan are scheduled for June 2014.

### Main Policy Issues

The main policy issues are considered to be:

- Compatibility with the Development Plan and other Local Plan policies
- Housing land supply, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- Whether it would be appropriate to release the site for development ahead of adoption 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.

#### **Submission Cherwell Local Plan 2014**

The application site forms part of the proposed strategic housing allocation Banbury 5. The strategic housing allocation also comprises parcels of land to the north of the application site, together with three dwellings (Broken Furrow, Briar Close and The Nutshell). Policy Banbury 5 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 indicates a housing land area of 11.5ha (net), with the site being considered suitable for approximately 500 homes. The application site covers only part of the allocation (and also includes an area of approximately 0.7ha of land extending beyond the allocation boundary to the east) but together with the adjoining site (12/01879/OUT refers) will provide the circa. 500 homes identified in Policy Banbury 5.

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 area with connection to the surrounding road network. Whilst the application site only comprises part of the allocation site, the illustrative Masterplan shows vehicular links at two points between the application site and the site covered by the application 12/01879/OUT covering the remainder of the allocation. Footpath links between the two sites are also proposed. However this application is in outline with all matters reserved except for access; the interconnectivity between the two sites does need to be secured in order to

achieve the aims of Policy Banbury 5.

The policy requires good accessibility to public transport services, with effective footpaths and cycle routes to bus stops including the provision of a bus route through the site. The application includes a plan within the Design and Access Statement which shows 'potential public transport connection to northern extent of Banbury 5' but again this is indicative. There is no information provided on the location of bus stops. The draft Heads of Terms refer to providing appropriate financial contributions to mitigate the transport impact of the development.

The policy requires the maintenance of the integrity and quality of the strategic landscaping for the Hanwell Fields development. The north eastern boundary 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. This is shown as being retained on the illustrative Masterplan although 'a proportion of the existing pocket of trees along the northern boundary of the eastern sector is proposed to be removed' (Design and Access Statement, paragraph 5.4.2).

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. This is not proposed as part of this application although it is proposed as part of the application for development on the adjoining land (12/01789/OUT refers). The Design & Access Statement sets out that visual screening of the application site will be achieved by the adjoining proposed development. A key issue therefore will be the potential visual and landscape impact of the proposed development if the adjoining scheme does not come forward as expected.

The policy requires the provision of open space as outlined in Policy BSC 11 'Local Standards of Provision – Outdoor Recreation'. The illustrative Masterplan shows the provision of one LAP and one LEAP. It is not possible to conclude whether the requirements of Policy BSC 11 are met because no details are provided on the total area of land to be provided as open space (i.e. including formal play space and amenity green space). No provision appears to be made for allotments. The draft Heads of Terms refer to a financial contribution regarding outdoor sports provision but there is no reference to the requirements of Policy BSC 12 'Indoor Sport, Recreation and Community Facilities' regarding the provision/funding of indoor sports facilities. The application site encompasses two parcels of land currently in use as amenity green space. The first is the sustainable drainage facility off the roundabout where Warwick Road meets Dukes Meadow Drive. The illustrative masterplan shows that this is to be retained as a sustainable drainage facility. The second parcel of current amenity green space will, as indicated on the illustrative Masterplan, be lost to built development although the extreme eastern extent of the application site appears to be identified as amenity green space as part replacement, incorporating a new sustainable drainage facility. Paragraph 74 of the NPPF advises that existing open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality (amongst other criteria). Policy BSC 10 of the Submission Local Plan seeks the protection of existing open space sites, with paragraph B.160 advising that sites will be protected unless the proposal would not result in the loss of an open space important to the character or amenity of the surrounding area, an assessment has been undertaken which demonstrates that the site is surplus to requirements including, or the Council is satisfied that suitable alternative provision is made. This guidance in paragraph B.160 is also set out in Non Statutory Local Plan Policy R7.

Policy Banbury 5 also requires 'demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 – 5'. There is no commitment in the application's

Sustainability Statement to any specific sustainability measures despite Policy ESD 3 requiring construction to Code for Sustainable Homes Level 4. For reasons of viability and feasibility, and securing the maximum environmental benefits, it is important that issues of climate change mitigation and adaptation are considered at the earliest stages of development proposals rather than at reserved matters stage.

Policy Banbury 5 seeks the provision of extra care housing and the opportunity for community self-build affordable housing. The application documents do not refer to opportunities for extra care or self-build.

Policy Banbury 5 seeks contributions towards expansion/improvement of existing health care surgeries or development of a branch surgery. The draft Heads of Terms do not refer to health care contributions.

No reference is made in the application to upgrading of utilities (required in Policy Banbury 5).

There is no reference in the draft Heads of Terms to the provision of public art (required in Policy Banbury 5)

Policy ESD 10 'Protection and Enhancement of Biodiversity and the Natural Environment' requires a net gain in biodiversity on all development proposals; detail will be required on how this is to be secured particularly since the submitted Ecological Assessment predicts a number of negative impacts of moderate significance in terms of the development's impact on habitats and species.

Policy Banbury 5 requires the provision of appropriate lighting and the minimisation of light pollution in order to avoid interference with Hanwell Community Observatory based on appropriate technical assessment. Chapter 13 of the Environmental Statement assesses the lighting impacts of the development as being of minor significance given the distances involved, the landscaping proposed and a suitable lighting scheme being adopted. However, again, the screening benefits of the proposed adjoining development (12/01789/OUT refers) appear to have been taken into account and consideration should be given to the impacts of this application should the adjoining site not come forward as expected, or, delivery of the two schemes should be linked.

Housing Land Supply, the National Planning Policy Framework and National Planning Practice Guidance

The NPPF states (para' 49) that housing applications should be considered in the context of the presumption in favour of sustainable development i.e. economic, social and environmental sustainability. Para' 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:

- 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
- Recognise the intrinsic character and beauty of the countryside
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

There is further advice in the NPPF regarding promoting sustainable transport, requiring good design, promoting healthy communities, meeting the challenge of climate change,

and conserving and enhancing the natural and historic environments.

In terms of housing land supply, 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 published within the Annual Monitoring Report 2013 (December 2013). This indicates that from 1 April 2014 onwards the district has a 4.9 year supply (with a 20% buffer) for 2014-2019. New housing supply has since become available, so in effect the Council can now demonstrate a five year housing land supply as required by the NPPF.

The National Planning Practice Guidance was published on 6 March and includes more detailed guidance on matters of relevance to consideration of this planning application including conserving and enhancing the environment, climate change, health and well-being, light pollution, the natural environment, open space, sports and recreation facilities, public rights of way and local green space.

### **Whether it would be appropriate to release the site for development ahead of adoption of the Local Plan**

Whilst the application site is not allocated for development in the adopted Cherwell Local Plan, the wider site has been included as an allocation in the Submission Local Plan in the interests of delivering sustainable development. The application therefore relates to a release of housing land ahead of the independent Examination of the Local Plan's proposals and policies.

One of the NPPF's core planning principles (para' 17) requires planning to "be genuinely plan-led, empowering local people to shape their surroundings...".

The issue of 'prematurity' must therefore be considered.

The guidance within the NPPG with relation to the issue of prematurity is as follows:

"In the context of the National Planning Policy Framework and in particular the presumption in favour of sustainable development arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.

Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.

Whilst the new Local Plan would ideally proceed to adoption before new greenfield strategic sites are released, 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”
- NPPF (March 2012) – “Planning should operate to encourage and not act as an impediment to sustainable growth” (para’ 19)
- 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’.

Paragraph 216 of the NPPF indicates that weight may 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 Local Plan has now reached an advanced stage. It has been through several rounds of consultation and is now supported by an extensive evidence base. It has been submitted for Examination with the hearings scheduled to commence in June. The Submission Local Plan 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 Submission Local Plan policies.

However the requirements of the second bullet point limit the weight given to the Submission Local Plan policies relating to the site. Whilst the application for residential development is consistent with the strategic allocation in the Submission Local Plan, 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.

### Conclusions

This proposal for development on part of a site proposed for allocation in the Submission Cherwell Local Plan comes ahead of the Examination of the Plan, at a time when the district has in effect a 5 year land supply. Prematurity must therefore be a

consideration. The proposed allocation of the site in the Submission Cherwell Local Plan 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 adopted 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.

Although the proposal is for development on greenfield land, the application site forms part of proposed strategic site allocation Banbury 5 of the Submission Local Plan, with the Council already having resolved to grant planning permission on the wider site. In completing the allocation this proposal reflects an efficient use of land and demonstrates a relationship with the existing built up boundary and the proposed adjoining development, and indeed will achieve a better development on the proposed allocation as a whole in providing for a comprehensive development. The wider 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. Careful design as required by Policy Banbury 5 can ensure that development of the site avoids impact on the historic environment and minimises 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. Some of these are issues that can be resolved at the detailed planning stage. The main issue at this stage is a need to link the delivery of the application site to the remainder of the allocated site.

On balance it is considered that in these particular circumstances, subject to addressing the more detailed matters raised in this response, there is no planning policy objection to the release of this site in advance of the adoption of the Local Plan.

- 3.4 **Urban Designer:** The following advice is based upon a review of the Design and Access Statement and the accompanying masterplan documents which have been submitted to the Council as part of the Outline Planning application for the site. The Council has had initial pre applications discussions with the land owners representatives to discuss the planning and masterplanning components of this proposal in August 2012. This was followed by a meeting in November 2012 to discuss how a ‘masterplanned’ approach could be applied to the site, cumulating in a diagram which sets out key points of connection that are fundamental to the scheme.

The development site forms part of the Ban 5 allocation in the Cherwell submission Local Plan. There are currently two land holdings that form the Banbury 5 allocation and it is critical that certain elements are considered in a holistic way to ensure a robust approach to the development. The site is located on the northeast edge of Banbury, four miles northeast of the Banbury Town Centre

## Requirement for a Masterplanned Approach to Banbury 5

One of the policy requirements set out in the Cherwell Submission Local Plan for the Ban 5 site is for a masterplanned approach: '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'

The Council organised a joint masterplanning workshop for the site in November 2012 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.

In June 2013 planning permission (12/01789/OUT) was granted for Persimmon Homes to build 350 dwellings on the adjacent site. To ensure a comprehensive masterplanned approach to this site a number of coordinates were set out in the Section 106 Agreement. It is a requirement of the planning permission that appropriate access arrangement will be made to these coordinate points. As this site is coming forward without a comprehensive masterplan for the overall Ban 5 site allocation, the development will have to be considered in relation to the earlier application to the north and west of the site. It will be expected that a similar mechanism is used to ensure that this development proposal provides appropriate access arrangements to this point.

Another requirement of the permission was a condition which required which the developer to produce Design Codes to secure a coordinated and high quality design response to the masterplanning layout and design of the site. An important component of this is the coordination of roads and the design codes will be used to ensure an appropriate response between the two development parties.

The site has been allocated within the Cherwell Submission Local Plan and the Council are comfortable with the principle of residential development on this site. There are however a number of design and masterplanning issues which need to be resolved / clarified.

- The application does not demonstrate that the site can accommodate the proposed 160 units and meet the policy requirements of the local plan and the site constraints
- The proposals remove a significant area of vegetation to the north of the site. This tree belt forms an important component of the site and helps buffer views from the countryside and Hanwell Village.
- The eastern development area extends beyond the Ban 5 allocation, creating a very tight development area to the far east of the site.
- No tree survey has been submitted with this application, but if my recollection of the site is correct there is a significant oak tree at the eastern edge, which would have to be removed to support the site extension.
- There is very little open space within the site, and what is there has limited usability, due to its proximity to major routes
- The plans presented are very schematic, so it is difficult to properly evaluate their merit. I am however concerned about the response in different areas of the site. It appears to be high density and low density – where the inverse would be appropriate. It also appears that the sides of gardens front onto parts

of Dukes Meadow Drive, which is not appropriate.

Further comments are made within the body of the report at Paragraph 5.59.

- 3.5 **Housing Officer:** I have no objections to this application for up to 160 new homes north of Banbury. As stated within the applicant's submission, there is a 30% affordable housing requirement. This equates to up to 48 dwellings.

There is a requirement for a tenure split of 70% rented and 30% shared ownership or some other form of intermediate housing/low cost home ownership. In the applicants planning statement they refer to the rented element being at target rent, I would ask that the applicant confirm that this is the tenure they are content to provide. I am supportive of this however does not accord to the majority of applications received since the introduction of the Affordable Rent tenure option.

The affordable units should be clustered in no more than 15 units together with no contiguous boundary. Ideally the affordable should be dispersed within the various phases that will be submitted with reserved matters should the outline permission be granted.

The affordable housing should meet the minimum HQI requirements outlined in the HCA's Design and Quality Statement with 2% of the affordable rented element to meet full wheelchair standards and 50% of the affordable rented to meet Lifetime Homes Standards (2% wheelchair standard inclusive).

Any RP that takes on the affordable housing must be discussed with and agreed by the Council.

I propose that the following indicate affordable housing mix is adopted, further discussions can be held around this mix should the applicant wish.

Rent

4x1b2p M

18x2b4pH

8x3b5pH

2x4b6pH

2x2b3pBungalow (1x wheelchair standard, both to LTH)

Shared Ownership

10x2b4pH

4x3b5pH

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

Even though an environmental statement has been submitted by Amber Developments in support of the planning application, no information has been provided with respect to any potential land contamination risk assessment. We would therefore request that appropriate safeguarding conditions regarding the need for a risk assessment for contaminated land be appended.

- 3.7 **Landscape Officer:** This proposed development is situated to the North of Dukes Meadow Drive and is part of a much larger proposal as it provides vehicular access to the Northern part of BAN 5. This particular application is for a fairly linear development running along and off Dukes Meadow Drive

The site itself is situated on a plateau to the NW of Banbury. To the north lies Hanwell



village with arable fields in between. The site is fairly flat and comprises some mitigation planting for Hanwell Fields development with either amenity or fallow grassland. The site is bounded on the NE by a dense tall scrub and tree belts. The development is bounded on the opposite side of Dukes Meadow drive by the Hanwell Fields development. In general terms the site is quite enclosed and its visual sensitivity low. It relates fairly strongly to Hanwell fields and Banbury rather than the open countryside.

I viewed the site on a wet day after very heavy rain so wasn't able to walk the footpaths.

1. Field 3 clearly visible at close proximity. High sensitivity. Need boundary mitigation planting to Dukes Meadow drive to comprise 2 x double row hedges 1.5m apart.
2. Field 3 clearly visible at close proximity. High sensitivity. Boundary planting as above
3. Field 2 visible. High sensitivity. Boundary planting as above
4. Field 1 clearly visible. High sensitivity. Boundary planting as above
5. Field 1 clearly visible. High sensitivity. Boundary planting as above
6. Field 1 partially screened. Medium sensitivity
7. Field largely screened by intervening vegetation. Low sensitivity
- 8 - 11 Unable to view due to weather. I have no reason to believe that the conclusions are incorrect
12. Glimpse of site boundary. Low sensitivity
13. Possible glimpse of site boundary. Low sensitivity.
14. Site unlikely to be visible due to intervening vegetation. Low sensitivity
15. Site not visible due to intervening vegetation. Low sensitivity
16. Unable to view
17. Site not visible. Low sensitivity
18. Site not visible Low sensitivity
19. Unable to view
20. Topography blocks views

In general terms the landscape and visual assessment is fair. I do however have some concerns about some of the vegetation removal and particularly the lack of new planting as detailed below.

Impacts from points 1-5 which are all along Dukes Meadow Drive have been assessed as high, yet they are proposing removing the existing vegetation, particularly between fields 1 and 2 round the roundabout. This will greatly open up the view into the site. On the original Hanwell fields site there are boundary hedges alongside the road which screen housing from the road. This phase is only proposing them for field 1. This will leave the other areas visually very exposed to the road. And the dwellings very close to it. There are very narrow highway verges in contrast with the existing development.

The LEAP is proposed at the far end of the site a very long way from dwellings close to Warwick Road. Dwellings should be within 400m of a LEAP. LAP's should be within 100m of each dwelling. The LAP between the roundabouts is a long way from Warwick Road. These should be looked at at full application stage.

- 3.8 **Rights of Way Officer:** Banbury Footpath No 107 (120/107) runs along the north eastern boundary of this application site. Hanwell Footpath No 9 (239/9) joins Banbury No 107 from the north along this stretch; and Hanwell Footpath No 7 meets Banbury Footpath No 107 just to the west of the northern most apex of the site.

The proposed connectivity plan maintains these public rights of way on their definitive lines so no Public Path Order would be required to enable this development. Advisory note and conditions recommended.

- 3.9 **Arboriculturalist:** There are scattered trees across the site. No BS5837: 2012 survey appears to have been submitted showing which trees are to be retained and those to be

removed. An arboricultural survey would highlight the root protection areas of those trees to be retained. We would need to see the details of the proposed tree planting.

- 3.10 **Ecologist:** The habitats on site are of local value with some potential to support protected species such as badgers, reptiles and nesting birds. Brown hare and ground nesting birds are unlikely to be present due to the amount of human disturbance. The hedgerows and plantation woodland have no value for roosting bats but will be used by bats for foraging and as commuting routes between different areas. Whilst the plantation woodland is relatively new it does have some ecological value and as much of it should be retained as possible. As compensation for the loss of some of it, a long-term management plan to improve its structure and diversity should form part of any landscaping/ecological enhancement proposals. This should also include the hedgerows. The SUDS scheme should incorporate areas of deeper (and permanent) water to increase the feature's biodiversity value.

In terms of other ecological enhancements, there is not much scope to erect bat or bird boxes on large trees around the site, as there are not many present. Therefore as well as bird nest boxes on trees where possible, I would like to see bat boxes and sparrow nesting terraces incorporated into the new dwellings, where appropriate. They should survive for the life of the building and are preferable to boxes on trees which are prone to being blown/knocked down. For the bat boxes, these would be best placed on dwellings adjacent to the woodland or hedgerows within the site. Various types of these bat boxes are available from Schwegler and Forticrete.

On visiting the site I found a badger sett (most likely a large outlier rather than a main sett) in the hedgerow/blackthorn scrub in the highest north-western corner of the site. The badgers will lose a large amount of foraging habitat but the only consideration in this case is that no building works or heavy machinery are allowed within 30m of this sett, unless a licence is obtained. Fencing should be erected around the sett prior to construction to prevent the accidental use of machinery or storage of materials close to the sett. Badger paths were observed further south within the site, in the small field adjacent to The Nutshell.

Following receipt of the updated EIA information in respect to Ecology, the reptile survey recorded no reptiles, but given the small number of visits (7) and disturbance by the public, this is not too surprising. There is suitable habitat for them around the edge of the site in the field margins and hedgerows. Therefore precautionary working practices have been recommended in order to avoid harm to reptiles, one of which is should be added as a condition as it will not be covered within any other documents.

The LEAP in the top corner of the site has been moved slightly further south to accommodate a 30m buffer zone around the badger sett. If construction has not commenced within a year of this permission I recommended that an updated survey is carried out.

The proposal to compensate for the loss of the semi-improved grassland within Field 2 with a similar amount elsewhere on site is welcomed. The specific details on the creation and management of the new wildflower meadow is something that will be covered under the LEMP condition, although a S106 agreement may be required to secure the future of this part of the site.

I therefore suggest several conditions are attached to any permission.

- 3.11 **Anti Social Behaviour Manager:** Further to your consultation of 29/01/14 I can advise that there have been two treads to our consideration of the planning application.

The first tread considers the suitability of the site in noise exposure terms for residential development. Road traffic noise would be the only significant source of noise likely to

adversely affect the proposed development site. That having been said the only part of the site likely to be affected would be the western boundary where the site abuts the Warwick Road. This having been said the area of land that was likely to be adversely affected has been set aside in the indicative plan to provide surface water drainage attenuation and has thus been designed out. Should the indicative layout change with time leading to proposals to introduce dwellings into this area then a noise assessment would be required and any dwellings to be built in this area would need to be designed to achieve the BS 8233 'Good' standard internally and externally.

The second tread considers the contents of the ES submitted with the application and its approach to the issues of noise, vibration and dust generated during the construction phase of the development. The ES addresses these issues by suggesting that a Construction Environmental Management Plan will be put in place. The preparation submission and approval of such a plan must be conditional to any approval and it should also be conditional that the site will be operated in accordance with the CEMP until the development is completed.

- 3.12 **Waste and Recycling Manager:** Planning application states there are no provision for Waste storage or collection this is unacceptable and needs to be rectified asap. If the developer needs any more advice please refer to: 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.
- 3.13 **Recreation and Health Improvements Manager:** The Cherwell Playing Pitch Strategy identifies an existing shortage of junior pitches in Banbury and to address the impact that any new housing development will have on this. The Cherwell Playing Pitch Strategy identifies an existing shortage of junior pitches in Banbury and to address the impact that any new housing development will have on this an offsite contribution is required towards the cost of increasing capacity of the community playing pitches at the North Oxfordshire Academy. £416.41 per person x 2.39 people per dwelling x 160 dwellings = £159,235.

We would also require off-site contributions for developing additional indoor sports capacity at the Woodgreen sports centre because the town's main sports centre is currently operating at capacity. A scheme to increase capacity of the Woodgreen centre is currently being developed and will cost in the region of £1.5 m. This will be funded from S106 contributions from nearby housing developments and Cherwell District Council budgets. £302.31 per person x 2.39 people per dwelling x 160 dwellings - £115,603.

### **Oxfordshire County Council Consultees**

- 3.14 **ARCHAEOLOGY:** 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. A condition requiring that a staged programme of archaeological investigation be undertaken ahead of any development will be required on ant planning permission for this site.
- 3.15 **TRANSPORT DEVELOPMENT CONTROL:** No objection.

The proposed site has been allocated as strategic site Banbury 5 (BAN 5) within the current draft Cherwell Local Plan submission for development up to 2031. The number of dwellings allocated for this site is 400. However, the submitted planning application is for up to 160 dwellings and does not cover the whole of this allocated site or provide direct access and links to the B4100.

The remaining part of BAN 5 is subject to a future and current planning (ref 12/01789/OUT) submission from third parties.

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 site is around 4km (2 miles) from the 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 which is subject to a 30mph speed limit, and links up to the Warwick Road (B4100) and Southam Road (A423). It should be noted that Dukes Meadow Drive is not adopted as public highway and currently has a status of a private road.

#### Traffic Generation and Impact

The trip generation figures that have been submitted as part of the Transport Assessment (TA) are in my opinion reasonable. The traffic distribution information submitted also appears reasonable for the proposed access arrangements for this part of the BAN 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 BAN5 unless this allocated site is assessed as one site; or all planning applications for BAN 5 are considered at the same.

The TA states the development site is expected to generate 97 and 108 two-way traffic movements in the AM and PM peaks, respectively. The submitted TA states that there is no significant highway capacity or safety issues on the local highway network in the periphery of the site that can be directly attributable to the proposed development. However, from analysing the information provided within the TA this shows that the Warwick Road/Ruscote Avenue and Southam Road/Hennef Way junctions 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 increase in traffic movements on the highway network at peak times, the developer/applicant is expected to provide mitigation improvements on the public highway (as the other parts of BAN 5), or a general transport financial contribution is to be provided towards future improvements on these junctions 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

The proposed development site is to be directly accessed off Dukes Meadow Drive, through additional 4th arms being provided at two of the roundabouts along Dukes Meadow Drive (serving Usher Drive and Winter Gardens Way within the Hanwell Fields

estate). A 3rd vehicle access is to be provided along Dukes Meadow Drive in the form of a standard vehicle crossover.

The proposed access arrangements to serve the 160 dwellings are shown on Woods Hardwick drawings 16841/2001 and 16841/2002. From observations on site these access arrangements are acceptable in principle; but are subject to a separate highway technical approval.

Small sections of the proposed 2m footway links to be provided along Dukes Meadow Drive are shown on the submitted Woods Hardwick drawings 16841/2001 and 16841/2002. However no drawings showing formal pedestrian crossing points along Dukes Meadow Drive appear to have been submitted for consideration. Such links are considered essential to provide a safe crossing point(s) for pedestrian (children) movements crossing Dukes Meadow Drive from the development site (and the rest of BAN 5), and movements from the existing Hanwell residential area (additional plans required).

It is acknowledged that the submitted Woods Hardwick Illustrative Master Plan (ref 16841/1001) indicates where future internal links to the other sections of BAN 5 are to be located. Such connectivity links are considered essential for all the sites within BAN 5. However, there appears to be no formal guarantee when these links will come forward or that the individual developers/owners are working together to ensure these links are provided.

A further concern to consider is the provision of the off-site highway works, as Dukes Meadow Drive's status as a private road remains in place. Any highway works on Dukes Meadow Drive must have the permission/approval of the land owner (with technical approval from OCC). In addition there is a risk that with the other sites coming forward separately within BAN 5 there is the potential for ransom strips to be created, which must be avoided to ensure any future link(s) are not prevented if this application is approved. On this basis the accessibility and connectivity of this development proposal remains an issue to be addressed by the Local Planning Authority.

A Section 278 Agreement(s) will be required between the developer/applicant and OCC for the required off-site highway works mentioned above, once Dukes Meadow Drive has been adopted by OCC as the Local Highway Authority. 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% and potential commuted sums. This agreement is to be part of a S106 Agreement for this development site.

#### Parking Levels

The proposed parking levels quoted within the submitted TA (paragraphs 3.3 to 3.4) is acceptable, as they are in line with the new OCC 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 OCC's parking standards i.e. 6m x 3m. The cycle parking levels proposed are acceptable.

#### Layout

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 BAN 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.

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. The roads designated for such bus use will need to include different routeing at different stages, including temporary turning circles and an eventual turning loop, should the connecting roads 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.

Please note any future layout is expected to be in line with the guidance in MfS and OCC'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 OCC.

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](mailto:Road.Agreements@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.

#### Public Transport Team Comments

The establishment of a commercially viable bus service along Warwick Road into Banbury Town Centre is considered to be of fundamental importance in providing sustainable access to and from this site. The Town Centre will not only provide a very wide range of services for the new residents, but will also provide connections into a large number of onwards bus and rail services. A half-hourly service (every 30 minutes) is considered to be the minimum credible level of service for journeys to work and college, to meet the requirements of fixed start and finish times. This level of service can be met by a single bus, operating between the Town Centre (Bridge Street or Bus Station) and the North of Hanwell Fields area, where it's assumed the bus service would make a one-way loop around the development. The bus could be routed clockwise or anti-clockwise around this site and the adjoining North of Hanwell Fields site. In either case, bus stops will need to be identified around the site (and adjoining site) and two to three bus stops will be required on Dukes Meadow Drive. A financial contribution of £3,000 (index linked to February 2014 prices) will be required for the bus stops along Dukes Meadow Drive. The associated hard standing areas for these stops are to be provided as part of the off-site highway works.

The public transport financial contribution from this site will be pooled with the contribution from the adjoining site and be used as a fund to pump-prime the new bus service towards financial viability. Corresponding contributions will also be sought from any other development in the Warwick Road corridor. It's assumed that service B10 will operate less frequently than currently and it may have a more indirect route. It's important that the routing of the new bus service, and the establishment of stops along Dukes Meadow Drive, will attract customers from the established Hanwell Fields development.

Conversely the new bus service will be steered towards commercial viability, and also it's intended to operate a comprehensive service extending into evenings and on Sundays, using the developer finances. A financial contribution of £228,640 (index linked to February 2014 prices) is to be sought towards public transport service improvements to serve the proposed site. This contribution figure is based on the agreed contribution figure of £500,000 for adjacent site (ref 12/01789/OUT), which is £1,429 per dwelling.

#### Rights of Way Comments

OCC's Rights of Way Team has raised three key issues that need to be considered for this planning application:

- The public right of way that passes the edge of the site must be protected and improved/upgraded.
- The size of the development will make this area more urban so the onsite rights of way will need to have a year round surface and form part of a wide green corridor. Such a route is to be designed to be safe and fully integrated with the proposed development (and the adjacent sites).
- The proposed development will affect existing rights of way in the proximity of the site due to the amount and frequency of increased use. The development should provide the means to improve these rights of way to make them safer and more resilient to that increased use.
- A financial contribution of £15,000 (index linked to February 2014 prices) towards such improvements is to be secured. Such a contribution will be used towards the provision of new right of way links, surface and furniture upgrades that will provide a connection to the Hanwell area and the surrounding area.

#### Drainage Engineer Comments

It is acknowledged that the application is outline only and therefore a full surface water drainage design is not expected at this stage. However, the amount of information included in the application documents indicates a good level of investigation have taken place and it looks like the ground conditions will suit infiltration methods of surface water drainage. The porous paving detail in the flood risk assessment is not a porous paving detail for infiltration as it is effectively tanked. The DBM layer should be described in the detail as sacrificial if remaining in place. It should also describe the coring diameter and spacing's of the DBM layer prior to completing the block paving. Lastly there should be a geotextile filter protecting the base layer from fines ingress

The developer will need to take account of the Flood and Water Management Act 2010 when designing the surface water drainage for this development.

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.

#### 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 of 228,640 (index linked to February 2014 prices) towards these services is 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.

2 x 1 bed units (£442 per unit) = £884

45 x 2 bed units (£638 per unit) = £28,710

89 x 3 bed units (£994 per unit) = £88,466

24 x 4 bed units (£1,366 per unit) = £32,784

Total general transport contribution = £150,844 (index linked to February 2014 prices).

A contribution of £228,640 (index linked to February 2014 prices) is to be sought towards public transport service improvements to serve the proposed site.

A financial contribution of £3,000 (index linked to February 2014 prices) will be required towards public transport infrastructure (bus stops).

A Rights of Way contribution of £15,000 (index linked to February 2014 prices) towards local improvements is required.

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 as 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

3.16 **ECOLOGY:** District should be consulting their ecologist

3.17 **ENVIRONMENT & ECONOMY:** A Construction Traffic Management Plan (CTMP) will be required.

3.18 **MINERALS & WASTE:** The proposed development would sterilise deposits of ironstone within the site and would prejudice the possible working of ironstone within adjoining land. It therefore needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10. In view of the constraints on and uncertainty over the possible working of these mineral deposits, it is unlikely that the mineral sterilisation that would result from the proposed development would be sufficiently significant to justify safeguarding the ironstone deposits within the site against built development.

3.19 **EDUCATION:**

**Legal Agreement required to:**

£579,100 Section 106 required for necessary expansion of permanent primary school capacity in the area. Hanwell Fields Primary School is the catchment school for this development and has very limited spare places.

£561,908 Section 106 required for necessary expansion of permanent secondary school capacity in the area. North Oxfordshire Academy is the catchment school for this development and is expected to fill in the next few years, exclusive of new housing.

£27,590 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

**Detailed comments:**

Hanwell Fields Primary School has expanded to 1.5 form entry but is still oversubscribed - it will fill on current trends. A feasibility study is underway into the school's potential to expand to 2fe, but this would ultimately be a decision for the academy trustees. Banbury primary schools have experienced rapid growth in demand for places in recent years, so that overall, although there are still spare places in the



older year groups, the younger year groups are full. As the larger cohorts move through school, all previously spare places will be filled. In order to accommodate growth from the existing population, there are a number of school expansions underway. Further expansions are also planned in order to allow for the growth expected from the smaller housing developments indicated in Cherwell's emerging Local Plan and Banbury master plan. Larger housing developments are expected to include new primary schools. All housing development in Banbury is therefore expected to contribute towards a strategic programme of primary school capacity expansion in the town, as this is directly related to housing growth and necessary to make housing growth acceptable in planning terms. Banbury secondary schools currently have spare capacity, but primary school numbers have risen rapidly in recent years, and this increase in population is expected to require increases in secondary school Admission Numbers from 2016, excluding the impact of housing. The Banbury secondary schools are all their own admissions authorities (two academies and one Voluntary Aided school), and discussions are underway with them to identify a strategy to expand secondary school capacity both for the existing rise in school population, and to meet the needs of significant amounts of new housing being proposed.

### 3.20 OTHER COUNTY COUNCIL SERVICE DELIVERY/PROPERTY ISSUES:

**Key issues:-** The following housing mix has been used to calculate contributions

- 2 no. x One Bed Dwellings
- 45 no. x Two Bed Dwellings
- 89 no. x Three Bed Dwellings
- 24 no. x Four Bed Dwellings

It is calculated that this development would generate a net increase of:

- 385 additional residents including:
- 273 residents aged 20+
- 25 resident/s aged 65+
- 20 resident/s ages 13-19

**Legal Agreement required to** seek financial contributions from the developers of the site to mitigate the impacts of additional population on county council services as outlined above, to include:

- Library - £32,725
- Waste Management - £24,640
- Museum Resource Centre - £1,925
- Integrated Youth Support Service - £3,967
- Adult Learning - £4,368
- Adult Day Care - £27,500
- Total\* - £95,125

\*Total to be Index-linked from 1st Quarter 2012 Using PUBSEC Tender Price Index

- Administration & Monitoring - £6,414

### Other Consultees

#### 3.21 **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

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

#### 3.22 **Natural England:** Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. In respect to protected species - refer to standing advice. The application also offers opportunities for landscape and biodiversity enhancements.

#### 3.23 **Environment Agency:** No objection subject to conditions

#### 3.24 **Sport England:** Does not wish to make any comments on this proposal.

3.25 **Crime Prevention Design Advisor:** I do not wish to object to the proposals at this time. In fact, I commend the applicants for providing within their Design and Access Statement (DAS) sections on 'Safety and Security' under the Design Principles and Layout headings. In addition, there is a comprehensive section entitled 'Secured by Design', which references TVP's Compendium on crime prevention design and the Government guidance document, Safer Places. It goes on to comprehensively cover the latter in relation to the proposals. Although I was very pleased with the content of these sections, there is no direct reference to Secured by Design (SBD) and no firm commitment that the principles and standards of the scheme will be incorporated within the proposals. I suggest that they provide this commitment within any reserved matters application by stating that they aim to achieve SBD accreditation for the development. I hope to discuss how this can be achieved with the applicants as soon as possible and invite them to contact me to this end. In the meantime, opportunities to design out crime and/or the fear of crime and to promote community safety will remain (see my observations below). To ensure that these opportunities are not missed I request that a condition be used on any permission granted.

## 4. **Relevant National and Local Policy and Guidance**

### 4.1 Development Plan Policy

#### **Adopted Cherwell Local Plan (Saved Policies)**

H5:	Affordable Housing
H12:	Residential development in rural areas
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

Planning Policy Guidance

Oxfordshire Minerals and Waste Local Plan Policy SD10 on protection of mineral resources

**Submission Local Plan (January 2014) (SLP)** has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing

need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22<sup>nd</sup> August to 3<sup>rd</sup> October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination is set to reconvene in December 2014.

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  
ESD15: Green Boundaries to Growth/Urban Rural Fringe  
ESD16: Character of the built environment  
ESD18: Green Infrastructure

#### **Strategic Development**

Policy Banbury 5: North of Hanwell Fields

#### **Infrastructure Delivery**

INF1: Infrastructure

Cherwell District Council's Annual Monitoring Report (AMR) December 2013

The Oxfordshire Strategic Housing Market Assessment (SHMA), April 2014

Housing Land Supply Update May 2014 and June 2014

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Environmental Statement
- Relevant Planning History
- Planning Policy and Principle of Development
- 5 yr Housing Land Supply Position

- Landscape Impact
- Indicative Design/Layout/Scale
- Housing Mix
- Residential Amenity
- Transport Impact
- Loss of Agricultural land
- Flooding and Drainage
- Historic Environment
- Ecology
- Trees
- Footpaths
- Noise
- Light
- Pre-application community consultation
- Developer Obligations

### **Environmental Statement**

- 5.2 The application for up to 160 residential units is accompanied by an Environmental Statement (ES). Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, 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 it is satisfied that the ES provides adequate information.
- 5.3 Prior to the submission, the applicants submitted a Scoping Opinion covering the topics of Land Use and Agriculture, Socio Economics, Transportation, Ecology and Conservation, Archaeology /Cultural Heritage, Landscape and Visual impact, Alternatives and Cumulative impacts.
- 5.4 The ES covers all of the topics identified in the Scoping Report. Land uses, maximum development numbers and maximum building heights across the site are defined within the ES. Each chapter considers the likely significant effects, including a consideration of the relevant cumulative impacts of other permitted/proposed development nearby, direct and indirect significant effects on the environment. Where significant adverse effects are identified, mitigation measures will be provided in order to avoid, reduce or remedy those effects. A non-technical summary and conclusions can be viewed along with a copy of the full ES, via the Council's web site.
- 5.5 All new development has some impact. The ES has not identified major adverse impacts and advises that the proposed development can proceed without causing an unacceptable impact on either the local or wider environments. Where impacts 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. Officers are satisfied with the conclusions drawn in the ES and that along with the addendum to the ES in respect to Ecology; all the information provided is adequate for the determination of the planning application.

### **Relevant Planning History**

- 5.6 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.
- 5.7 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.

5.8 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.*

*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.*

*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.*

*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.*

*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**

- 5.9 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.
- 5.10 The NPPF is one such material consideration and it clearly states in highlighted paragraph 14 that ‘At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking’. For decision taking this means<sup>1</sup> approving development proposals that accord with the development plan without delay or where the development plan is absent silent or relevant policies are out of date, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted<sup>2</sup>.
- 5.11 With specific regard to housing proposals the NPPF, in paragraph 49, further advises 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.’ To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including 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.
- 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
- 5.12 Local Planning Authorities (LPAs) are expected to set out a clear economic vision

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<sup>1</sup> Unless material considerations indicate otherwise.

<sup>2</sup> 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 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).

- 5.13 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*".
- 5.14 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.
- 5.15 The NPPF does not change the statutory status of the development as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. (para 12)
- 5.16 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).
- 5.17 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.
- 5.18 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. Recent appeal cases have found that this policy is out of date and no weight can be attached to it, however the policy 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), it therefore has a dual purpose.
- 5.19 The SLP 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. The Plan includes proposals for major land releases to meet employment, housing and other needs and to achieve place specific objectives. Whilst the site is not allocated for development within the ACLP, it has been identified as a proposed site for residential development allocated under Policy BAN5 within the SLP.



- 5.20 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 SLP, whilst those sites not within the emerging Local Plan do not. This paragraph states:
- From the day of publication, decision-takers may also give weight<sup>3</sup> 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).
- 5.21 The key components of Policy BAN5 of the SLP are to provide approximately 544 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.
- 5.22 In terms of site capacity, this has been increased from 500 to 544 as part of the 'Main Modifications' to the Local Plan, the examination of which was suspended June 2014 to provide the opportunity for the Council to propose 'Main Modifications' in light of the higher level of need identified.
- 5.23 Notwithstanding the proposed Policy BAN5 provisions and the supporting evidence to the SLP, it has not been through the Local Plan examination and carries limited weight; more weight has to be attributed to the NPPF given the current status of the development plan and the Council's five year land supply position. The NPPF includes a presumption in favour of sustainable development 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).
- 5.24 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).
- 5.25 All these factors are 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. As the adopted Local Plan is the 'starting point' and that it is clear that this proposal conflicts with it, the logical route should be to refuse the application but only if other material considerations do not indicate otherwise. In this planning balance is the approved Persimmon Homes Planning Application 12/01789/OUT for

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<sup>3</sup> Unless other material considerations indicate otherwise

up to 350 dwellings, landscape impact, the status of the BAN5 and other SLP policies and the housing need (detailed further below) and that this site would provide up to 160 dwellings, of which 48 would be affordable homes. The housing need case is quite weighty in this regard and is considered below.

5.26 As detailed above, the status of the SLP and emerging policies within it are key to the consideration of the proposal and the applicant has made representations to the Examination of that local plan, which includes this site. Guidance on prematurity is provided in the Planning Practice Guidance. The guidance advises *“in the context of the National Planning Policy Framework and in particular the presumption in favour of sustainable development arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.*

Whilst the new Local Plan would ideally proceed to adoption before new greenfield strategic sites are released, 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”
- NPPF (March 2012) – “Planning should operate to encourage and not act as an impediment to sustainable growth” (para’ 19)
- 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’.

Paragraph 216 of the NPPF indicates that weight may 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 Head of Strategic Planning and the Economy has advised that the “*Local Plan has now reached an advanced stage. It has been through several rounds of consultation and is now supported by an extensive evidence base. It has been submitted for Examination with the hearings scheduled to commence in June. The Submission Local Plan 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 Submission Local Plan policies.*”

- 5.27 *However the requirements of the second bullet point limit the weight given to the Submission Local Plan policies relating to the site. Whilst the application for residential development is consistent with the strategic allocation in the Submission Local Plan, 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 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 response, this reduces the weight that can be attached to the policy”.*
- 5.28 All applications submitted for determination should be treated fairly and consistently – 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.
- 5.29 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.
- Five Year Housing land Supply Position**
- 5.30 On 28 May 2014, the Council published a Housing Land Supply Update which showed that there was a five year housing land supply, based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031.
- 5.31 The examination of the Local Plan began on 3 June 2014. On that day, and the following day, 4 June 2014, the Local Plan’s housing requirements were discussed in the context of the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.32 The Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that

Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum is identified as the mid-point figure within that range.

- 5.33 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the Council to propose 'Main Modifications' to the Plan in light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment / Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and defensible basis for calculating the five year housing land supply.
- 5.34 A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made-up within the five year period.
- 5.35 Given the out of date adopted housing land supply policies and the limited weight that can be afforded to the emerging housing policies contained within the SLP and that the Council cannot demonstrate 5 year HLS Paragraphs 14 and 49 of the Framework are consequently engaged.
- 5.36 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the ACLP, NSCLP and SLP. Paragraph 14 of the Framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that planning permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 5.37 Material to the consideration of this application is the potential for adverse impacts in particular landscape impacts and harm to significance of heritage assets and this is expanded further below, but it is considered that where harm does exist, that the presumption should not automatically apply and planning permission be granted.

#### **Landscape Impact**

- 5.38 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.

5.39 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.

5.40 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.

C8 – Prevents sporadic development in the open countryside.

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.

C13 – The site and wider landscape is within the Ironstone Downs Area of High Landscape Value

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.

5.41 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

5.42 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.

5.43 The site lies in an area of open countryside and within the Ironstone Downs Area of High Landscape Value, protected under saved Policy C13 of the adopted Cherwell Local Plan. Careful control of the scale and type of development is required to protect the character of these designated areas. The Policy states that, 'careful control of the scale and type of development will be required to protect the character of the AHLV, and particular attention will need to be paid to siting and design'. The Council has already accepted that some harm will be caused to the landscape through the consideration of the Persimmon Homes application 12/01789/OUT, which is partly on

higher ground than this current application site. Whilst the AHLV designation has not been carried through with the SLP, the landscape significance of the site and wider landscape is, in accordance with the NPPF adopting a character-based approach instead under Policy ESD13, which seeks to conserve and enhance the distinctive and highly valued local character of the entire district.

- 5.44 Policy ESD13 (Local Landscape Protection and Enhancement) of the SLP 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.

- 5.45 Policy ESD15 (Green Boundaries to Growth) of the SLP seeks to address the need for green edges around Banbury and Bicester, through the designation of Green buffers which:

- Maintain Banbury and Bicester's distinctive identity and setting
- Protect the separate identity and setting of neighbouring settlements which surround the two towns
- Prevent coalescence and protect the gaps between the existing/planned edge of the towns and surrounding settlements.
- Protect the identity and setting of landscape and historic features of value that are important to the identity and setting of the two towns
- Protect important views

The modifications document (August 2014) proposes to change the title of the policy from "Green Boundaries to Growth" to "The Urban-Rural Fringe" and includes the following clarifying sentence:

"Development proposals within the green buffers will be assessed to determine their impact on the identity and setting of the towns and neighbouring villages including associated features of landscape or historic value, and the extent to which they would lead to coalescence, and intrude on key gaps and views.

- 5.46 The buffers do not negate the need for green infrastructure provision within the strategic allocation sites. They are intended to define the limits to built development (including associated green infrastructure) and protect the gaps between .... the existing or planned edge of Banbury and the villages of Adderbury, Bodicote, Drayton, Hanwell, Little Bourton, Nethercote, North Newington and Wroxton.

- 5.47 Policy ESD16 (The Character of the Built Environment) of the SLP 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.

- 5.48 Policy BAN5 within the SLP 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.

5.49 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 (Sept 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 (Sept 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.” (para 1.2)*

- **Appendix 1 of the Baseline Report: The Historic Landscape Setting of Banbury (Sept 2013) LDA** – this report is an “*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*”. (pg 3)
- **Banbury Green Buffer Report (Sept 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*” (para 1.1).
- **Banbury: Analysis of Potential for Strategic Development (Sept 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". (para 1.0)*

*The analysis finds that the BAN5 North of Hanwell Fields "site is also included as a strategic allocation in the Submission Local Plan. Although situated close to the Warwick Road – Bretch Hill ridgeline, North of Hanwell Fields is a visually well contained site due to the flat topography and network of mature vegetated boundaries in this area. Hanwell Conservation Area to the north is a heritage constraint, although the provision of shelter belt planting along the northern boundary would mitigate potential adverse impacts. The treatment of the interface between the development and Warwick Road will need careful consideration to ensure the green gateway to Banbury remains.*

*We conclude that development could be accommodated in the North of Hanwell Fields site provided suitable mitigation and green infrastructure measures are put in place". (para 2.3.2)*

- **Banbury: Appendix 1 Peripheral Development Sites Analysis (Sept 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 SLP. Policies include guidance for housing density, employment and infrastructure needs for each site.
- **Wroxton & Drayton Strategic Heritage Impact Assessment (SHIA) (Sept 2013)** – Presents an assessment of potential effects on the setting of the two Conservation Areas from development arising from West of Bretch Hill and land to the West of Warwick Road. Whilst the proposal is in respect to land to the East of Warwick Road, this SHIA is a document that is material to the consideration of all housing applications to the NW of Banbury.

- 5.50 The WYG (Banbury Landscape Sensitivity and Capacity Assessment (25 March 2013)) report provides the following assessment of the BAN5 whole allocated site: Site J (SLP Banbury 5) (para 4.10 pgs 67 – 73)

*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 Banbury Landscape Sensitivity and Capacity Assessment 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.

The landscape within the area is in a good state of repair with dense mature hedgerows that are well maintained in the northern area and the grounds and properties of the two isolated dwellings in a good state of repair. The southern area is not as well kept with evidence of gappy hedgerows and absent field boundaries. Within the south of the area, the presence of North Oxfordshire Academy dominates the southern extents due to its scale within the locality. Although the southern area is of lower landscape quality, the northern area is of higher sensitivity giving a medium sensitivity.

The combined landscape sensitivity is 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 Banbury Landscape Sensitivity and Capacity Assessment 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.

#### Capacity for Residential Development

The capacity to accommodate residential development within the northern area of the site in accordance with the density set out within the methodology of 30 dwellings per hectare is considered to be medium. The northern site area is well contained to the north by a semi mature tree belt, and although forms part of a valued area of landscape within the localised context, is capable of accommodating some development. Whilst the northern area is not considered to have high capacity for development, there is opportunity to locate residential properties to the north of Hanwell fields at a lower density subject to satisfactorily meeting the following guidelines:

- The woodland buffer within the north of the area is retained and enhanced to protect the setting of the adjacent Hanwell Conservation Area;
- Views of the development are screened where practicable from Warwick Road when travelling south; and,
- Development is 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.

Within the southern area there is considered to be a low - medium capacity. The southern area is more open in its context and relationship with the surrounding landscape than the northern area enabling views into and out of the site area. The southern area does abut the Drayton Conservation Area but has fewer remaining historical connections as a result of the development of the golf course to the west and educational campus to the south. The site also comprises an area of land that if filled would naturally form an extension to the western boundary of the town between Hardwick and the golf course with the latter forming a natural green boundary on the west edge of the town.

#### Cherwell District Council Proposed Submission Local Plan – Banbury 5

The site boundary carried forward into the CDC Proposed Submission Local Plan is contained within the existing Site J boundary assessed above.

When carried forward, the area to the south west of the B4100 has been excluded and the site extends to the south west as far as the roundabout junction of the B4100 and Dukes Meadow Drive.

The assessment of the site remains to be medium capacity for development following the exclusion of the southern area of the site. 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.”*

5.51 No further comment or assessment is made of the BAN5 site in the WYG Assessment Addendum to the Banbury Landscape Sensitivity and Capacity Assessment (18 August 2014).

5.52 In terms of Banbury: Appendix 1 Peripheral Development Sites Analysis (September 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

<i>Total Site Area</i>	<i>25.66 ha</i>
<i>Developable Area</i>	<i>19.3 ha</i>
<i>Net Housing Area*</i>	<i>14.03 ha</i>
<i>Density</i>	<i>30 - 35 dph</i>

<i>No. of dwellings</i>	<i>421 - 491</i>
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*\* Figure calculated makes provision for local centre (0.5 ha), SUDs (0.77 ha) and Public Open Space (POS) (4 ha) within Developable Area”.*

5.53 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). The environmental impact of the scheme has been fully assessed and the level of its impact defined in general terms within the topics assessed including landscape and visual.

- 5.54 Detailed above is the Local Plan evidence base for the landscape work undertaken by this Council which deals specifically with the application site in terms of landscape impact.
- 5.55 Although the application is in outline form, indicative scale parameters (upper and lower limits for heights of buildings), layouts, densities and form has been provided and these have been used by the applicants to analyse the impact of the development, including landscape, within the Environmental Statement.
- 5.56 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 amount of public open space that extends through the site, especially the extreme western aspect and the retention of the northern most boundary landscaping, which is its most sensitive boundary, essentially protects the viewpoints from the adjacent conservation areas.
- 5.57 The comments made by the Landscape Planning Officer are noted and will be addressed primarily through the submission of the landscape reserved matter, however the layout of the development whilst indicated on the submitted plans is subject to change through the formation of a Design Codes document which will place shape the site to ensure its integration with the Permission site and creation of an holistic, robust approach to the development of this strategic housing allocation site.

#### **Indicative design/layout/scale**

- 5.58 In support of this current proposal the applicant has provided a Design and Access Statement that details each element of the scheme, this is detailed as follows:
- *“Residential - Up to 160 Dwellings.*
  - *The housing mix will incorporate a mix of 1, 2, 3, 4 and 5 bedroom properties of open market housing, along with affordable housing both focusing on the needs of Banbury. Overall this will cater for the range of needs of a diverse mix of residents which, in turn will contribute towards a vibrant and active community.*
  - *Planned areas of open space will be provided as part of the comprehensive scheme design along with designated areas of children’s play (i.e. LEAP & LAPs).*
  - *In total, 4 access points are proposed as follows;*
    - *Via a proposed northern arm off the Dukes Meadow Drive/Usher Drive roundabout;*
    - *Via a proposed northern arm off the eastern-most Dukes Meadow Drive/Winter Gardens Way roundabout;*
    - *Utilising the existing access off Warwick Road serving ‘The Nutshell’, just north of the Warwick Road/Dukes Meadow Drive roundabout;*
    - *Off Dukes Meadow Drive opposite Parsley Place.*  
*(The other two later proposed accesses (Warwick Road (existing) and Dukes Meadow Drive) are proposed to be via a priority ‘T’ junctions).*
  - *Connectivity with Northern Extent of BAN 5 in order to facilitate a cohesive*

*scheme in terms of connectivity, both CDC & OCC along with the applicants produced the 'Interface' diagram below, from which the Master Plan for both this application and the Northern extent adhere to.*

- The layout of the site has been shaped with reference to design principles and scheme objectives, observing the desire to create a place with it's own identity, the proposed development is divided into a series of inter-related spaces around the existing public footpath route, with various built form and open space events to create spatial interest and unique place making characteristics.*
- Throughout the layout, built form frontage has been provided to define public spaces wherever possible. This continuity serves to enclose the public realm, promotes an active street-scene and contributes significantly to creating a safe and attractive environment.*
- A variety of different house types, sizes and tenures will also additionally assist in providing interest and contribute to enhancing different character areas within the scheme.*
- The significant majority of the built form will be two storeys approximately 5m to eaves, 8-9m to ridgeline), with opportunities to consider rising to two-and-a-half and, on occasion, three storeys where variations in building heights will help create a more interesting street-scene.*
- Sustainable Urban Drainage*
- Secured by Design principles*
- Sustainable construction and energy principles”*

5.59 The Council's Design and Conservation Team Leader has assessed the proposal based on the submitted D&AS and has made the following comments:

*“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. There are however a number of issues which I feel require further consideration:*

- The street hierarchy is broadly appropriate, notwithstanding the earlier comment that access from Warwick Road looks tricky.*
- The development extends beyond the BAN 5 allocation set out in the Submission Local Plan. My recollection from a recent site visit and aerial photographs of the site seem to indicate that there is some vegetation in this area which should be retained. I am also concerned that the vegetation along the northern boundary is being eroded.*
- The area is very light on public open space. Our landscape team will provide detailed comments on this aspect, but I am concerned that the area proposed seems small for the number of units proposed. The areas along Dukes Meadow Drive are unlikely to be appropriate for informal recreation, due to the proximity to this major route.*
- The block framework plan in the central area of the site sets out an appropriate configuration, with an outward facing development approach. I am however concerned about the configuration to the far east and west of the site, where the*

*structure appears either too loose or too tight.*

- *To the west the development structure appears very tight, illustrating a configuration which could only be easily achieved with apartments. It is questioned whether this would be the most appropriate site for apartments given the adjacent context.*
- *To the west the layout appears quite dispersed compared to the development on the other side of Duke Meadow Drive. It is an important principle that this route is reinforced by development and this area should be seen as a gateway into the development and the northwest of Banbury.*

*Limited detail has been provided to support the design principles set out in the application and we would expect that further information is provided.*

- *In particular no information is set out on the density distribution across the site. It is not shown how the density will vary to provide greater continuity in some areas.*
- *I am concerned that the information presented does not demonstrate that the site can appropriately accommodate 160 units and work with the site constraints and policy requirements.*
- *There is very little information on the movement network for the site. While an overall hierarchy has been produced, this does not illustrate the pedestrian and cycle movement or give an indication of the structure and form of the streets themselves.*
- *The open space structure requires further consideration. A tree survey is required to record trees of note which should be incorporated within the layout and an appropriate distribution of open space needs to be put forward which responds to the site conditions and landscape policy requirements*
- *No information is given about the distribution of building heights throughout the site. While the heights parameter plan suggests that buildings will be predominantly 2 storeys with some 2.5 storey, this is contradicted in the text where it is indicated that some 3 storey would also be appropriate. It is expected that the application should set out how building heights are likely to vary through the site.*
- *An indication of the scale parameters has been given in the Design and Access Statements. The information presented in this table is generic and does not give any further depth to how the development will be formed.*
- *It is indicated that a variety of house types and sizes will be provided, but there is no indication of how these might be distributed throughout the site. No information has been provided on the building form or typology which would be helpful to better understand the approach*
- *Figure 25 is described as a frontage character appraisal of Dukes Meadow Drive; there is no indication of what this diagram is indicating.*
- *Section 5.6 describes units along Dukes Meadow Drive as being set back approximately 6 – 7m from the kerb line of the road; this is quite a lot tighter than development on the southside of Dukes Meadow Drive where development is typically a minimum of 20m. This will therefore create an unbalanced relationship along the route. While it might be appropriate to tighten the relationship in places between the development and Dukes Meadow Drive, the landscape structure it an important component of the character of this route. The edge of the route has been gently mounded, and while the design and access statement is silent on this*

*issue I assume the landscaped banking will be removed. Further consideration is also required as to the access arrangements for properties in this area are not clear and it might be that driveways along the frontage would be the most appropriate”.*

- 5.60 In terms of character and appearance, an analysis of Banbury and the surrounding area has been undertaken as part of the submission. This is for the most part a useful analysis which will help inform the more detailed design work. Taking into account the points raised above, it is clear that there is still work to be undertaken to inform the proposed layout and form and character and the applicant is aware of this. However as the application is in outline form with all matters except for access reserved and the fact that the ‘scheme’ submitted is indicative at this stage it would be unreasonable to refuse the application on design, layout and place shaping grounds. Furthermore, the applicant is not the developer/house builder who will be making a subsequent REM application or producing the Design Codes document that will shape this site in the future. Therefore it is considered that notwithstanding the Conservation & Design Team Leader’s comments this aspect of the application is generally acceptable.

#### **Housing Mix**

- 5.61 For the purposes of this application for up to 160 residential units, the mix will require 30% affordable housing, which equates to up to 48 affordable units the remaining 112 dwellings will comprise a range of property sizes.
- 5.62 In terms of the affordable units the Housing Officer has advised that an indicative mix should be based on the following:

#### Rent

4x1b2p M

18x2b4pH

8x3b5pH

2x4b6pH

2x2b3pBungalow (1x wheelchair standard, both to LTH)

#### Shared Ownership

10x2b4pH

4x3b5pH

- 5.63 All the units should meet lifetime homes standards and Code for Sustainable Homes level 3 as a minimum together with HQI standards and should be transferred to one of CDC’s preferred RP partners.
- 5.64 There is no question from the applicant that the provision of 30% affordable housing is required and the final mix will be subject to further negotiation and this matter should be delegated to officers to resolve with all parties should Members approve this application.

#### **Residential Amenity**

- 5.65 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.
- 5.66 The indicative layout and submitted information also demonstrates that the new dwellings, would achieve an acceptable standard of amenity in terms of private and public amenity space.



- 5.67 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**

- 5.68 Vehicular access into the site is submitted for determination at this stage and as such access for the site is available in four separate locations, as follows:
- Off the Dukes meadow Drive/Usher Drive roundabout;
  - Off the eastern-most Dukes Meadow Drive/Winter Gardens Way roundabout;
  - Off Warwick Road, utilising the existing access, serving 'The Nutshell', just north of the Warwick Road/Dukes Meadow Drive roundabout;
  - Off Dukes Meadow Drive opposite Parsley Place.

The proposed access off the Dukes Meadow Drive roundabout will be via a northern arm off the two existing roundabouts. The other two proposed accesses, from Warwick Road (existing) and Dukes Meadow Drive, are proposed to be via a priority 'T' junction.

- 5.69 The application has been submitted with a Transport Assessment, which Oxfordshire County Council as local highway authority are content with and consider that the scheme in principle is acceptable. Dukes Meadow Drive is a single carriageway road subject to a 30 mph speed limit and links up to the Warwick Road (B4100) and Southam Road (A423) it is also not adopted as public highway and currently has a status of a private road.
- 5.70 It is acknowledged that the proposed development will change the character of Dukes Meadow Drive with residential development being on both sides. However one of the fundamental aspects of the access arrangements is the connectivity with the other part of the allocated site. The Permission site has access only from the Warwick Road, however the proposed layout of that site would ensure that the internal access roads feed into this current application site. Therefore as indicated on the illustrative masterplan, the roads that connect onto Dukes Meadow Drive will also connect to the Persimmon Homes site via connecting co-ordinates that will be included in the S106 agreement.
- 5.71 It is considered that the proposal is acceptable in terms of highway safety and transport impact subject to conditions and junction works.

### **Loss of agricultural land**

- 5.72 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.
- 5.73 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."
- 5.74 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.

- 5.75 The ES sets out how to assess the quality and therefore impact upon agricultural land. The assessment of soil quality has been carried out in accordance with the MAFF revised guidelines (1988). The results show that the land falls within grades 2 and 3b, therefore the best and most versatile quality agricultural land.
- 5.76 The ES advises that no substantive areas of high classification agricultural land will be lost and given its size and shape the loss of the agricultural land is considered minimal.
- 5.77 With regard to impacts, the ES advises that impacts on agricultural land are expected to occur during the construction phase and will relate to the progressive loss of agricultural land.
- 5.78 The ES emphasises that the primary measures to mitigate the loss of soil resources will be to re-use as much of the topsoils displaced during the construction phase on site, to dispose of any unneeded surplus soils thereafter in a sustainable manner and to ensure the quality of soils retained on site and disposed off site is maintained by following best practice guidance on soil handling.
- 5.79 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 would have a direct, permanent adverse affect of slight significance, however cumulatively with the remainder of the site allocation the significance of effect increases. The information submitted with the application 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, this aspect complies with Policy BAN5 of the SLP.
- 5.80 Notwithstanding the Council's HLS position and whilst there is a need for housing, further site allocations have been identified as part of the SLP modifications and therefore it is considered that there is no overriding need for development on this site and therefore the proposal conflicts with Policy EN16 of the NSCLP.

#### **Flooding and Drainage**

- 5.81 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

#### 5.82 Surface Water Drainage

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.

#### 5.83 Drainage Scheme Requirements

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.

#### 5.84 Increases in Surface Water Volume

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).

#### 5.85 Sustainable Drainage Techniques

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.

5.86 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.

5.87 A flood risk assessment has been submitted, which demonstrates that the development complies with the NPPF sequential test, following Environment Agency

guidance, and appraises the potential flood risk impact arising from the proposed development. All built development, including housing, is proposed within the defined Zone 1 area taking account of climate change, which is the preferred location for residential/ community uses. There are no existing large water bodies or continuous water courses within the vicinity of the site and the topography of the site indicates that there is a continuing rise beyond the northern boundary. The potential risk of overland flooding needs to be considered, but as the entirety of this BAN5 area is to be developed with the associated introduction of appropriate drainage facilities the resultant interruption of overland flow routes suggest that there will be no long term risk from this potential source. A sustainable drainage system will be detailed at the design code stage but the current submission demonstrates that such a system can be provided within the development parameters proposed. The assessment demonstrates that there will be no adverse flood risk impacts arising from the proposed development.

- 5.88 The Environment Agency, raise no objections and are satisfied that the development can be carried out without raising flood risk of causing flood risk to any of the proposed properties. However, they do request that additional information is submitted in relation to the drainage proposals through the design code process to ensure that strategic drainage features can be accommodated, which are a substantial physical consideration for development layout. The comments of the County Council are noted in this regard.

#### **Historic Environment**

- 5.89 The site lies within approximately 600m on the Hanwell Conservation Area and 500m of Drayton and Wroxton Conservation Area. There are no listed buildings in close proximity. Due to the separation between the site and these heritage assets, the issue relates to the landscape setting of Hanwell village rather than the impact upon the significance of the heritage assets within the village. Drayton Conservation Area is located within approximately 500m of the site, however due to the proximity of existing and proposed residential development to the west, south and north of the site, officers do not believe that the proposal would have any greater impact upon the significance of this designated heritage asset.
- 5.90 The site is also located in an area of some archaeological potential, the course of a Roman road potentially runs to the north of the site, however there is no evidence of its existence within the BAN5 allocation. 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 should they be found.

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**

- 5.91 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)
- 5.92 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.

5.93 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"

5.94 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."

5.95 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".

5.96 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.

5.97 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”

- 5.98 With regard to ecology, the ES uses a risk matrix to determine the sensitivity of value of receptors together with the magnitude of impact. This allows the significance of effects to be determined. Various ecological reports have been completed to assess habitats and various protected species. The report concludes that there are no SSSI's or other ecological designations within 1km of the site. The site is farmland, although there are other habitats including trees and hedgerows particularly on the boundaries of the site, and grassland. All the habitats are of local level significance. The proposals seek to retain some trees and hedgerows on the site as far as possible.
- 5.99 The Council's Ecologist has provided comments and conditions as set out in paragraph 3.10 and this is based on the original submitted Ecology information and that provided in the Addendum to the ES in July 2014. The habitats on site are of local value with some potential to support protected species such as badgers, reptiles and nesting birds. Brown hare and ground nesting birds are unlikely to be present due to the amount of human disturbance. The hedgerows and plantation woodland have no value for roosting bats but will be used by bats for foraging and as commuting routes between different areas. Whilst the plantation woodland is relatively new it does have some ecological value and as much of it should be retained as possible. As compensation for the loss of some of it, a long-term management plan to improve its structure and diversity should form part of any landscaping/ecological enhancement proposals. This should also include the hedgerows. The SUDS scheme should incorporate areas of deeper (and permanent) water to increase the feature's biodiversity value.
- 5.100 A badger sett (most likely a large outlier rather than a main sett) is located in the hedgerow/blackthorn scrub in the highest north-western corner of the site. The badgers will lose a large amount of foraging habitat but the only consideration in this case is that no building works or heavy machinery are allowed within 30m of this sett, unless a licence is obtained. Fencing should be erected around the sett prior to construction to prevent the accidental use of machinery or storage of materials close to the sett. Badger paths were observed further south within the site, in the small field adjacent to The Nutshell. The lighting scheme will also be key in whether they are able to retain the value of the green infrastructure on site for wildlife. In line with the recommendations within the NPPF a net gain in biodiversity on site from developments should be sought. Therefore a full plan of biodiversity enhancements to include opportunities for species within the built environment should also be produced before anything commences on site.
- 5.101 The updated reptile survey recorded no reptiles, but given the small number of visits (7) and disturbance by the public, this is not too surprising. There is suitable habitat for them around the edge of the site in the field margins and hedgerows. Therefore precautionary working practices have been recommended in order to avoid harm to reptiles, one of which is added as a condition below as it will not be covered within any other documents.
- 5.102 In conclusion, further detailed surveys are required in respect of reptiles, breeding birds as well as commuting and foraging bats and badgers in order to more accurately determine ecological impacts. In order to deal with this, an appropriately worded, prior to the commencement condition to ensure the submission of updated surveys shall be used.
- 5.103 Biodiversity enhancement measures are also required and a lighting scheme, will also be key in whether they are able to retain the value of the green infrastructure on site for wildlife. In line with the recommendations within the NPPF a net gain in biodiversity on site from developments should be sought. Therefore a full plan of biodiversity enhancements to include opportunities for species within the built

environment should also be produced before anything commences on site.

- 5.104 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**

- 5.105 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. The concerns raised by the Landscape Officer and Head of Strategic Planning and the Economy with regards to the removal of trees along the northern boundary are noted, however, landscaping is a reserved matter and subject to conditions relating to existing tree protection to be retained and the submission of an accurate tree survey, it is considered that the proposed development will maintain the existing boundary coverage provided by the those trees.

#### **Footpaths**

- 5.106 As referred to above, there are two public footpaths that cross the north of the site. Neither would be physically affected by the indicative layout for the proposed development, however the development will affect the RoW due to the amount and frequency of increased use, the existing paths should however be protected during construction.
- 5.107 The Design and Access Statement sets out the opportunity to connect to an utilise the existing public rights of way along the northern boundary of the western sector (FP120/107) providing wider footpath access to the north (FP239/9) and south (FP120/107). OCC requires that the applicant/developer provide the means to improve these rights of way to make them safer and more resilient to that increased use. A rights of way contribution of £15,000 is sought to secure these improvements that will provide a connection to the Hanwell and surrounding area.
- 5.108 Given the protection of the existing footpaths and the proposed connections to wider footpath network through improvements via the developer contribution sought, the proposal would comply with government guidance on promoting healthy communities contained within the NPPF.

#### **Noise**

- 5.109 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.
- 5.110 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.

- 5.111 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."
- 5.112 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".
- 5.113 The Council's Anti-Social Behaviour Manager has assessed the proposal and the ES submission in respect to issues of noise, vibration and dust generated through the construction phase and has made the following comments, which Officers agree with "road traffic noise would be the only significant source of noise likely to adversely affect the proposed development site. That having been said the only part of the site likely to be affected would be the western boundary where the site abuts the Warwick Road. This having been said the area of land that was likely to be adversely affected has been set aside in the indicative plan to provide surface water drainage attenuation and has thus been designed out. Should the indicative layout change with time leading to proposals to introduce dwellings into this area then a noise assessment would be required and any dwellings to be built in this area would need to be designed to achieve the BS 8233 'Good' standard internally and externally.
- 5.114 The ES addresses noise, vibration and dust by suggesting that a Construction Environmental Management Plan will be put in place. The preparation submission and approval of such a plan must be conditional to any approval and it should also be conditional that the site will be operated in accordance with the CEMP until the development is completed.
- 5.115 Therefore it is considered that 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 within the NPPF.
- Light (Hanwell Observatory)**
- 5.116 This aspect was covered in the submitted ES. The Hanwell Community Observatory (within Hanwell Castle) lies approximately 800m – 1km north of the application site's northern boundary, within the village of Hanwell.
- 5.117 The ES finds "*the significance of the effect of lighting on all sensitive receptors oscillates between major to moderate positive and minor negative and that the highly sensitive receptor, Hanwell Observatory, is located sufficiently distant from the source and does not materially change this as the effect is almost imperceptible.*
- 5.118 *Implementing a well-designed lighting scheme has the potential to minimise adverse effect and deliver a development with no significant impact on the Hanwell Observatory or impinge on the intrinsic amenity of the dark sky".*



5.119 Lighting is an issue with all new urban extensions into the open countryside and essentially whilst a significant issue, the fact that the application site is located on land level with the existing Hanwell Fields residential development is of importance, however cumulatively with the that and the Persimmon Homes site there is the likely to be adverse impacts. Consequently a similar condition used on the Persimmon Homes consent under 12/01789/OUT should be used which requires details of the cowls and lighting systems specifications to be installed, 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. It is therefore considered that the proposal subject to mitigation measures, will not cause significant harm to warrant a refusal on light pollution grounds and that the proposal 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.

#### **Pre-application Community Consultation**

5.120 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.

5.121 The principle of development on this site has been subject to consultation as follows:

Notice of the Public Consultation Event consisted of advertisements in the Banbury Guardian newspaper 3<sup>rd</sup> January 2013 and written invitations to third parties/stakeholders to notify them of the opportunity to participate in a community planning exhibition consultation event. The newspaper adverts and invitations aimed to encourage participation by providing details relating to the public exhibition.

5.122 The public consultation event was held at Hanwell Fields Community Centre on Monday 14<sup>th</sup> January 2013 between 3pm and 8pm.

5.123 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 Statement of Community Involvement. A leaflet was also made available for residents to take away summarising the proposal.

5.124 Attendees were encouraged to either complete a comments form at the exhibition. A total of 63 people attended the public exhibition and a total of 12 completed comments forms were received during and after the event.

#### **Developer Contributions**

5.125 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.

5.126 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.

- 5.127 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 is willing to enter into an appropriate planning obligation, but whilst there is every expectation that an agreement can be reached no final agreement has been completed.
- 5.128 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, indoor sports, access, public transport, offsite highway improvements, education, libraries, adult learning and strategic waste services.
- 5.129 Any contribution sought needs to comply with the guidance in the NPPF which states that they should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and compliant with the CIL Regs.
- 5.130 The heads of terms and financial contributions towards infrastructure/services are as follows:

### **Oxfordshire County Council**

#### Education:

**£579,100** Section 106 required for necessary expansion of permanent primary school capacity in the area. Hanwell Fields Primary School is the catchment school for this development and has very limited spare places.

**£561,908** Section 106 required for necessary expansion of permanent secondary school capacity in the area. North Oxfordshire Academy is the catchment school for this development and is expected to fill in the next few years, exclusive of new housing.

**£27,590** Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area

#### Transport

The proposed development will add additional pressures to the existing public transport services (stated within submitted TA); therefore a contribution of £228,640 (index linked to February 2014 prices) towards these services is 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.

(Indicatively)

2 x 1 bed units (£442 per unit) = £884

45 x 2 bed units (£638 per unit) = £28,710

89 x 3 bed units (£994 per unit) = £88,466

24 x 4 bed units (£1,366 per unit) = £32,784

Total general transport contribution = **£150,844** (index linked to February 2014 prices).

A contribution of **£228,640** (index linked to February 2014 prices) is to be sought towards public transport service improvements to serve the proposed site.

A financial contribution of **£3,000** (index linked to February 2014 prices) will be required towards public transport infrastructure (bus stops).

A Rights of Way contribution of **£15,000** (index linked to February 2014 prices) towards local improvements is required.

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 as 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

### Property

General County Council financial contributions Index linked from 1st Quarter 2012 using PUBSEC Tender Price Index

- Libraries - **£32,725**
- Adult Learning - **£4,368**
- Integrated Youth support service - **£3,967**
- Museum Resource Centre - **£1,925**
- Strategic Waste Management - **£24,640**
- Health and wellbeing including day care - **£27,500**

OCC Admin and Monitoring fee - **£6,414**

Phasing of Payments to be agreed with Oxfordshire County Council

### **CHERWELL DISTRICT COUNCIL**

Open space, and play areas – to be advised and to include:

- 2 LAPs on site (1 minutes walk or 100m from each dwelling)
- 1 LEAP/COMBINED LAP (5 minutes walk or 400m)
- public open space
- hedge maintenance
- mature woodland
- mature tree maintenance
- balancing pond
- ditch/ watercourse

Offsite Outdoor Sports pitches –

- **£228,900.57**
- The Cherwell Playing Pitch Strategy identifies an existing shortage of junior pitches in Banbury and to address the impact that any new housing development will have on this an offsite contribution is required towards the cost of increasing capacity of the community playing pitches at the North Oxfordshire Academy. £416.41 per person x 2.39 people per dwelling x 230 dwellings = £228,900.57

#### Offsite Indoor Sports

- **£166,179.80**

- off-site contributions for developing additional indoor sports capacity at the Woodgreen sports centre because the town's main sports centre is currently operating at capacity. A scheme to increase capacity of the Woodgreen centre is currently being developed and will cost in the region of £1.5 m. This will be funded from S106 contributions from nearby housing developments and Cherwell District Council budgets. £302.31 per person x 2.39 people per dwelling x 230 dwellings - £166,179.80

Offsite Community Facility – This contribution will be used to enhance the current community facility to enable greater capacity to meet the increased demand on the existing facility created by this development based on the following:

- 1 bed £101.07
- 2 bed £145.93
- 3 bed £227.16
- 4+ bed £312.38

#### 30% affordable housing

- 69 affordable units

Indicative: 20-25 units are designated for affordable retirement living and 44-49 residual general needs affordable housing which should provide a range of house types from 1bed 2 person maisonettes to 4 bed 6 person houses. This again should provide a mix of tenures including affordable rent and low cost home ownership.

- Clusters of no more than 15 units

#### Other Matters

- 5.131 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 and issues 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

- 5.132 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Council has worked pro-actively with the applicants during the course of the previous applications and discussions have continued since then to resolve other matters and throughout this application process. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

#### Conclusion

- 5.133 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".

- 5.134 The proposed development is not in accordance with the Development Plan. The application site lies in an area of countryside, which 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. The site and wider BAN5 site is identified in the SLP as a strategic allocation for the growth of Banbury, but the weight of the policies contained within this local plan can only be afforded limited weight given that the Council cannot demonstrate 5 year HLS and the consequential engagement of paragraphs 14 and 49 of the Framework. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.135 In terms of the economic role, the proposed development would create jobs both directly and indirectly and socially the proposed development would provide the benefit of housing to help meet the 5 year HLS deficit and an additional 48 affordable homes
- 5.136 The Council accepts that it cannot currently demonstrate a five year housing land supply and recognises that the contribution towards achieving that deficit through the proposed housing provision is a material consideration in favour of the application.
- 5.137 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 some development in the SLP 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.
- 5.138 It is also acknowledged that due regard to prematurity as guided in the PPG 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.
- 5.139 The Council has significant Local Plan evidence base for the assessment of landscape impact which has concluded that the application site is capable of accommodating development without compromising the landscape setting of Banbury or the visual amenity of the locality, subject to the mitigation and green infrastructure measures as a soft urban edge to Banbury.
- 5.140 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.
- 5.141 Officers accept that the SLP 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.
- 5.142 In terms of connectivity, this is one of the key issues for this site to ensure that the 3 sectors of land ownership come together to provide a cohesive all inclusive layout, joining the Warwick Road through to Dukes Meadow Drive. At some point in the very near future Dukes Meadow Drive will become adopted highway by OCC, thus losing its private road status and all the connecting access roads will be provided as part of the agreed co-ordinates through the S106 that the applicant and Persimmon Homes have agreed and signed upto. Through this mechanism the 'connectivity' of the site will be ensured and that the strategic allocation will be a master-planned urban extension to the north of Banbury.
- 5.143 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.

- 5.144 Taking an on balanced approach, it is considered that the proposed development will not be so significant to prejudice the development of the local plan, will contribute the Council's housing land supply in a plan-led way, will not significantly harm the landscape setting of Banbury, the significance of heritage assets 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

Approve subject to

- a) The delegation of the completion of the S106 negotiations as detailed in paragraph 5.130 to Officers in consultation with the Chairman
- b) The completion of the S106 legal agreement
- c) That it is resolved that in accordance with the provisions of Regulation 24 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- d) 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 and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

Environmental Impact Assessment covering Socio-Economics, Ecology including protected species, Highways and Transport, Landscape and Visual impact, Air Quality, Noise and Vibration, Flood Risk and Drainage, Cultural Heritage and Archaeology and Soils and Agricultural Circumstances, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation. Addendum to the EIA in respect to Ecology July 2014.

Drawings : TBA

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. Prior to the submission of any reserved matters application, a Design Code to include a density plan for the site, design influences / character area study, form of buildings, street frontage, materials, servicing, parking and sustainability features shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the reserved matters application shall be submitted in accordance with the approved Design Code.

Reason – To ensure a high quality development in accordance with the Government guidance contained within the National Planning Policy Framework.

6. 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.

7. Prior to the occupation of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010 or otherwise agreed with 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.

8. No more than 160 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

### **Land contamination and mitigation**

9. 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.

10. If a potential risk from contamination is identified as a result of the work carried out under condition 9, 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.

11. If contamination is found by undertaking the work carried out under condition 10, 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.

12. If remedial works have been identified in condition 11, 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.

13. 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**

14. That no development shall take place on a phase identified in condition no. 6, 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) the reinforcement of the existing hedgerow along the Western, Eastern and Southern boundaries
- (d) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (e) Details of the minor artefacts/structures (ie. surfaces, benches, fencing, walling etc) which comprise public art works

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.

15. That all planting, seeding or turfing comprised in the approved details of landscaping on each phase identified in condition no. 6, 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

16. That no development shall take place on a phase identified in condition no. 6, until a scheme for the protection of retained trees (section 7, BS5837, the Tree Protection Plan), which shall be detailed in a survey, 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.

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

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.

17. That no development shall take place on a phase identified in condition no. 6, 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 (d) 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.

18. Unless otherwise agreed, 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.

19. Prior to the commencement of the development of any phase identified in condition no. 6, full details of existing and proposed ground levels and all boundary treatments and means of enclosure; 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 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.

20. Prior to the commencement of the development of any phase identified in condition no. 6, 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. Thereafter the development shall be carried out in accordance with the approved details.

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

21. 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, an appropriate method of mulching 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.

### **Archaeology**

22. Prior to 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.

23. Prior to the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 23, 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**

24. TBA

25. Prior to the commencement of the development of any phase identified in condition no. 6, including 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.

26. 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**

27. 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.

28. 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.

29. 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.

30. 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**

31. TBA

32. 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.

33. 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**

34. That no development shall take place on a phase identified in condition no. 6, 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 the first occupation of the development, the certificate shall then be submitted to the Local Planning

Authority.

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

35. 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.

36. 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.

37. No development shall commence until a strategy that details the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' 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 or otherwise agreed with the Local Planning Authority.

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

38. 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.

39. 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.

40. That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and 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

### **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 the decision has been made in an efficient and timely way.