

**Site Address: OS Parcels 1200 3100 2000 14/01188/OUT
1981 Land South of Salt Way and West
of Bloxham Road, Banbury**

Ward: Banbury Easington

District Councillor: Councillor Blackwell, Councillor Mallon and Councillor Morris

Case Officer: Tracey Morrissey

Recommendation: Approval

Applicant: Mr M Horgan & Barwood Strategic Land LLP

Application Description: OUTLINE - Development for up to 350 dwellings together with associated infrastructure and public open space.

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

Committee Date: 22.01.15

1. Site Description and Proposed Development

- 1.1 The application relates to a site that has been identified for proposed residential development in the Proposed Main Modifications to the Submission Local Plan (October 2014) (SLP) under Policy Banbury 16 (BAN 16): South of Salt Way - West. Outline planning consent is sought for the above proposed development, which has been amended since its original submission, reducing the number of units from 400 to 350.
- 1.2 The site comprises approximately 18.3 hectares of agricultural land to the southern edge of Banbury and west of Bloxham Road. The site is bounded on all sides by mature trees and hedgerow. A woodland copse on the SE boundary provides a strong presence and forms a tall screen against oblique views from passing traffic along the Bloxham Road. Whilst the site is relatively flat, land to the west and north towards and beyond Salt Way towards Crouch Hill starts to incline. Crouch Hill itself is an historic landmark feature within Banbury and is considered to be a non-designated Heritage Asset. To the northeast of the site is Waller Drive, a 1990's residential development that was previously an allocated site in the Cherwell Local Plan.
- 1.3 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 FP120/33, 28, 35, 36 and 49 run through the site. Crouch Farm a Grade II listed building lies to the south-west of the site and there are legally protected species, UK Bap Priority and Section 41 Species and Habitats within the site. There is a TPO in force on a wooded spinney located to the east of the site and also on a wooded copse to the south of the site.
- 1.4 The application is supported by an Ecological Appraisal, Transport Assessment and Travel Plan, Landscape and Visual Impact Assessment, Noise and Vibration Assessment, Flood Risk Assessment and Drainage Strategy, Cultural Heritage and Archaeology Statement, Ground Conditions and Contamination Assessment, Utility Report Design and Access Statement, a Planning Statement and a Statement of Community Involvement and Draft S106 Heads of Terms.

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 on the amended scheme was the 11th December 2014.

To date four residents have made representations objecting and raising the following issues (see file via the Council's Public Access system for full contents):

- Substantial deficiencies in the application documents that require whole scale revision of the key reports and conclusions. Such as the ground stability, flooding and drainage, loss of amenity value, privacy and overlooking, failure to adequately consult, selective interpretation of Government policy and guidance, assessment of transport infrastructure and traffic problems, light pollution and ecology.
- Bloxham Road and town centre is already congested with traffic. The additional housing will add to this traffic issue.
- Landscape harm building over the brow of Cherwell Valley, build on land by M40 instead.
- Historical roadway of Saltway needs protecting and is an historic limit to Banbury.
- Concerned about the values of the developer.
- Housing need has not been demonstrate housing and piecemeal highway proposals do not constitute a safe or comprehensive contribution to the needs of the area's infrastructure.
- The application is premature and unacceptable as it breaches the 'green' boundary on this side of Banbury, until the Inspector's recommendation and the Secretary of State's decision on the Draft Local Plan is published, which will then consider the acceptability of this site.
- Notwithstanding its allocation in the latest Submission Local Plan, the proposal runs contrary to the amount of housing proposed to be allocated, which is only 150 units.
- SHMA's requirements have not been the subject of independent scrutiny
- The fact that a development has been allowed on the Bloxham side of that line, on appeal, regrettable and mis-guided as it was, must not be taken as a precedent that all the green space between Banbury and Bloxham shall now be available to every opportunistic developer who sees this as a chance to make money at the expense of our environment and the loss of much needed productive agricultural land.
- Brown field and infill should be considered if there is a demand for more housing, as local and defined needs might, on examination dictate. There are other undeveloped and under-developed sites north and east of the Salt Way, these should be considered first.
- The proposals do not make any reference to the proposed housing mix and are coy regarding the 'social' element to be provided.
- Whilst there might be a primary school proposed on an adjacent site, no mention of other social infrastructure e.g. secondary education, public transport, utility capacity, GP surgery provision or sports and recreation facilities.

- There should be the provision of a strip of land as public open space 'parkland' as a 'buffer' against the south edge of Salt Way so as to retain and enhance the environment of this important feature.
- Footpath routes south of the Salt Way should follow only those existing at present.
- Surprising, to say the least, that the Highway Authority feels that two roundabouts and a T junction within a distance of 0.5km, on a heavily used cross-country route (A361) which has a bad accident record, is acceptable and in accordance with 'good
- The development of this and adjacent parcels of land offer a 'once in a lifetime' opportunity to incrementally establish a much needed highway link on the west side of Banbury between the Bodicote Flyover and the Broughton Road (initially) and ultimately to the Drayton / Hanwell locality. This should be a 'non-negotiable' objective.
- Established trees along A361 frontage should be retained.
- Construction traffic should only be via existing access lane to Crouch Farm and controlled with hours of operation and no spoil or rubbish deposited onto the highway surface.
- The layout plan provides a large area of 'parkland (5 on plan) in the neighbourhood of Crouch Farm but it is not clear how access to this is to be gained by the general public - is this to be designated 'public open space' or is it a cushion against the intrusion of new housing into the close environment of the Farm?
- Similarly a large area (7 on plan) is set aside for 'sports pitches and 'water drainage'. Who are intended to be the user of these facilities, as they are as far removed from potential access points and users as can be imagined.
- Thus the majority of land not allocated for housing should be concentrated in the north-east sector of the site so as to be as near as possible to potential users.

3. Consultations

3.1 Banbury Town Council: Objection on the following grounds:

- This site extends beyond the amended Local Plan
- There were concerns over road safety with additional numbers of vehicles on the Bloxham Road.

3.2 Bloxham Parish Council: Objection on the following grounds:

- This development would stretch the boundaries of Banbury and does not accord with Banbury's Draft Local Plan.
- It is a ribbon development which would destroy the gateway to Banbury and add to traffic congestion along the A361 into Banbury.
- The A361 is a dangerous road and this development together with the Salt Way development will create hazardous junctions on this road.
- This development intends there to be a roundabout plus a secondary road access for the Bloxham Road, this will exacerbate the existing traffic bottleneck experienced on the route into Banbury. It is noted that a "compact" roundabout was considered for this site but in the view of the developer it would not provide

sufficient capacity.

- The roundabout does not appear suitable to allow HGV and Refuse vehicles to travel in parallel through it.
- The proposed pedestrian refuge island of minimum 2 m should not be viewed as sufficient given the amount of HGV traffic that use this road. This road is used by HGV vehicles through to the West Country; it is not realistic to argue that only 3% of the traffic is HGV.
- Concern over slippery roads caused by mud and surface water from existing farm access roads from both sides onto the A361 near to this development.
- Such a development would place a strain on the already overburdened local medical and educational facilities. The infrastructure to support this development is not in place; therefore this is contrary to the NPPF.

Cherwell District Council Consultees

3.3 Head of Strategic Planning and the Economy: No comments received. The proposal has been subject to discussions with the HoSPE for some time during the Local Plan Examination period. The site as a consequence of modifications to the SLP has been included as a strategic allocation under Policy Banbury 16 albeit for only 150 dwellings. As a result of further landscape work undertaken by the applicant, and with the agreement of the Council's Landscape Consultant (WYG) the HoSPE considers that the principle of more dwellings on the site could be acceptable.

3.4 Urban Designer: (Comments based on original 400 unit scheme – no further comments made on the 350 unit scheme) An illustrative masterplan has been provided as part of the application and forms the basis for the conceptual framework and concept diagrams. The diagram is not particularly helpful and would be better as a simple framework diagram which is simply overlaid with the design principles in a series of concept diagrams / parameter plans. As the diagram is currently drawn, it suggests a number of approaches to built form and character that are unlikely to be considered appropriate by the planning authority.

Rather than pick through the problems of the illustrative plan, I have therefore considered it as a framework plan and assume that further details will be provided on the urban form in the future. These comments therefore focus on the conceptual approach.

- The development of this site marks a break from the built edge of Banbury. While the north-eastern edge of development will interface closely with the existing town edge the western edge of the site encroaches into open countryside and Crouch Hill.
- It is a planning issue as to whether extending the built limits of Banbury in this area would be acceptable or not. However, it would appear to be appropriate for the development to feather into the site at this point, increasing the buffer with Salt Way and improving the relationship with the open farm land beyond.
- We have concerns about the overall structure of the framework plan, especially in relation to the access arrangements. As currently shown there are only two points of access provided for 400 units. While the internal arrangements of much of the framework plan are largely permeable, the site constraints place a significant limitation on the permeability of the site to the larger area.
- I have some concerns about the depth of development plots, which appears quite tight. While this might be viable, this will be dependent on building typology, street and parking arrangement and it will need to be demonstrated that this framework is viable.
- The configuration of development blocks is well orientated, with the greater proportion

of plots sitting in east – west streets and therefore optimising solar gain.

- We are concerned about the profile of development along Salt Way. No scaled profiles have been provided for this area of the application and it is not clear what the implications of development will be along this historic routeway. Further detailed analysis of the character of this route as it runs through the site to determine the development parameters in this area are required to ensure an appropriate response to this heritage asset.
- I do not consider that the cul-de-sac arrangement with Salt Way is appropriate. This will provide a highly domestic environment along the edge of this route. Rather than softening the relationship with this route, this configuration is likely to increase the area of hard standing, parking etc. and I would recommend that the development form is simplified in this area to a simple frontage development.
- There appears to be little consideration to the structure of the public realm. What are the spaces which need to be established to give character to different areas of the site? This needs to consider the relationship with the overall built form and the landscape structure?
- The open space provision appears to be very limited for the scale of the scheme. It is expected that there should be significant areas given over to the public realm, play and strategic open space for a development of this size.
- SUDS strategy should be developed in relation to the existing topography, field boundaries and ditches.
- It is important that the framework proposals are considered in relation to the site context and constraints. The consideration of landscape, views and topography might have a significant impact on the structure of the plan.

Further information is required alongside further consideration of some of the site and design issues to establish an acceptable and robust design and layout for the site.

- The development grain appears very even at present and further work is required to define different characters across the site. Studies indicating variation in density plan and building typology for different areas of the site will be important in this.
- Further development of the landscape structure, including SUDS strategy, strategic open space, play areas and public realm will be important to define.
- Further development of the movement strategy, including streets, public realm and parking, which will be critical to the schemes success
- Integration of the site constraints, including landscape, topography, views and vistas and heritage assets.
- Further information on the character cues is required.

- 3.5 **Housing Officer:** I have no objections to this residential proposal on the outskirts on the south west of Banbury. As noted in the applicants submission there will be a 30% affordable housing requirement. This will need to be a 70/30 split between rented and shared ownership or some other form of low cost home ownership to be agreed with the Council.

There will need to be a range of house types provided as part of the affordable housing delivery. This breakdown will be determined at reserved matters stage, should outline permission be awarded. An indicative mix should be as follows:

21% - 1b2p Maisonette
50% - 2b4p House
20% - 3b5p House
5% - 4b6p House
2% - 2b3p Bungalow
2% - 3b5p Bungalow

The affordable housing will need to be clustered in 10-15 units; however this will depend on the layout and design of the scheme and will also depend on the house types provided. However it will need to be distributed throughout the site so as to avoid any concentration of affordable housing.

50% of the affordable rented will need to be delivered to Lifetime Homes Standard. 2% of the affordable units will need to meet full wheelchair standards or a sum in lieu of this standard in order to provide appropriately adapted housing elsewhere in the district. The RP taking on the affordable housing will need to be agreed with the Council.

- 3.6 **Recreation and Health Improvements Manager:**

Outdoor Sports - On site provision of a youth football pitch to FA and CDC specification with the necessary drainage taking account of ground/soil conditions with commuted sum for on-going maintenance.

Indoor Sports - Contribution towards offsite Indoor sports provision.

The indoor sports contribution is to address the impact that this development would have on the existing infrastructure in Banbury. Spiceball Sports Centre is already operating at capacity and so we need to provide additional improved facilities at the Woodgreen site.

Indoor sports contribution; 400 dwellings x 2.39 people x £302.31 = £289,008.

The football pitch is to be constructed by completion of 100 dwellings. An establishment and maintenance period of 2 years. Indoor sports contribution paid when works start on site.

- 3.7 **Landscape Officer:** Comments in respect to the master plan:

- The layout respects the setting of the Saltway by off-setting the development from this important feature. It would be beneficial if the off-set was the same distance as that in the Miller Homes development on the other side of Bloxham Road.
- 2 out of 3 of the existing footpaths are retained within green corridors which is also beneficial. Retention of existing hedges and tree belts is also essential to integrate the scheme into the landscape
- Currently most of the proposed open space is on the periphery of the development. Play provision needs to be located centrally for easy access.

- The central green does not work well. It is too small, looks like an-add on and doesn't flow in relation to the road network. A central green space can be used as a focus for the development with housing located around it. Play provision can be located on this central area. More than one play space may be required depending on distances from the play facility to each dwelling. Combined LAP/LEAP's must be located within 400m or 5 minutes walking time of each dwelling

Comments in respect to the original LVIA:

- The LVIA is very long and repetitive.
 - The Schedule of effects in table A7.1. The table should be assessing the effects of the development on the NCR and Landscape Character Areas, not talking about vegetation on site. And explaining why the effect is felt to be Moderate/minor or whatever.
 - Table A7.2 The assessment covers a mixture of general statements from non-specific points along with a few assessments from photo viewpoints. The assessments should be from specific locations so that they can be verified. This is advised in the GVLIA 3rd edition p134.
 - Unfortunately the assessment is to my mind not comprehensive or clear.
 - However, observations on site and any subsequent reduction in developed land reduce the impact of this scheme. This is illustrated by the wireline taken from the PROW on Crouch Hill. Inevitably some of the development will be visible but lower densities on this boundary and mitigation planting can contribute to minimising the effect.
- 3.8 **Arboriculturalist:** There is a TPO in force on a wooded spinney located to the east of the site and also on a wooded copse to the south of the site. These should remain unaffected by the proposals. There are trees on the periphery of the site which should be retained. A BS5837 survey (Trees in relation to design, demolition and construction 2012) should be produced to identify which trees are to be retained and which if any trees to be removed. In addition a Tree Protection Plan should be produced to safeguard any trees to be retained during construction. The layout should allow for the planting of trees to enhance the development. The proposals should not compromise the wooded copse located in the middle of the site. The proposed properties should be a sufficient distance away from the edge of the wooded copse to the south to prevent issues of shading.
- 3.9 **Ecologist:** The proposed development will have a small adverse impact on local biodiversity, mainly through the loss of hedgerows and farmland bird habitat. There are no ecologically valuable habitats that will be lost. To avoid the damage of retained features (such as the Salt Way Local Wildlife Site and other hedgerows) and protected species habitat during construction Ecological Protection Zones (EPZ) with appropriate buffers will need to be set out prior to works commencing. Works within these zones may need to be carried out under ecological supervision.

Other issues include:

Surveys for the possible presence of bat tree roosts need to be done once a layout has been decided, although it is already known that one tree required for removal to create the access road has bat roost potential.

A dormouse nest was found in a hedgerow adjacent to the Salt Way, meaning that they are likely to be present at low densities in the area. Their habitat will be protected within an EPZ during construction. A badger sett was found within the application site, which may need to be closed under licence. There is the potential for reptiles (grass snakes were found on site) and great crested newts to be present, therefore temporary fencing

to keep them away from construction will be required.

The following ecological enhancements are recommended in the EDP ecological appraisal:

- Establishment of species-rich grassland in the northern buffer strip adjacent to the Salt Way.
- Enhancement of existing grassland to be retained within the proposed 'country park'. It states that grazing should cease in favour of mowing but I consider that lower density grazing at certain times of the year would be more appropriate.
- New hedgerow & tree planting.
- Management of existing woodland to increase its structural diversity.
- Restoration of the existing pond & creation of a new pond in the country park.
- Creation of seasonally wet grassland within the SUDs area.

Given the need to ensure these enhancements are carried out and to control the construction process to ensure the existing wildlife and biodiversity value of the site is protected during construction where possible, suggested conditions are proposed.

- 3.10 **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.

Oxfordshire County Council Consultees

- 3.11 **ARCHAEOLOGY:** The site is located in an area of archaeological potential in an area where a number of Iron Age and Roman sites have been recorded. A probable Iron Age farmstead has been recorded 300m east of the proposed site (PRN 27606) and further similar enclosures have been identified 300m to the north of the site through geophysical survey (PRN 28283). In the wider area a Roman settlement site has been identified 650m south of the proposal site (PRN 1713) close to the proposed line of a Roman trackway or road and further Roman buildings have been identified 600m west of this application site (PRN 5378) along with scatters of Roman pottery along the route of the current Saltway.

A geophysical survey has been undertaken on the site which did not identify any geophysical anomalies of potentially archaeological origin. It is still possible however that archaeological deposits could survive on the site and therefore a programme of archaeological investigation will be required ahead of any development on the site. As it is not thought likely that significant deposits likely to prevent development will be present this can be undertaken as a condition on any planning permission granted for the site.

- 3.12 **TRANSPORT DEVELOPMENT CONTROL:** No objection subject to conditions and obligations.

Previously the application has been recommended for refusal due to concerns of the traffic impact upon the local highway network and particularly through South Bar Street/Horse Fair corridor. In addition the County Council questioned the findings of the submitted Transport Assessment due to the data that had been used. This proposal has sought to address those issues.

Transport Assessment

The proposed application for 350 dwelling exceeds the allocation within Policy for Banbury 16 in the (Submission) Local Plan (part 1) August 2014 Policy which states

“Number of homes - Up to 150 dwellings”. Oxfordshire County Council’s transport modelling evidence to support the Local Plan has considered a total 150 dwellings at Banbury 16. However, the County Council has assessed the proposed development and submitted Transport Assessment and addendum on its own merits.

Previous concerns related to the junction of Bloxham Road / Oxford Road / South Bar Street. Additional information submitted in the addendum identifies the junction is over capacity in 2023 without the inclusion of development traffic. The development proposal results in a 2.5% increase in traffic through the junction. An increase of less than 5% is normally considered negligible unless the junction is ‘sensitive’. In this case further modelling and use of the County’s network model, SATURN, shows that this junction, given such a low increase in flow, would not be a key pinch-point on the local network.

The proposal is likely to increase the use of the South Bar/Horse Fair corridor. The Local Transport Plan seeks to redirect traffic from the South Bar/Horse Fair corridor to alternative North – South routes; however the Plan does not go so far as to suggest an increase through this corridor would be unacceptable. It is recommended, therefore, that a financial contribution is sought towards the improvement of alternative routes as recognised in by the Local Transport Plan and Banbury Area Strategy.

The development traffic would add to traffic through a proposed Air Quality Management Area (AQMA). It appears the AQMA is yet to be implemented and should the LPA wish to appraise the impact of development traffic upon AQMA then the traffic flows and queues demonstrated in the TA and addendum are considered fair appropriate for such an appraisal.

Public Transport

Bus services will not divert from Bloxham Road into this development and any reserved matters application should pay particular attention to walking distances to bus stops on Bloxham Road. The number of dwellings located more than 400 metres from these stops should be minimised. To improve pedestrian accessibility to bus stops, for those with reduced mobility, the provision of street furniture such as benches or other resting places should be included.

Bus service 488 runs adjacent the site along Bloxham Road and currently provides an hourly service into Banbury during weekday daytimes. A strategy exists to increase the frequency and time range of this service and contributions have been sought from developments along this route, to fund this enhancement, on a pump-priming basis. A more comprehensive service would also help encourage those with further to walk to the bus stops.

Access

Three separate development sites are proposed or confirmed on the A361 Bloxham Road and it would be preferable to see a collaborative masterplan approach to development such that access provision is delivered congruently to provide a high quality environment in terms of public realm and highway safety.

The provision of a roundabout, marked 1 primary access, is acceptable in principle and will be subject to a detailed design and submission. The secondary access, a priority junction marked 2, would jeopardise access to Local Plan Submission site Banbury 17 and the potential link road; as such this is not acceptable. Revised plans should include no more than an emergency access at this location.

Appropriate provision must be made for safe and convenient access by foot and bicycle. Footway provision must connect with the local network.

Public Rights of Way

The Salt Way (recorded as Banbury Restricted Byway 120/34, 120/35 and 120/36 and a

Sustrans national cycling route) runs along the northern boundary of the site. This route is well used by pedestrians and cyclists and should not be adversely affected by the development. There are three public footpaths that will be directly affected by the development. Banbury Footpath 28 (120/28) runs from the Salt Way in a south-westerly direction past Crouch Farm. The route shown on the Illustrative Masterplan has now been amended to show it correctly. Banbury Footpath 33 (120/33) runs generally north – south at the eastern end of the site. This too must be accommodated on the alignment shown on the Definitive Map. There is an additional length of footpath 120/33 that runs over the footway alongside the Bloxham Road from Crouch Cottages in a Northerly direction. The masterplan shows a secondary access junction which will cross this section of footpath 120/33. This will need to be looked into in more detail and the footpath will either need to be accommodated, diverted or extinguished.

Banbury Footpath 40 (120/40) runs around the outside of the Banbury Academy. This provides a walking route from the development to the school which is approximately 500m less than via footways along roads. However, the route is currently unsurfaced and would need to be improved to provide an all-weather route.

For information on the public rights of way including detailed plans showing their alignments please contact the County Council's Rights of Way Officer Sarah Aldous sarah.aldous@oxfordshire.gov.uk or 01865 810222.

Travel Plan

A travel plan has been submitted in support of the application. This will need to be updated prior to first occupation so that it aligns with Oxfordshire County Council's (OCC) guidance document "Transport for New Developments: Transport Assessments and Travel Plans" (March 2014). A copy of the guidance and travel plan templates can be obtained from the OCC's Travel Plans Team.

The travel plan needs to set out how this development will link into the existing walking and cycling networks for the town and what links can be made by sustainable travel from the site to the wider trip generators.

The OCC guidance document sets out the requirement for the travel plan monitoring post occupation and the monitoring fee required. The travel plan will require monitoring for 5 years post occupation to check that the plan objectives are being met or remedial action is being taken to meet the agreed targets. A Section 106 contribution of **£2040** will therefore be required.

Drainage

Full drainage plans and layout drawings along with full drainage calculations need to be submitted and approved by Oxfordshire County Council Drainage Team prior to the development commencing on site.

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

3.14 **EDUCATION:**

Key issues:

It has been noted that a number of applications have recently been made in isolation which do not facilitate a sustainable education solution. If these development sites could be covered by one master plan, a new school could be viable. If only 350 homes are to be built in this area, as proposed by this application in isolation, a new school would not be viable and instead contributions towards expanding existing schools would be sought. However, to secure only extension rates from this development at this stage would compromise the County Council's ability to later provide a suitable new school should other developments in this area come forward. If this application is approved developer contributions will be required towards new primary and secondary schools, and towards SEN capacity.

If this application is considered in isolation, contributions are required at extension rates of £11,582 per pupil place. Should further development in this area come forward, the need for a 1.5 form entry school with potential to increase to 2 form entry for higher rates of pupil generation could be triggered. The cost of a 1.5 form entry primary school (low carbon) is currently assessed to be £6,877,000 at 3Q12 (equivalent to £21,832 per pupil place). A site of 2.22ha (size, shape and standard acceptable to OCC) would also be required.

Banbury secondary schools currently have spare capacity, but the rapid rise in primary school numbers over recent years is expected to require increases in secondary school Admission Numbers from 2016, excluding the impact of new housing. The level of planned housing currently proposed indicates that a new secondary education establishment will be required in the longer term. The nature and scale of the new secondary school provision required cannot be identified until housing numbers in the Cherwell Local Plan are confirmed, so at this stage calculations have been based on the assumption of a new 1200 place secondary school (low carbon), which is currently assessed to cost £ 25,902,803 at 3Q12 (equivalent to £21,586 per pupil place).

Legal Agreement required for the following:

£1,308,766 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 113 pupil places. This is based on extension rates of £11,582 per pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.

£1,856,396 Section 106 developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 86 pupil places (including 10 6th form places). This is based on the pro rata cost of building a new 1200 place secondary school, as detailed below, of £21,586 per pupil place. This is index linked to 3rd Quarter 2012 using PUBSEC Tender Price Index.

£70,509 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 2.3 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

3.15 OTHER COUNTY COUNCIL SERVICE DELIVERY/PROPERTY ISSUES:

If the proposal was to take place the County Council would expect that any additional strain on its existing community infrastructure would be mitigated.

Legal Agreement required to secure financial contributions towards: Library, Strategic Waste and Recycling Facilities, Museum Resource Centre, Social & Health Care (Adult Day Care) and Adult Learning, from the developers of the site to mitigate the impacts of additional population on county council services as outlined.

Other Consultees

- 3.16 **Thames Water:** Waste Comments - With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "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.

Supplementary Comments

No documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of any proposed connection points or alterations to the public system, including; calculated foul and surface water discharge rates (pre and post development), details of any attenuation and associated capacity requirement calculations, and details of incorporated SuDS, must be included in the drainage strategy.

If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study. To ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing waste foul and surface water infrastructure, and, if required, recommend network upgrades.

In accordance with the Building Act 2000 clause H3.3. Positive connection to a public surface water (or combined) sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being; - 1st Soakaways; 2nd Watercourses; 3rd Sewer.

Thames Water's preferred option would be for all surface water to be disposed of on-site using SUDs.

3.17 **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.

3.18 **Environment Agency:** The additional information has been reviewed and previous objection raised can now be withdrawn. No objection to the application as submitted, subject to the inclusion of a condition relating to the provision of a surface water drainage scheme to be submitted, based on the FRA by Peter Brett Associates, Ref: 30369/4001, Revision 00, June 2014) and information submitted in Philip Edwards letter (Peter Brett Associates, Ref: 30369/NTN/MP/PE/CB, 28 August 2014).

3.19 **Sport England:** Sport England supports this application in principle.

The site is not considered to form part of, or constitute a playing field as defined in The

Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184). Therefore, Sport England is not a statutory consultee in relation to this application.

Sport England notes that the number of proposed dwellings has been reduced (now up to 350) and that the Illustrative Masterplan has been amended. Apart from making an amendment to the wording of one of the recommended conditions, so as to reflect the latest drawing number (SK06 Rev. J), Sport England does not wish to add to the comments made previously in its letter dated 25 August 2014.

The application is accompanied by an "Illustrative Masterplan" (drawing numbered SK06 Rev. J) which identifies an area in the south eastern part of the site for "sports pitches and water drainage". It is understood that this is the lowest part of the site; hence it being identified to provide a means of surface water attenuation from the proposed development. However, it is unclear what effects, if any, there are likely to be on the surface of the proposed pitches during times of heavy rainfall and whether interim arrangements will need to be planned to accommodate the needs of affected sports when pitches may be out of use.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the pitches to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's design guidance note 'Natural Turf for Sport'.

It is noted that one of the obligations in the Draft Heads of Terms for a s106 agreement is "The provision and management of formal and informal public open space at the site". It is assumed that this includes the proposed sports pitches.

The sports to be accommodated on the site, the size of pitches and the provision of ancillary facilities, such as changing rooms, are not specified in the application. Therefore, reference will need to be made to the Council's Playing Pitch Strategy and relevant Supplementary Planning Documents to ensure that the proposed development meets identified needs and is likely to be sustainable in the longer term.

By providing new pitches that could help address established playing pitch deficiencies, the proposal would meet Sport England's objectives and would accord with the NPPF.

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
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
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
H3:	Making Efficient Use of land
H4:	Types/variety of housing
H7:	Affordable Housing
H19:	New dwellings in the countryside
TR1:	Transport and development: Local Transport Plan
TR2:	Traffic generation
TR3:	Transport Assessments and Travel Plans
TR4:	Transport mitigation measures
TR5:	Road Safety
TR8:	Cycling and Walking
TR29:	Reserve Land for Railway
TR31:	Cycling and Walking
TR11:	Parking
R1:	Future Recreation Use
R3:	Informal Open Space
R4:	Rights of Way and Access to the Countryside
R8:	Public Outdoor Recreation
R9:	Amenity Areas
R10A:	Built Sport and Recreation Facilities
EN1:	Environmental Impact
EN5:	Air Quality
EN6:	Light Pollution
EN7:	Noise
EN14:	Flood Defence
EN15:	Surface Water Run-off and Source Control
EN17:	Contaminated Land
EN22:	Nature conservation and mitigation
EN23:	Ecological Surveys
EN24:	Protection of Sites and Species
EN25:	Protected Species
EN31:	Development size, scale and type in a rural location
EN34:	Landscape Character
EN44:	Setting of listed buildings
EN47:	Archaeology and the Built Heritage
D1:	Urban Design Objectives
D3:	Local Distinctiveness
D4:	The Quality of Architecture
D5:	The Design of the Public Realm
D9:	Energy Efficient design
OA1:	General Infrastructure policy

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Policy Guidance

Submission Local Plan (October 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 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed 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

PSD1: Presumption in Favour of Sustainable Development
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
ESD11: Conservation Target Areas
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 16: South of Salt Way - West

Infrastructure Delivery

INF1: Infrastructure

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

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

5. Appraisal

The key issues for consideration in this application are:

- Planning Policy and Principle of Development
- 5 year HLS position
- Landscape Impact
- Indicative Design/Layout/Scale
- Housing Mix
- Residential Amenity
- Transport Impact
- Air Quality
- Flooding and Drainage
- Historic Environment
- Ecology
- Trees
- Footpaths
- Developer Obligations
- Pre-application community consultation

Planning Policy and Principle of Development

- 5.1 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.
- 5.2 The NPPF is one such material considerations 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 means¹ 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 restricted².
- 5.3 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

¹ Unless material considerations indicate otherwise.

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

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

- 5.4 Local Planning Authorities (LPAs) are expected to set out a clear economic vision and strategy for sustainable economic growth and to identify priority areas for economic regeneration, infrastructure provision and environmental enhancement (para' 21). Local Plans are considered to be the key to delivering sustainable development that reflects the vision, aspirations and agreed priorities of local communities (para's 150 & 155). An adequate, up-to-date and relevant evidence base is required (para' 158).
- 5.5 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"*.
- 5.6 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.
- 5.7 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)
- 5.8 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).
- 5.9 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.

- 5.10 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.
- 5.11 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. As modified 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 in the October Main Modifications to the SLP as a proposed site for residential development allocated under Policy Banbury 16 (BAN16) within the SLP.
- 5.12 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 weight³ 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).
- 5.13 The key components of Policy BAN16 of the Main Modifications to the SLP are to provide approximately 150 dwellings, to achieve 30% affordable housing and to ensure that infrastructure needs relating to education, open space, allotments, access and movement, community facilities and utilities are met. The key design objectives include:
- Public open space to form a well connected network of green areas within the site, suitable for informal recreation;
 - A layout that maximises the potential for walkable neighbourhoods and allows for integration with land that comprises the South West Banbury area and existing communities in Banbury;
 - A linked network of cycle and footways to provide access into Banbury;

³ Unless other material consideration indicate otherwise

- Layout of development that enables a high degree of integration and connectivity with existing development
- A high quality locally distinctive residential district for the south west of Banbury that is designed with consideration to the landscape setting and well integrated with the adjacent residential area.
- Consideration of the impact of development on Crouch Hill
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities,
- New footpaths and cycleways should be provided that link with existing networks, the wider urban area and community facilities with a legible hierarchy of routes to encourage sustainable modes of travel
- The existing footpath extending from the southern corner of the site to Salt Way should be enhanced to enable a circular link from the new footpath/bridleway to be provided at the southern edge of site Banbury 17 to Salt Way
- Good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops. including the provision of a bus route through the site and new bus stops on the site.
- Bus stops should be provided on Bloxham Road, with good walking routes. The developers will be required to contribute towards the cost of improved public transport.
- Retention of Public Rights of Way and a layout that affords good access to the countryside
- Public open space to form a well connected network of green areas within the site, suitable for formal and informal recreation

- 5.14 Notwithstanding the proposed Policy BAN16 provisions and the supporting evidence to the SLP, whilst it has been through the Local Plan examination it still carries limited weight (until the Inspector's report is published in Spring 2015); 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).
- 5.15 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).
- 5.16 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 landscape impact, the status of the BAN16 and other SLP policies and the housing need (detailed further below) and that this site would provide up to 350 dwellings, of which 105 would be affordable homes. The housing need case is quite weighty in this regard and is considered below.

- 5.17 As detailed above, the status of the SLP and emerging policies within it are key to the consideration of the proposal and the applicant had made representations to the Examination of that local plan, which includes this site. 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”.

- 5.18 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).

- 5.19 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.
- 5.20 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.
- 5.21 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.
- 5.22 There is an obvious difference in the number of dwellings proposed in this application (350) and that of the local plan allocation under Banbury 16 (150). Clearly the SLP policy is a material consideration, but whilst the applicant has pursued this site through the Local Plan Examination, the application submission needs to be determined ahead of the Inspector's report (it cannot be held up waiting for its publication) and therefore this application needs to be considered on its own merits taking into account other material considerations which are considered in detail further in the report. The application is not however, considered to be so significant as to prejudice the development of the local plan. The Council is currently faced with a number of applications around Banbury which cumulatively would have a more significant impact, including the proposed development of land to the east of Bloxham Road for 1000 houses under 14/001932/OUT. 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

- 5.23 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.

- 5.24 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).
- 5.25 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.
- 5.26 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.
- 5.27 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.
- 5.28 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.
- 5.29 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.
- 5.30 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

5.31 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.

5.32 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.

5.33 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.

5.34 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

5.35 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.

- 5.36 The site lies in an area of open countryside and is prominently located 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'. 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.

- 5.37 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.

"Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not 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*
- *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.*

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS)".

The supporting text to Policy ESD13 identifies Crouch Hill and its setting as being an important landscape feature of value overlooking Banbury and the surrounding area and also that of Salt Way and its setting.

- 5.38 Policy ESD15 (The Urban-Rural Fringe) 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 (October 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”.

- 5.39 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.
- 5.40 Policy ESD16 (The Character of the Built Environment) of the SLP of the 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.
- 5.41 Policy BAN16 within the SLP sets out some key site specific place shaping principles, including:
- Development must respect the landscape setting and provide an appropriate development interface with Salt Way (any buffer is likely to be some 10-20 metres in accordance with the approach adopted at land east of Bloxham Road and south of Salt Way);
 - Existing natural features and additional structural planting will reinforce landscape framework upon which to structure development parcels;
 - A well designed, ‘soft’ approach to the urban edge, which respects the rural setting
 - Retention and enhancement of existing hedgerows and trees
 - Provision of Green Infrastructure links beyond the development site to the wider town and open countryside
 - Provision of appropriate lighting and the minimisation of light pollution based on appropriate technical assessment
- 5.42 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)

These documents produced by LDA were not updated to take account of the new allocation of the site in Main Modifications to the SLP.

- 5.43 In terms of this site, in September 2010, Halcrow Group Limited looked at the landscape sensitivity and capacity of land on the edges of Banbury and Bicester as part of the evidence base for the Council's Local Development Framework. The application site lies within Site H. The overall sensitivity of Site H was judged to be high for the upper, northern and intermediate slopes of Crouch Hill and the area around the farm, with a low capacity to accept development, but moderate, with a moderate capacity for development, for the southern part of Site H (namely the larger fields towards Wykham Lane).
- 5.44 In response to the need to identify land for an additional 8000 dwellings following the recent suspension of the Examination into the SLP, WYG prepared an Addendum for

a number of the sites it had previously assessed, for which site boundaries were amended, alongside a number of additional sites. The application forms Site 109 and is one of the identified sites. It comprises the southern part of Site H, to the south of Salt Way (an ancient track way). It does not include Crouch Hill or land to the north of Crouch Hill. Overall, the landscape character sensitivity for Site 109, and its landscape value, was assessed as medium, having a medium to low capacity for residential development (not hugely dissimilar to the conclusion of the Halcrow assessment for this part of Site H).

The WYG (Banbury Landscape Sensitivity and Capacity Assessment (25 March 2013)) updated report takes into account the Main Modifications to the SLP. The latest version dated 18.08.14 provides the following assessment of the BAN16 allocated site which is Site 109 (formerly part of site H) (para 4.9 pgs 51 – 55):

"Landscape Sensitivity

There is one non designated site within the study which is Salt Way; the route possesses notable habitat potential. Although the landscape is of small to medium scale field pattern within the north of the area, this changes to a large field pattern in the south of the area. The variety of habitat types results in a Medium to Low natural sensitivity.

The area includes a Listed Building, important hedgerows and ridge and furrow all round Crouch Farm. Salt Way forms a strongly defined boundary to the town. The sensitivity of cultural factors is Medium.

The site has few landscape features of importance within it apart from Salt Way passing on the north boundary of the site in an east west direction and the ridge and furrow which is visually notable around Crouch Farm. Both of these elements are important within the local context and are particularly sensitive to development. To the south of Salt Way land is arable yet it retains many of its field boundaries and historical references. The area has a Medium aesthetic sensitivity.

With regard to the quality of the agricultural land, the site is typical of the surrounding areas to the west and east. Although Salt Way is immediately outside the site area it is also of local importance and is particularly sensitive to development. The assessment of landscape quality is considered to be Medium.

The combined Landscape Sensitivity is Medium.

Visual Sensitivity

The general visibility of the site is limited by the presence of vegetation located along the alignment of Salt Way and the structure planting located along Bloxham Road. Mid to long distance views into and out of the site are available to the south and south west across the Sor Brook valley. The general visibility of the site is considered to be Medium.

Visual Sensitivity

The general visibility of the site is limited by the presence of vegetation located along the alignment of Salt Way and the structure planting located along Bloxham Road. Mid to long distance views into and out of the site are available to the south and south west across the Sor Brook valley. The general visibility of the site is considered to be Medium

The area is only generally viewed by those using the public footpath in the local area and by longer distance viewers across the Sor Brook Valley. Dense vegetation located along the north and east boundaries prevent views by users in these directions. The site is considered to be of Medium visual sensitivity to the local visual receptors.

There is potential for mitigation within the site through the re-establishment of hedgerows within the south of the area which would assist in screening views from the south and west.

Implementation of this mitigation would not alter the overall character but strengthen the character that is present within the smaller fields in the north of the area. The site has a Medium sensitivity to mitigation.

The combined Visual Sensitivity is Medium.

Landscape Character Sensitivity

The Landscape Character Sensitivity has been derived using 'Table 3 Overall Landscape Character Sensitivity' as set out within Section 3.0 Scope and Methodology.

The Landscape Sensitivity has been assessed as Medium sensitivity and the Visual Sensitivity has been assessed as Medium sensitivity. Using the matrix in Table 3, this results in a Medium Landscape Character Sensitivity for Site 109.

Landscape Value

There are a number of Important Hedgerows located within the site and one Listed Building; the fields to the east of Crouch Farm also show strong signs of ridge and furrow. There are no known landscape or ecological designations within the area. The value of designations is Medium.

The area is largely screened by the vegetation located along Salt Way and Bloxham Road. Intermittent views are possible for users of the public footpath passing through the centre of the site. Longer distance views towards the site are possible from the south and south west across Sor Brook valley. The scenic value of the area is Medium.

There are no known local groups associated with the area although public access within the area is possible. Salt Way located on the north site boundary is of importance within the local context as a historical transportation route and current leisure route. The perceived value of the area is considered to be Medium.

The Value of the area is Medium.

Landscape Capacity

The Landscape Character Sensitivity and Landscape Value are combined as shown in Table 5 to arrive at the potential Landscape Capacity. In general, the potential Landscape Capacity of Site 109 is Medium. The potential for each considered development type is discussed further below.

Capacity for Residential Development

The area is contained to the south of Salt Way and in order to merge with the existing urban fringe development would require visual and physical connection to the residential area to the north east to prevent it appearing isolated. There is potential to accommodate residential development in the north east corner of the site although development should not take place in the west of the site as it would alter the context of the views from the south west. To maintain the setting of Crouch Farm and views from the south west, development should be restricted to the north east corner of the Site reflecting existing development to the north of Salt Way and committed development to the east of Bloxham Road.

The capacity for residential development is Medium to Low.

Future Management and Maintenance

Future management should ensure safeguarding of the landscape context of Salt Way as a historic route. If development occurs, consideration should be given to the implementation of structure planting to the south of the development to mitigate views across Sor Brook valley”.

- 5.45 Detailed above is the Local Plan evidence base for the landscape work undertaken by this Council which deals with the wider Banbury landscape and specifically with the application site in terms of landscape impact.
- 5.46 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.
- 5.47 As part of the application submission the applicants have undertaken a landscape and visual impact assessment 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). This document has been considered by the Council's Landscape Officer and also the Landscape Consultant Mark Ashton of WYG. Following initial concerns on the original submission, regarding the landscape sensitivity of the site, which specifically related to the extent to which the 400 dwelling scheme could extend into views to the south-west of Crouch Hill, the applicant's amended the quantum of development and updated the assessment in order to demonstrate that an area wider than the modified allocation can still be accommodated.
- 5.48 The revisions comprise:
- A reduced development footprint, which increases the perception of a wider area of open space around the listed farmhouse when viewed from the southwest and Crouch Hill. The revised scheme:
 - is drawn back from the western edge of the site
 - responds to the sensitivities of the south-west
 - in visual impact terms is now acceptable
 - reduces the housing capacity to 350 units instead of 400
 - Revisions to the proposed height limits throughout the development area
 - building heights limited to a maximum of 2 storey towards the western edge
 - designation of areas of 2.5 storey only
 - Conditions to control materials and lighting, which would further soften the scheme and limit visual impacts
 - Materials located within the western area to be selected from a recessive colour pallet, with restrictions on the use of white Upvc door/window units and rwg.
 - Lighting impact minimised through fitted cowls to lighting units and other means of reducing the glare.
- 5.49 The following comments made by Mark Ashton of WYG provide a final view of the revised LVIA and amendments to the scheme to support the application:

“A review of the revised Landscape and Visual Impact Assessment (report No. L_EDP1997_04c dated 17th December 2014) has been carried out alongside a review of the Supporting comments to LVIA 04c.

It is noted that many of the comments previously raised by WYG have been addressed within the revised LVIA which has resulted in the provision of additional information and clarification with the submitted LVIA although a number of items have not been addressed. It is however considered that these do not affect the outcome of the LVIA.

The LVIA does now identify receptor susceptibility and value etc when determining sensitivity and additional narrative has been provided to validate the findings of the assessment resulting in greater understanding of the reasoning for the identified effects. We would still comment that the layout/format is not necessarily simple to use; although this is a matter of professional opinion and does not materially affect the outcome of the assessment.

In summary, we would consider the assessment adequately assesses the potential landscape and visual effects of the proposed development proposals submitted”.

- 5.50 Taking into account the amendment to the scheme, the revised LVIA and comments from WYG, the landscape 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 which is its most sensitive boundary, essentially protects the viewpoints from the south-west.

Indicative design/layout/scale

- 5.51 In support of this current proposal the applicant has provided a Design and Access Statement and an Addendum to that to consider 350 dwellings instead of 400, which details each element of the scheme as follows:

- Locate open space to the west
- Retain existing trees where possible and provide new planting
- Create strong green corridors linking habitats to the Salt Way
- Creation of a central green defined by a strong built form
- Establish an informal edge along Salt Way to preserve the character of the route
- Creation of access points to Salt Way to maximise opportunities for use
- Creation of a primary vehicular loop road that links the two main access points to Bloxham Road and provision of access to all parts of the development
- Creation of a clear street hierarchy with character area
- Use of perimeter development blocks to create a clear distinction between public and private spaces
- Development of a SUDs strategy

- 5.52 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 by the Council's Conservation & Design Team Leader, 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. Therefore it is considered that notwithstanding the Conservation & Design Team Leader's comments this aspect of the application is generally acceptable.

Housing Mix

- 5.53 For the purposes of this application for up to 350 residential units, the mix will require

30% affordable housing, which equates to up to 105 affordable units, the remaining 245 dwellings will comprise a variety of house types and sizes. In terms of affordable housing units, the indicative mix suggested by the Strategic Housing Officer will be used as part of the S106.

- 5.54 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

- 5.55 The indicative layout for the development demonstrates that the proposed dwellings could be accommodated on the site without causing harm to existing neighbouring properties. It is acknowledged that this of concern for the two neighbouring properties at Crouch Cottages. Indicatively the land immediately to the north and west of these cottages is to be public open and play space with associated landscaping. 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. The landscaping would also be thoroughly considered to ensure that the cottages are not completely enclosed by vegetation.

- 5.56 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.

- 5.57 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

- 5.58 The proposal seeks to provide new accesses off the Bloxham Road (A361) via a protected right turn junction and a new roundabout which connects to the Morris Homes permitted development of 145 dwellings to the east of Bloxham Road (12/00080/OUT and 14/01225/REM). Secondary pedestrian/cycle access points will also be provided at the northern, western and eastern site boundaries linking National Cycle Route 5 and to Bloxham Road.

- 5.59 There are bus stops approx. 500m from the centre of the development, which provides good access to Banbury town centre.

- 5.60 The application has been submitted with a Transport Assessment, which Oxfordshire County Council as local highway authority are now content with, following the submission of additional information and consider that the scheme in principle is now acceptable. Full comments on this are provided at paragraph 3.12 above. Whilst the application only assesses this 350 unit scheme, the highway works will take account of the adjacent scheme for 145. Highway works associated with other site allocation Banbury 17 (current application 14/01932/OUT awaiting determination) for 1000 adjoining the 145 unit development, will be considered separately by OCC as part the overall highway impact and how the two roundabouts will work together. It is also appreciated that ideally the three sites should be considered together as a larger masterplan approach, unfortunately this was never going to happen given the timings of the applications and different applicants. Therefore this current application is to be considered on its own merits and whilst the proposed highway works will change the character of this part of the Bloxham Road, they are necessary in order to mitigate the impact of more traffic using it. The works proposed are therefore acceptable and accord with the Policy Banbury 16 provisions and the NPPF in ensuring safe and suitable access to the site and provide improvements that cost effectively limit the

significant impacts of the development and promote sustainable transport.

Air Quality

- 5.61 The Planning Practice Guidance (Paragraph: 001 Reference ID: 32-001-2014030) asks *“Why should planning be concerned about air quality?”* and goes on to advise that:

“Action to manage and improve air quality is largely driven by EU legislation. The 2008 Ambient Air Quality Directive sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO2). As well as having direct effects, these pollutants can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems.

Defra carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with EU Limit Values. It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit.

The local air quality management (LAQM) regime requires every district and unitary authority to regularly review and assess air quality in their area. These reviews identify whether national objectives have been, or will be, achieved at relevant locations, by an applicable date”.

- 5.62 The Planning Practice Guidance (Paragraph: 005 Reference ID: 32-005-20140306) then goes on to ask *“When could air quality be relevant to a planning decision?”* and advises that *“Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife). The steps a local planning authority might take in considering air quality are set out here.*

When deciding whether air quality is relevant to a planning application, considerations could include whether the development would:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads”.*

- 5.63 Discussion with the Council's Environmental Protection Officer have found that this development is likely to directly impact the existing Air Quality Management Area No.2 which includes the Bloxham Road / Oxford Road / South Bar junction, where the annual mean air quality objective for Nitrogen Dioxide is being exceeded. The application is not EIA development and therefore the submission does not include an air quality assessment to assess the impact of the development on local air quality and the impact for the development to be affected by local air quality. This is also not a local requirement on the validation checklist so the applicant would have been asked to provide one. Therefore it will be necessary to apply a condition requiring an air quality assessment to be undertaken to ensure the potential impact of the development on air quality and human health is considered, and mitigation measures proposed are appropriate. This will include air quality works being adequately considered and mitigation works proposed.

- 5.64 OCC highways have acknowledged the traffic flows within the air quality management area and has requested funds to assess alternative routes than through the Horsefair corridor. This recommendation is supported by the Council's Environmental Protection Officer as alternative routes for this traffic are likely to benefit air quality in this area. There is also a proposed Travel Plan and it is considered that some qualification on how these measures are likely to affect local air quality, once an air quality assessment has determined the potential impact on the development, should be included as part of this Travel Plan. It is therefore considered that subject to the necessary condition requiring the submission of an air quality assessment the proposal is considered acceptable and complies with Policy ESD1 of the SLP and the NPPF.

Flooding and Drainage

- 5.65 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

5.66 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.

5.67 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.

5.68 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).

5.69 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.

5.70 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.

5.71 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. The development of this site would give rise to an increase in the impermeable area of the site and a corresponding increase in the rate and volume of surface water run-off. A SUDS strategy for the surface water drainage would be based on a multi-purpose attenuation pond used to store water, draining to the large areas of open space to the south east of the site.

5.72 The sustainable drainage system will be conditioned for submission, 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. Comments made by the neighbours at the Crouch Farm Cottages relate to flood risk and that the land around the cottages currently floods, photographic evidence was produced to illustrate the point made. It is therefore apparent that in order to address the existing situation and to prevent it becoming worse the suitable drainage methods would need to be incorporated in the drainage scheme. The applicant's drainage consultant has commented on this matter as follows:

"The FRA includes a topographical survey which provided full details of the terrain contoured at 0.5m intervals. Section 8.6 of the FRA considers overland flows which may occur when the capacity of the surface water sewers is exceeded and recognises that overland flow will be towards the southeast of the site. It is proposed that any such overland flows will be managed and routed from the proposed development towards the proposed balancing pond and 8.6.4 specifically states that overland flows running towards existing properties (ie. Crouch Farm Cottages) will be directed towards the attenuation pond via swales. It is therefore apparent that although the existing topography presents some risk in terms of overland flows to the existing properties, this is acknowledged and measures will be incorporated as

needed to mitigate such risks as described above and in the FRA.”

- 5.73 A further point raised by the neighbours at Crouch Farm Cottages is the excessive surface water run-off from the site onto the A361 Bloxham Road with reference to ditches/culvert within the site and the FRA does not address the run-off adequately. The applicant's drainage consultant has commented on this matter as follows:

“The resident’s submission fails to understand how the surface water drainage from the proposed development will be attenuated within the proposed balancing pond, such that the rate of discharge from the pond can be accepted by the existing 225mm diameter pipe.

Drainage of the proposed development will not rely upon the existing 600mm diameter culvert which passes under the access road from A361 to Crouch Farm. In the proposed drainage strategy there is no miss-match between the capacity of the existing 600mm diameter culvert and 225mm diameter culvert further downstream. There will be a new network of surface water sewers designed to the requirements of sewers for adoption which will convey water to a balancing pond. The balancing pond will discharge at a restricted rate to the existing 225mm diameter pipe. The key point is that the discharge from the balancing pond to the existing 225mm diameter pipe will be restricted to less than the capacity of the existing 225mm diameter pipe and the balancing pond sized to retain the remainder of the run off (up to an event of 1 in 100 (plus 30% volume for climate change). 10l/s is proposed as the discharge rate from the pond towards the 225mm diameter pipe. This is approximately 25% of the expected capacity of this pipe.

Therefore the drainage strategy proposed fully recognises the existing outfall constraints”.

- 5.74 Further points raised by the residents of Crouch Farm Cottages have been addressed by the applicant's drainage consultant, the full contents of which are available via the Council's website. It is considered that the points raised are adequately responded to and that subject to a robust drainage strategy, the existing surface water run-off will be dealt with and will not be exacerbated by the proposed development.
- 5.75 The Environment Agency, raise no objections and are satisfied that the development can be carried out without causing flood risk to the environment subject to conditions.
- 5.76 As part of the drainage strategy, the proposed balancing pond will be located to the south east of the site. The Banbury 16 allocation in the SLP does not include this land, however negotiations involving the Head of Strategic Planning and the Economy have concluded that land outside the allocation will be used for drainage attenuation and public open space.
- 5.77 It is considered that the measures to be put in place will deal with the existing flooding issues experienced by the residents at Crouch Farm Cottages and that subject to the conditions required by the Environment Agency, the proposal will not give rise to flood risk and is there acceptable and is in accordance with Policies ESD6 and ESD7 of the SLP and the NPPF.

Historic Environment

- 5.78 The NPPF at paragraph 131 seeks to ensure the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

- 5.79 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken. In this case it is the setting of listed buildings that is to be considered.
- 5.80 The site is in close proximity (70m) to Crouch Farm a Grade II listed building and further Grade II listed buildings approx. 700m further away (Wykham Park).
- 5.81 The site is also located in an area of archaeological potential (number of Iron Age and Roman sites recorded) A condition requiring a staged programme of archaeological investigation will need to be attached to the planning permission. This approach is consistent with the Framework.
- 5.82 In terms of Salt Way as a Heritage Asset, this matter was debated in detail at the Public Inquiry for the 145 dwelling permitted development under 12/00080/OUT, to the east of Bloxham Road. The Council considered Salt Way to be historic and as such be a heritage asset of local importance and further considered that Salt Way and its setting would be harmed by the proposed development. To support this contention, evidence produced, was designed to show that Salt Way forms part of a medieval network of salt distribution routes between Droitwich and London. However, in allowing the appeal the Inspector concluded at paragraph 24, that *"Salt Way has some importance as a heritage asset both in its own right and as part of its setting, but that this importance has in my view been overstated by the Council. I also note that the actual physical effect of the proposed development on Salt Way would be limited"*. By allowing the appeal, the Inspector essentially paved the way for further development along Salt Way, hence the allocation of this application site and that of Banbury 17 which is to the east of Bloxham road, adjoining the above appeal site.
- 5.83 It is considered that the application site is of sufficient distance from Crouch Hill, (which the Council considers to be a non-designated Heritage Asset) to ensure that its significance and setting is not harmed. The applicant's LVIA has assessed that the site is not clearly visible from the upper slopes of Crouch Hill because of the strong hedge line separating the lower fields. It is also considered that the site bears no resemblance to the site subject to a recent dismissed appeal (13/01758/OUT – Land adjacent to and off Broughton Road, Banbury) which is to the north of Crouch Hill. The Inspector at this appeal agreed with the Council regarding the importance of Crouch Hill and its setting as follows (paras 33 and 34): *"Crouch Hill is experienced in its landscape setting over a wide area, particularly in views on the approach from the west along Broughton Road and from higher land to the north/north-west on the far side of the road. In those views, it is clear, despite the expansion of Banbury over the years, and taking account of the recent but as yet unimplemented Banner Homes permission and the trappings/shelter belt planting associated with the nearby 'Pick Your Own' enterprise, that the Hill is still bounded, in no small part, by agricultural land/countryside. In this regard, nothing challenges, to any material degree, the dominance of Crouch Hill in the aspect from the north and west and nothing precludes the appeal site from playing a valuable role in the setting of the Hill. To my mind, the open, undeveloped nature of the lower slopes on which the appeal site lies is inextricably linked to, and affords an appreciation of the significance of Crouch Hill, emphasising its relatively imposing nature (from which its significance as a heritage asset derives) even if they are not part of the asset itself."*

The erection of up to 117 dwellings on the northern field would create a much stronger urban presence than is currently the case (and will be the case on implementation of the Banner Homes scheme) and would intrude into the experience of Crouch Hill when viewed from north and west, with the consequence that the rural foreground that now informs an appreciation of the heritage asset would be diminished".

- 5.84 In conclusion it is considered that the proposal to build 350 houses on the southernmost fields at Crouch Hill will not cause harm to the significance of designated and non-designated heritage assets and the settings of which are so preserved in accordance with SLP Policies ESD16 and Banbury 16 and the NPPF.

Ecology

- 5.85 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)
- 5.86 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.
- 5.87 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”
- 5.88 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 on to 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.”
- 5.89 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”.

5.90 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.

5.91 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”

5.92 The Council's Ecologist has provided advice as set out in paragraph 3.9. She is satisfied that the site has been surveyed satisfactorily at this stage. She confirms that the indicative layout preserves the most important ecological receptors on the site. When a final plan of the development and landscaping is produced the impact on species on site will need to be fully reassessed and a full mitigation plan or working method statements for each drawn up prior to any clearance or any other works commencing on site to include their protection both during construction and in the long term. In addition a Management Plan to conserve and enhance the retained biodiversity - hedgerows, meadow grassland and bankside will need to be produced. 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.

5.93 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

5.94 There is significant tree cover around the boundaries with copses of trees subject to TPO's. The majority of which, save for the vehicular accesses into the site, will be retained. It is considered that there is an opportunity to enhance the site by the provision of additional tree planting on the site and this will form part of the reserved matters submission.

5.95 The Council's Arboricultural Officer has recommends that a tree survey is carried out to identify those trees that are to be retained along with a protection plan to ensure their longevity. This aspect will be subject to condition and consequently it is considered that the proposed development will maintain the existing boundary coverage provided by those trees.

Pre-application Community Consultation

5.96 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.

- 5.97 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 and leaflet drop to around 160 houses in the local area including Waller Drive, Lansdown Close and Bloxham Road 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.

- 5.98 The public consultation exhibition was held at Queensway School on Thursday 5th June 2014.

- 5.99 The development proposals along with details were set out on display boards. Members of the applicants technical team were in attendance throughout the exhibition that was available to explain the proposals and answer any questions. Details of the display boards have been submitted in the Statement of Community Involvement.

- 5.100 Attendees were encouraged to either complete a questionnaire at the exhibition and to place that within the comments box provided or take the form home to complete and return to the applicant. Around 80 people attended the public exhibition A total of 29 feedback questionnaires were received.

Developer Contributions

- 5.101 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.

- 5.102 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.

- 5.103 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.

- 5.104 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.

- 5.105 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.

- 5.106 The heads of terms and financial contributions towards infrastructure/services are as follows:

Oxfordshire County Council

Education

£1,901,790 Section 106 developer contributions towards the construction of a new primary school to serve development south of Salt Way. The total cost of this school, and the mechanism for dividing that cost across the applications, would need to be determined. If application 14/01932/OUT is not approved or implemented, contributions may instead be required at extension rates. This application would generate 99 additional primary school aged pupils.

£1,640,536 Section 106 developer contributions towards the construction of a new secondary school serving the area by a total of 76 pupil places (including nine 6th form places). This is based on the pro rata cost of building a new 1200 place secondary school, as detailed below, of £21,586 per pupil place. This is index linked to 3rd Quarter 2012 using PUBSEC Tender Price Index.

£61,312 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 2 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

Transport

Banbury Area Transport Strategy - Contribution toward the Banbury Area Transport Strategy in accordance with the CDC Planning Obligations SPD to be calculated as follows:-

$£(A \times 442) + (B \times 638) + (C \times 994) + (D \times 1,336)$

Where, A = the number of 1 Bedroomed Units

B = the number of 2 Bedroomed Units

C = the number of 3 Bedroomed Units

D = the number of 4 Bedroomed Units

Public Transport – Contribution of **£862** per dwelling towards the cost of pump-priming the 488 bus service to operate more frequently on the Bloxham to Banbury section, and the addition of evening and Sunday services.

Public Transport Infrastructure - **£10,000** towards stops and associated infrastructure, shelters, flags, poles etc.

Public Rights of Way - Contribution of **£40,000** to public rights of way in the vicinity of the development site to include new links and surface/furniture upgrades. This would include the improvement of Banbury Footpath 40 which provides the shortest walking route from the site to Banbury Academy.

Travel Plan – A travel plan fee of **£2040** will be required for the monitoring of the travel plan for a period of 5 years post final occupation

Drainage – SUDS provision will need to be provided and maintained as part of a detailed strategy. Applicant/s will need to provide an indicative SUDS plan and indicative costing for purposes of the Section 106.

Property

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

- Banbury Library - **£72,845**
- Central Library - **£14,698**
- Integrated Youth - **£11,484**
- Museum Resource Centre - **£4,285**
- Strategic Waste Management - **£54,848**
- Adult Health and wellbeing including day care - **£27,409**

OCC Admin and Monitoring fee - **£10,399**

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)
- Allotments
- public open space
- hedge maintenance
- mature woodland
- mature tree maintenance
- balancing pond
- ditch/ watercourse

Offsite Outdoor Sports pitches

- **£348,326.96**
- 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 to the South of Banbury which is to be provided on land to the East of Bloxham Road. £416.41 per person x 2.39 people per dwelling x 350 dwellings

Offsite Indoor Sports

- **£252,882.31**
- 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 350 dwellings

Offsite Community Facility – A contribution per dwelling based on the size of the dwelling as per the following schedule

1 bed - £103.30
 2 bed - £149.14
 3 bed - £232.16
 4 + bed - £319.26

Contribution per dwelling based on figures @ April 2014 subject to further inflation as appropriate

30% affordable housing

- 105 affordable units
- This will need to be a 70/30 split between rented and shared ownership or some other form of low cost home ownership to be agreed with the Council.

And indicative breakdown would be;

21% - 1b2p Maisonette
50% - 2b4p House
20% - 3b5p House
5% - 4b6p House
2% - 2b3p Bungalow
2% - 3b5p Bungalow

The affordable housing will need to be clustered in 10-15 units, however this will depend on the layout and design of the scheme and will also depend on the house types provided.

50% of the affordable rented will need to be delivered to Lifetime Homes Standard

2% of the affordable units will need to meet full wheelchair standards or a sum in lieu of this standard in order to provide appropriately adapted housing elsewhere in the district.

The RP taking on the affordable housing will need to be agreed with the Council.

Other Matters

- 5.107 It is considered that the majority of the third party representations issues and concerns have been addressed in the preceding report.

Engagement

- 5.108 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 application and discussions have continued 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

- 5.109 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".
- 5.110 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 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.

- 5.111 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 105 affordable homes.
- 5.112 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.
- 5.113 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. The quantum of development sought in the SLP is significantly less than the 350 unit scheme proposed, however based on the amended landscape detail provided, a higher number of dwellings can be accommodated without causing significant landscape harm, harm to Salt Way or to the detriment of the setting of the listed farmhouse or Crouch Hill.
- 5.114 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.
- 5.115 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.
- 5.116 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.
- 5.117 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.
- 5.118 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.
- 5.119 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 designated and non-designated 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 5.106 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 two 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:

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 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.

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

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

Land Contamination and mitigation

- 7 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.

- 8 If contamination is found by undertaking the work carried out under condition 7, 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.

- 9 If remedial works have been identified in condition 8, the development shall

not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. 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.

- 10 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

- 11 That no development shall take place on a phase identified in condition no. 5, until a full Arboricultural Survey, Method Statement and Arboricultural Impact Assessment, tree protection plan and report on all existing trees and hedgerows within and around the perimeters of the site have been submitted to and approved in writing by the local planning authority. The survey and report shall include details of all trees and hedgerows to be removed and those to be retained; and the methods to protect the retained trees during the course of the development. 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.

- 12 That no development shall take place on a phase identified in condition no. 5 until full details of existing and proposed ground levels; all boundary treatments and means of enclosure; hard and soft landscaping works; areas of open and play space have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.

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.

- 13 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with an agreed programme of works; 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.

- 14 Unless otherwise agreed in writing by the Local Planning Authority, all existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.

Reason - To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

- 16 That no development shall take place on a phase identified in condition no. 5, until, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Play (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.

Archaeology

- 17 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.

- 18 Prior to the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 17, 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

- 19 Prior to the commencement of any works on site including works of site clearance or preparation, a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans shall be submitted for written approval which must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.

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.

- 20 Prior to the commencement of the development hereby approved, including any works of site clearance, a Landscape and Ecology Management Plan (LEMP) and method statement for protected species and biodiversity enhancements, together with long-term maintenance, has been submitted to and approved in writing by the local planning authority. The LEMP and method statement 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.

- 21 That no development shall take place on a phase identified in condition no. 5, including works of site clearance or preparation until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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

- 22 No removal of hedgerows, trees or shrubs 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.

- 23 Ecology report compliance

Drainage

- 24 Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, based on the agreed Flood Risk Assessment (Peter Brett Associates, Ref: 30369/4001, Revision 00, June 2014) and information submitted in Philip Edwards letter (Peter Brett Associates, Ref: 30369/NTN/MP/PE/CB, 28 August 2014) shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- A surface water discharge rate for the site which does not exceed 10 l/s for all storm events up to and including the 1 in 100, with an appropriate allowance for climate change, event.
- A surface water attenuation pond with sufficient capacity to safely contain the surface water runoff from the site. The capacity required for the attenuation pond is estimated to be 9200m³.
- A utilisation of infiltration measures for the management of surface water runoff unless ground investigations confirm that the soil is not suitable for the use of infiltration techniques.
- Mitigation measures, such as swales, to prevent overland flows during extreme storm events (greater than 1 in 30) from impacting on properties adjacent to the site.

Reason - To prevent an increased risk of flooding from surface water runoff and 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.

- 25 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 for the entire 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.

- 26 Prior to the commencement of the development full details of the foul drainage for the entire 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.

- 27 **Highway**
TBA

- 28 That no development shall take place on a phase identified in condition no. 5 until 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, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

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

- 29 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.

- 30 That prior to the first occupation of any phase identified in condition no. 5, 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.

- 31 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.

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