

**Land For Proposed Development At
Drayton Lodge Farmhouse
Warwick Road
Banbury**

18/01882/OUT

Case Officer: Linda Griffiths

Applicant: Trinity College (Bursar)

Proposal: OUTLINE: Residential development, comprising the erection of up to 320 dwellings including affordable housing, together with a local centre of 0.5ha (providing retail and community facilities), landscaping, public open space, playing fields, allotments, access and associated infrastructure.

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr George Reynolds
Cllr Douglas Webb
Cllr Phil Chapman

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS/AND
SUBJECT TO A S106 LEGAL AGREEMENT**

Proposal

The application seeks outline planning permission on 18.7ha for up to 320 dwellings, including affordable housing, a local centre of up to 0.5ha which could include local retail and a community building, playing fields, play areas and allotments. The site is allocated for development under Policy Banbury 18. The proposed development however incorporates additional areas of land that are not within the allocation, close to the existing site entrance which was used as a touring caravan site and a larger area along the existing valley within the south west part of the site and proposes up to an additional 70 dwellings.

Consultations

The following consultees have raised **objections** to the application:

- OCC Highways raised objections to the initial submission but these have subsequently been removed, CDC planning policy, CDC landscape officer

The following consultees have raised **no objections** to the application:

- CDC Design and conservation, CDC Public Rights of way, CDC Environmental health, Thames Water, Environment Agency, OCC Drainage, OCC Education, OCC Archaeology, OCC Waste Management, , Banbury Town Council

The following consultees are **in support** of the application:

- CDC Strategic Housing, Drayton Parish Council

1 letter of support has been received.

Planning Policy and Constraints

The application site is within an archaeological constraint priority area. Landscape evidence has also recognised that consideration should be given to the protection of the Drayton Conservation area to the south of the site and care should also be taken to avoid

visual prominence of the development from within the Sor Brook Valley. The central part of the site which contains an existing copse, farmhouse and traditional farm buildings is excluded from the application site but must be protected during the development. There are bats roosting within buildings to be demolished and potentially in the trees and there are badger setts both on and off the site. Grass snakes are also present in low numbers and there are a range of birds including red listed species. A public right of way exists through the site, with footpath 191/6 entering the site to the north east across the Warwick road and forming a bridleway (191/2) within the site which then extends on to Drayton Village, located approximately 0.5km to the south west.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Access and transport impacts
- Flood risk and drainage
- Landscape, visual impact and settlement character
- Design and impact on the character of the area
- Heritage and archaeology
- Housing mix and affordable housing
- Ecology and biodiversity
- Open space and outdoor recreation
- Noise impact assessment
- Air quality assessment
- Planning obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north west of Banbury, adjoining the new urban edge created by the new residential development adjacent currently being delivered by Miller Homes and Taylor Wimpey. The site extends to 18.7 hectares and comprises mainly agricultural land and associated buildings, centred on Drayton Lodge Farm. The site currently includes modern agricultural buildings (three portal frame sheds) and two dwellings comprising a two storey cottage and a bungalow. The development site area does not include Drayton Lodge farmhouse or its traditional outbuildings and the adjacent pond. Historically the site also contained a golf driving range, a par three 9-hole golf course and small touring caravan site but these uses have now ceased.
- 1.2. The site is bounded to the east by Warwick Road (B4100) and by the approved Miller Homes development, now known as Warwick Chase which comprises 300 residential units and local facilities. To the north east, on the opposite side of

Warwick Road, lies the Hanwell Fields residential development. Further to the north east lies the village of Hanwell.

- 1.3. Land to the south, west and north of the application site comprises arable fields, with the land sloping down to the south and west, into the Sor Brook Valley, which was formerly occupied by a railway line. The tributary valley, immediately adjoining the southern side of the site contains a large pond and brook. Footpath 191/30 passes along the southern edge of the pond, and runs along the lower slope of the main valley side, towards the north east. A public right of way exists through the site, with footpath 191/6 entering the site to the north east, across the Warwick Road, and forming a bridleway (191/2) within the site, which then extends on to Drayton village located 0.5km to the south west.

2. CONSTRAINTS

- 2.1. The application site is within an archaeological constraint priority area. Landscape evidence has also recognised that consideration should be given to the protection of the Drayton Conservation Area and that care should be taken to avoid visual prominence of development from within the Sor Brook Valley. The central part of the site where the existing buildings and dwellings are located is surrounded by a copse which must be protected from development. This area is excluded from the application site. The key site specific design and place shaping principles of Policy Banbury 18 seeks to address the above mentioned constraints.
- 2.2. A public right of way exists through the site, with footpath 191/6 entering the site to the north east, across the Warwick Road and forming a bridleway (191/2) within the site, which then extends on to Drayton Village, located approximately 0.5km to the south west.
- 2.3. Drayton village lies within a Conservation Area and the boundary of the conservation area includes part of the open countryside to the east of the village. A tree at the existing entrance into the site from Warwick Road is protected by a Tree Preservation Order (TPO 14/91).
- 2.4. The site constraints have also identified that the site could be potentially contaminated with naturally elevated levels of arsenic. The site is also within 2km of Neithrop Fields Cutting SSSI and there are a number of Protected and Notable Species within a 250m buffer of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application site is allocated for residential development under Policy Banbury 18 of the adopted Cherwell Local Plan Part 1 2011-2031 comprising 15ha and a development of approximately 250 dwellings. The submission therefore exceeds the allocated area in both site area and the proposed number of dwellings. The application seeks outline planning permission on 18.7ha for up to 320 residential units, including affordable housing, a local centre of up to 0.5ha, including local level retail provision and a community hall, playing fields, play areas and allotments. The proposed development incorporates an additional area of land that is not within the allocation close to the existing entrance which was used as a touring caravan site as well as an area along the existing valley, within the south west part of the site.
- 3.2. All matters, apart from access are reserved for later approval although a series of parameter plans and Design and Access Statement have been submitted as part of this application, the principles of which will be carried through to the reserved matters. The application proposes one new vehicular access point directly to the Warwick Road with additional vehicular access points into the site from the adjacent

Miller Homes/Taylor Wimpey site. The existing access to Drayton Lodge farm will provide pedestrian and cycle access into the site and to the proposed community facility.

- 3.3. *Timescales for Delivery:* At the time of writing this report there is no definite timescale for delivering the site as there is currently no appointed partner in place.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
15/00105/SO	SCREENING OPINION - 350 dwellings	Screening Opinion requesting EIA Screening Direction issued by Secretary of State advising not EIA development
16/00001/SCOP	Proposed development of up to 350 dwellings	Scoping Opinion Issued
18/00086/SO	Residential development, comprising the erection of up to 320 dwellings including affordable housing, together with a local centre of 0.5ha (providing retail and community facilities), landscaping, public open space, playing fields, allotments, access and associated infrastructure.	Screening Opinion not requesting EIA
16/00839/TPO	Pruning of four branches in order to facilitate the machinery movement required to install new gravity sewer. - Subject to TPO 14/91.	Application Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
15/00262/PREAPP	Pre-Application Advice - 320 new dwellings
18/00048/PREAPP	Follow up Pre-application Advice to 15/00262/PREAPP - 320 new dwellings

- 5.2. Whilst the additional land and increased number of dwellings would represent a departure from the development plan, it may be acceptable provided it can be shown that the site can be delivered early on in the plan period and without causing harm, but that this must be demonstrated and justified through the planning submission. The pre-app was also subject to Design Review and whilst the Panel found much to commend the scheme, they were keen to raise the standard of design for this development compared to those adjacent and advised that careful design of the height and extent of the built development to minimise adverse visual impact on the setting of Drayton village and its Conservation Area needed careful consideration.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a number of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 06.12.2018, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:

- Stagecoach lends its qualified support to bring forward this allocated site.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. DRAYTON PARISH COUNCIL: **comment** as follows.

- Southern boundary should be screened with additional trees as there is concern how few trees are planned along this boundary. A well-defined border is very important to keep the village identity.
- Parish boundary should change so that development is within Banbury, not Drayton Parish
- Clarity needed on who will be responsible for the lake and wildlife corridor once complete
- In the absence of increased planting, concern that future development might extend towards the old railway track, impinging on the Drayton Conservation Area and impacting on the distinctiveness of the village
- Mixed feelings about a hard surface path from the end of Queens Crescent to the new development.

- 7.3. BANBURY TOWN COUNCIL: **No objection** but some concern about the efficiency of the proposed access and traffic build up around the proposed access nearest to Nickling Road.

CONSULTEES

- 7.4. OCC HIGHWAYS: **objections**. The methodology used in the traffic impact assessment is not robust and requests that outputs from the Banbury Strategic Model are used to inform the study area and inputs for future year junction impact assessments. In the interest of road safety, the length of visibility splay at the site access junction needs to be informed by the actual 85th percentile wet weather speed in that location, rather than the signed speed restriction. The accident history analysis must be based on up to date information from the Highway Authority. The study area for the analysis needs to be determined by robust assumptions of the development's traffic distribution. A plan is required to demonstrate that the required bus stop with hardstanding and shelter, footway/cycleway and a toucan crossing can be accommodated on the B4100 near to the pedestrian and cycle access into the site. In the absence of this, the county council cannot be satisfied that the development provides safe and suitable access for all. A number of conditions are also recommended.
- 7.5. **Update 16th May 2019:** Following the receipt of additional and amended information OCC's transport objection has been withdrawn (subject to conditions and legal agreement). All other points raised in OCC's previous response continue to apply other than where addressed through this response which can be read in full on the application file.
- 7.6. OCC DRAINAGE: **No objection** subject to a pre-commencement condition as the drainage information provided at this stage is insufficient to ensure a satisfactory drainage scheme will be secured for the site.
- 7.7. OCC EDUCATION: **No objection** subject to sec 106 contributions towards nursery, primary, secondary and SEN education in Banbury.
- 7.8. OCC ARCHAEOLOGY: **no objection** subject to the imposition of planning conditions relating to a Written Scheme of Investigation.
- 7.9. OCC WASTE MANAGEMENT: **No objection**.
- 7.10. CDC PLANNING POLICY: **Objection** unless it can be demonstrated that the requirements of Policy Banbury 18 are met to the satisfaction of the council and the land to the south and west of the allocation included with the application is kept permanently free from development.
- 7.11. CDC DESIGN AND CONSERVATION: **No objection**. The development will be visible from within the Drayton Conservation area but not the historic core of the settlement. The development does not impact on the setting of Wroxton Conservation Area or Wroxton Abbey Registered Park. The non-designated heritage asset of Drayton Lodge Farm is in close proximity to the site, but there is a clear separation between the buildings and the proposed development. The key concern is that careful attention is given to the design of the edges of the settlement, particularly in relation to building height, massing and spacing between buildings as well as tree planting to ensure that the visual impact on Drayton Conservation Area is minimised.
- 7.12. CDC LANDSCAPE OFFICER: Initial comments advised that the site is generally well contained within the surrounding landscape from the north and west, but is most visible from the adjoining built up area to the east and where it is in close proximity to Drayton Village. There are partial/glimpsed views from a distance to the west and to the north the topography and intervening hedgerows largely screen the site. The LVA appears to have assessed the site and not the development on the

site and the wireframes are missing. There may be a little under estimation of the impact from VPs 3, 4 and 8 all of which are on the southern side. Bungalows would be of benefit along the southern boundary to reduce the impact from Drayton as the results of the LVA suggest that the visibility of the site is greater from the south than the west. A deeper set back from the boundary would also help allowing more space for planting and improved screening. I would like to see a landscape concept plan at an early stage. D & A statement is poor and doesn't explain and justify proposals. LAPs and LEAPs should be overlooked. Details of SUDs drainage should be submitted.

Update 03.06.2019 following revised LVIA. The development has not been re-assessed in written form and therefore remains a comment on visibility of the site and not the proposed development from each viewpoint. The LVA states in 6.1.2 that the site will contain mainly 2-2.5 storey houses with some up to 2 storeys on the NW and S boundaries. 7.1.1 states that 2.5 storey houses will be 10.25m high and 2 storey 9.5m This still seems excessive. To reduce the impact, 2 story dwellings could have rooms partially within the roofspace as local character dictates and therefore 7.5m high. There do not appear to be any low dwellings as was discussed and suggested to reduce the impact on sensitive boundaries. In section 7.3.5 it is suggested that the effects of the development after mitigation will be at worse minor adverse. The same conclusion is reached for VPs 2, 3, 4, 6, 7 and 8. This does not concur with my findings. There doesn't appear to be any indication how the results of the LVA will inform the layout and building heights. The illustrative framework DWG SK09 doesn't bear much relation to the wire lines. The framework shows a widely spaced built form. In reality the wirelines show something which is actually very dense and continuous in form.

I cannot support this application in its current form. Retaining the number of dwellings at 250 will permit sufficient land for lower dwellings on sensitive boundaries and a proposal in line with the planning policy aspirations for the site.

7.13. CDC ARBORICULTURAL OFFICER: comments awaited

7.14. CDC ECOLOGY OFFICER: There are bats, including rarer Barbastelle species on site both roosting and in a building to be demolished, potentially in trees and foraging across the site. Badger Setts are also present on and off the site. Grass snakes are present, as are a range of birds including red listed species. An updated protected species survey will be required prior to any works commencing on site, particularly if more than two years have lapsed from the date of these surveys. Some of the recommendations involve significant areas of green space, ecotones to wooded areas and buffer zones to badger Setts and retained vegetation with areas where public access is prevented and it is not clear if this can all be accommodated within the scheme. A metric based biodiversity impact assessment should be included for a development of this size to ensure that a net gain can be achieved with the housing proposed. A number of conditions are recommended.

7.15. CDC PUBLIC RIGHTS OF WAY OFFICER: **No objection**, the application does not appear to require the diversion of a public right of way. The footpath must not be impacted and will need to remain clear and accessible at all times. If a temporary diversion is necessary during construction, an application will need to be made to OCC accordingly.

7.16. CDC ENVIRONMENTAL HEALTH: Suggests conditions relating to a more detailed noise strategy and contamination. The submitted Air Quality Assessment is acceptable and no comments are made in respect of odour and light.

- 7.17. CDC INVESTMENT AND GROWTH REGENERATION AND HOUSING: Policy BSC3 requires 30% of the housing to be affordable, this equates to 96 subject to the required split and tenure as identified.
- 7.18. THAMES WATER: has identified an inability of the existing foul water, surface water and existing water network infrastructure to accommodate the needs of this development. Conditions are therefore recommended accordingly.
- 7.19. ENVIRONMENT AGENCY: wish to make no comments.
- 7.20. NATURAL ENGLAND: wish to make no comments.
- 7.21. THAMES VALLEY POLICE: Increases in local population do not directly lead to an increase in central government grant and therefore it is necessary to secure Section 106 contributions for infrastructure, due to the direct link between the demand for policing services. In order to mitigate against the impact of growth, TVP have calculated that the cost of policing the new growth equates to £35,402.80.

In terms of the development proposed, it is considered that the Design and Access Statement does not adequately address crime and disorder. The DAS should demonstrate how development can create accessible and safe environments, including addressing crime and disorder and the fear of crime.

The comments can be read in full on the application file.

- 7.22. OCCG: Primary medical care in North Oxfordshire is mostly at capacity and further housing growth will require additional or expanded infrastructure in place. Appropriate infrastructure contributions are therefore requested of £276,480 to support improvement of local primary care infrastructure.
- 7.23. CDC FINANCE: It is estimated that this development has the potential to attract New Homes Bonus of £1,374,078 over 4 years under the current arrangements for the Council. This estimate includes a sum payable per affordable home.
- 7.24. Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.25. In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport and Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the built and historic Environment
- ESD17 – Green Infrastructure
- Policy Banbury 18 – Land at Drayton Lodge Farm
- INF 1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance
- C30 – Design control
- H18 – New dwellings in the countryside
- ENV12 – Potentially contaminated land
- TR1 – Transportation Funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)

- Residential Design Guide SPD July 2018
- Annual Monitoring Report (AMR) December 2018
- OCC Fourth Local transport Plan 2015-2031

8.4. Council Corporate Priorities

Cherwell District Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is "Clean, Green and Safe", that it supports "Thriving Communities & Wellbeing", and is a District of "Opportunity & Growth". All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of development
- Access and Transport impacts
- Flood Risk and Drainage
- Landscape, Visual Impact and Settlement Character
- Design, and impact on the character of the area
- Heritage and Archaeology
- Housing mix and Affordable Housing
- Ecology and Biodiversity
- Open Space and Outdoor Recreation
- Noise Impact Assessment
- Air Quality Assessment
- Planning Obligations

Principle of Development

Policy Context

9.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 also provides that in dealing with

applications for planning permission that the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any material considerations. The Development Plan for Cherwell District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the adopted Cherwell local Plan 1996.

- 9.3. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out what is sustainable development, the three strands being economic, social and environmental. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan that was adopted following Examination in July 2015 and can demonstrate a 5 year housing land supply.
- 9.5. Policy PSD1 of the Cherwell local Plan 2011-2031 accords with the NPPFs requirement for 'sustainable development' and that planning applications that accord with the policies in the statutory Development Plan will be approved without delay unless material considerations indicate otherwise.
- 9.6. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Bicester and Banbury and a small number of strategic sites outside these towns.
- 9.7. The application site is identified as a strategic residential development site under Cherwell Local Plan Policy Banbury 18. This policy is therefore fundamental to the consideration of the application as the majority of the site is an allocated and identified site. The policy sets out a number of parameters which need to be considered and addressed as part of any application. The site allocation description is *'this residential strategic development site will provide approximately 250 dwellings with associated facilities and infrastructure in a scheme that demonstrates a sensitive response to this urban fringe location'*. The policy further specifies that the dwelling mix shall be informed by Policy BSC4, provide 30% affordable housing together with on-site infrastructure needs to include open space, outdoor recreation, community building/retail, primary school and new access to Warwick Road.
- 9.8. The plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail in the appraisal below.
- 9.9. The adopted Cherwell Local Plan 1996 includes a number of policies saved by the adopted Cherwell local plan 2011-2031, most of which relate to detailed matters such as layout and design. The policies of the adopted Cherwell Local Plan 1996 are also considered in more detail below.

Assessment

- 9.10. The Council's current position on housing land supply is published in the 2018 AMR which shows that the district has a 5.0 year housing land supply for the period 2018-2013 and a 5.2 year supply for the next year period (2019-2024). Cherwell District Council can therefore demonstrate a five year housing land supply. In addition to this, the Written Ministerial Statement of 12th September 2018 provides for a temporary change to housing land supply policies as they apply in Oxfordshire. Until the adoption of the Joint Statutory Spatial Plan, the Oxfordshire Authorities are required to demonstrate only a 3 year supply of deliverable housing sites (as well as meeting their requirements in respect of the Housing Delivery Test). As such, policies for determining the application are only to be considered out of date where a 3 year supply of deliverable sites cannot be demonstrated.
- 9.11. Given the proposed development is allocated for residential development under Policy Banbury 18, the principle of developing the site for residential purposes is established. Whilst the proposed allocation refers to approximately 250 dwellings, this application seeks consent for up to 320 dwellings and is therefore a departure from the development plan. Policy BSC2 of the Cherwell Local Plan seeks to ensure the effective and efficient use of land and it is considered that the increase in housing numbers may be acceptable provided it can be shown that the site can be delivered early on in the plan period and without causing harm and subject to complying with other policies in the development plan and other material considerations. This should be demonstrated through the submission and will be discussed further in the appraisal below.

Conclusion

- 9.12. The proposed development site is allocated for residential development through the local plan where the principle of residential development is acceptable. Whilst the approximate number of dwellings specified in the local plan allocation will be exceeded, it is not considered that the proposed increased number will result in any significant harm and is therefore considered acceptable and compliant with Policy PSD1 relating to the presumption in favour of sustainable development and the requirements of Policy Banbury 18.

Heritage Impact and Archaeology

Legislative and policy context

- 9.13. The site is close to the Drayton Conservation Area which lies to the south of the site and one of the requirements of Policy Banbury 18 is that care must be exercised to minimise adverse visual impact on the setting of Drayton village and Drayton Conservation Area. There are no listed buildings within the vicinity of the site and the site is not visible from listed buildings within the central core of the Conservation Area.
- 9.14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.15. Conservation Areas are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

- 9.16. The application is accompanied by a Heritage Setting Assessment which has been reviewed by the Design and Conservation team and found to be acceptable. The development lies within the setting of Drayton Conservation Area. The boundary of the conservation area is unusual in that it encompasses a wide area around the setting of the historic village. The proposed development would be visible from within the boundary of the conservation area, but not from the historic core of the settlement. The key issue is that careful attention must be given to the design of the edges of the settlement, particularly in relation to building heights, massing and spacing between buildings as well as tree planting to ensure the visual impact on Drayton is minimised.
- 9.17. It is agreed that the development will not impact on the setting of Wroxton Conservation Area or Wroxton Abbey registered Park. The non-designated heritage asset of Drayton Lodge Farm is in close proximity to the site, but there is a clear separation between these buildings and the proposed built development.
- 9.18. The application is also accompanied by an Archaeological Assessment which has been assessed by the County Archaeologist and found to be acceptable. The site is located in an area of archaeological interest, immediately west of an area of Iron Age and Roman settlement identified through archaeological evaluation and excavation. The site consists of a series of Iron Age pits and enclosure ditches and Roman enclosures and stone corn driers. A metalled trackway and an area of hardstanding was also recorded. A Bronze Age barrow was also recorded adjacent to this proposed site. Further barrows have been recorded in the area. A Roman villa is located 900m north of the proposed site and further evidence of Roman buildings has been identified 800m south of the proposal.
- 9.19. An archaeological geophysical survey and trenched evaluation has been undertaken on the site which recorded a range of archaeological features across the proposed site. The evaluation recorded a large ditched enclosure of possible defensive function, as well as Iron Age roundhouses, pit clusters, stock enclosures and field systems.
- 9.20. A programme of archaeological mitigation will need to be undertaken on the site ahead of any development. Conditions are therefore recommended accordingly.
- 9.21. Having regard to the above, it is considered that the development proposed is therefore in accordance with the policies within the development plan and Government advice within the NPPF and is therefore acceptable in this respect.

Ecology and Biodiversity

Legislative context

- 9.22. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.23. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

- 9.24. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.25. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.26. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.27. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.28. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.29. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst

others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.30. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.31. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.32. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.33. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.34. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.35. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of traditional construction as well as more modern farm buildings, is close to Sor Brook, has ponds within and adjacent to the site and there are a number of mature trees, including a small copse and hedgerows within and adjacent to the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.36. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence

under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

- 9.37. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.38. The application is supported by an Ecological Assessment and a series of species and habitat surveys which concluded that the habitats of highest nature conservation interest associated with this site are the off-site pond and associated stream and the off-site woodland and connecting mature treeline. Measures to protect the integrity of these habitats include the provision of appropriate buffer habitats along with measures to avoid adverse effects of lighting, pollution, invasive species and changes to hydrology together with recommendations for the enhancement of woodland edge and stream habitats.
- 9.39. The ecological assessments and the species surveys included within the appendices have been assessed by the Council's ecologist. The application site is a mix of arable and pasture with some interesting features such as off-site waterbodies, a small water course, woodland strips and scattered shrubs and boundary hedgerows.
- 9.40. The surveys have revealed that there are bats on site, including rarer Barbastelle species, listed as a species of principle importance under Section 41 of the 2006 NERC Act, both roosting within a building to be demolished, potentially in trees and foraging across the site. Therefore the effects of development on foraging and commuting habitat are a material consideration. The mitigation plan outlined in the Bat survey report is acceptable to CDC's ecologist although exact details will depend on any updated surveys and licence requirements. A bat licence will be required for works to proceed however and lighting strategies will need to take into account impacts on foraging bats on site. There are also Badger setts present both on and off the site and again the recommendations in the Badger report are considered acceptable although the details of the mitigation required for badgers will depend on the final scheme and whether the Setts on site can be retained with sufficient buffers. Grass snakes are also present in low numbers on the site and it is considered that the details outlined within the reptile survey are also appropriate for the population found but a detailed mitigation and method statement will be needed when layouts are finalised. The working methods will need to be included in a Construction Ecological Management Plan.
- 9.41. The Ecological Assessment provides a range of recommendations for enhancements on site and the plans suggest there will be an ecological park and 100m buffer to the stream. The recommendations for landscaping within the document are all broadly appropriate in terms of ecological value but features integrated into the buildings for bats and birds would also be expected as enhancements on site. Some of the recommendations involve significant areas of green space – ecotones to wooded areas and buffer zones to badger setts and retained vegetation where public access is prevented and officers are not clear whether all this can be accommodated within the scheme.
- 9.42. There is no metric based biodiversity impact assessment included in the appraisal which we would currently expect as part of the submission from a development of this size. Whilst layouts are not yet confirmed at this stage, it should be considered

as part of the site as a whole and therefore at outline stage to ensure that an overall biodiversity net gain which is required through policy is achievable on site having regard to the increased number of dwellings proposed and when designing the final layouts. Currently, whilst the recommended measures may achieve a net gain if they are all incorporated, it is not clear whether this can be accommodated with the housing proposed.

- 9.43. Subject to further clarification regarding the above, officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Access and Transport Impacts

- 9.44. A Transport Assessment (TA) and Travel plan were submitted as part of this application which have been assessed by OCC as local highway authority. A new vehicular access into the site is proposed to the B4100 Warwick Road to the north of the existing access which will be closed and utilised as a pedestrian/cycle access into the site only. This new access is to be considered as part of this outline application.
- 9.45. Policy SLE4 of the Cherwell Local Plan relates to improved transport and connections and outlines the approach required to improve transport connections and outlines the overarching principle for new development to be complied with. This includes ensuring the development facilitates the use of sustainable modes of transport and walking and cycling. It also states that development which is not suitable for the roads that serve the development and which have a severe impact will not be supported.
- 9.46. Policy Banbury 18 identifies a number of key site specific design and place shaping principles, those relevant to transport and accessibility are as follows:
- A linked network of cycle and footways to provide access into Banbury
 - 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
 - Good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops on the Warwick Road
 - Provision of transport assessment and travel plan including to maximise connectivity with existing development, including linkages with and improvements to existing public transport

- 9.47. The initial Transport Assessment was not considered acceptable by OCC for a number of reasons.

Transport Strategy

- 9.48. Concerns were raised that the use of TEMPRO and census data as the basis to measure growth rates and distribution could lead to an inaccurate forecast of traffic growth and distribution in this area as it does not apply growth to the correct areas.

OCC therefore requested that the Banbury Strategic Model is used for informing anticipated growth rates, distribution and recording.

- 9.49. An amended note has been submitted by the Transport Consultants and OCC have confirmed that the development has now been run through the Banbury Strategic Model and that they are satisfied with the results of the junction assessments that have been identified. In terms of the additional impact of the development on the local highway network, congestion on Hennef Way is a major constraint on the town's highway network and according a contribution is requested towards a scheme to relieve congestion along Hennef way and mitigate the cumulative impact of traffic growth in the town. In the absence of improvement to infrastructure, the detrimental impacts of the development would not be appropriately mitigated.

Road Safety/Accident History

- 9.50. The original road safety/accident history analysis was undertaken using data from the Crashmap.co.uk, but there are limitations on this data available as it is not completely up to date (the most recent data from 2017), and no narratives were available for the cause of the accidents to indicate whether potential road safety issues were a factor. OCC therefore requested that the most recent data is obtained from the Road safety team and that the extent of the study area be informed by assumptions on traffic distribution from the site. Given that a large proportion of trips from the site are forecast to route Southam Road and Hennef Way, the study area should also include the length of Dukes Meadow Drive up to and including the Southam Road junction and the junction of Southam Road/Ruscote Avenue/Hennef Way.
- 9.51. OCC are now satisfied with the junction assessments that have been done and successfully demonstrated in the additional briefing note and the objection above has now been removed.

Access/Highway Works

- 9.52. Approval is sought as part of this application submission for the proposed new vehicular access onto Warwick Road to the north of the existing Drayton Lodge entrance, the general arrangement of which is acceptable. The submitted visibility splays as shown on the site access layout drawing is in accordance with the DRMB standards wet weather speed, however, OCC raised concerns that no speed survey had been carried out to determine the actual speed along this section of road. The applicant proposes to extend the 40mph speed restriction to a point approximately 140m north on Warwick Road.
- 9.53. The results of the speed survey have since been submitted and OCC has confirmed that it is satisfied that the visibility splays at the site access accord with the relevant standards. However, a swept path analysis is still required to demonstrate that the largest vehicles anticipated to require access to the site can safely and easily enter and exit from all directions at the site access from Warwick Road. Therefore a condition is recommended requesting full details of the site access, including a swept path analysis for a 11.6m refuse vehicle.
- 9.54. In terms of pedestrian crossings, a toucan crossing has now been included within the scope of the proposed highway works, as previously requested. A 3m wide shared footway/cycleway is to connect the toucan crossing with both the main site access to the north and the pedestrian/cycle access just to the south. Given the scale of the development and the need for all pedestrians and cyclists to cross the eastern side of the B4100 to access primary schools and local facilities that will not be on site, a toucan crossing located at the point where demand is likely to be

highest was considered essential. This will provide for a safe pedestrian and cycle connection towards other local facilities and for onwards connections to the town centre. The width of the pedestrian refuge island at the informal tactile crossing just south of the main access has also been increased as requested to 2.4m. This will provide sufficient width for those crossing with a bicycle to safely wait within the refuge island.

- 9.55. The location of the bus stop, shelter and adjacent cycle parking is acceptable in principle. However, OCC requests a planning condition to ensure that prior to the submission of the first reserved matters that a Stage 1 Road Safety Audit is carried out on the proposed layout to ensure the location of the bus stop is acceptable in road safety terms. This will prevent any costly re-design and/or delay in providing the bus stop.

Pedestrian and Cycle Connectivity

- 9.56. The illustrative masterplan for the site appears to offer a good degree of pedestrian and cycle connectivity between the site and the adjacent residential development at the southern end of the site and also between the residential parcels at the northern end of Warwick Road. Within the site OCC would expect to see high quality and direct pedestrian and cycle links throughout the site, particularly towards the proposed local centre, in order to encourage walking and cycling over car use for internal journeys.

Public Rights of Way

- 9.57. There are two public rights of way that cross this site, bridleway 191/2 and footpath 191/6. The size of the development will make this area more urban so the paths need to remain as green corridors but should be improved to make them more suitable and convenient for year-round recreational use. The continuation of the bridleway (off-site) towards Drayton Village will become more heavily used and the development should provide the means to improve this part of the bridleway too.

Travel Plan

- 9.58. A Travel Plan was submitted in support of the application and a number of concerns were raised by OCC in terms of its content. The revised Travel Plan dated April 2019 has addressed many of the comments raised but still requires some further amendments/clarification, therefore OCC have requested a condition to ensure that the travel plan is revised to meet their requirements.
- 9.59. Having regard to the above, it is considered that the proposed development accords with the requirements of Policy Banbury 18 as specified above, the policies within the Development Plan and the National Planning Policy Framework and is therefore acceptable in this respect.

Open Space and Outdoor Recreation

- 9.60. The application proposes a range of leisure and recreation facilities, including sports pitches and allotments within the site. The proposed master plan shows the playing pitches located to the north eastern part of the site adjacent to B4100 Warwick Road, although Policy Banbury 18 envisaged that these would be provided at the southern part of the site. The applicant has advised that these have been located in this position as this area of the site is reasonably level, compared to other parts of the site and it will benefit from an interrelationship with the pitch on the Persimmon development on the opposite side of the B4100. No objections have been raised to the position of the proposed sports pitches by the Sport and Recreation Officer.

There will need to be parking provision to serve these pitches together with a changing facility.

- 9.61. The allotments are indicated on the north western edge in order to provide a softer edge to the development adjacent to the open countryside. It is considered that the location of the allotments as proposed is acceptable in principle although some parking provision will need to be made and siting will need to be carefully considered to ensure that none of the allotments are overshadowed by existing trees and vegetation.
- 9.62. Formal play areas are proposed adjacent to the sports pitches, the Local Centre and within the centre of the development. The Landscape Officer however has raised concerns regarding the location of these play areas as they are not readily overlooked by dwellings. Areas of public open space for informal recreation are proposed to the periphery of the site and to the south western part of the site. The concerns raised in respect of the children's play areas has been raised with the applicant's agent, an update will be given at the meeting.

Flood Risk and Drainage

- 9.63. Policies ESD6 and ESD7 of the adopted Cherwell Local Plan relate to Sustainable Flood Risk management and Sustainable Drainage Systems. Policy ESD6 requires that developments are assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Policy ESD7 Sustainable Drainage Systems (SuDS) requires that all development will be required to use SuDS for the management of surface water run-off. This policy also requires ground water quality to be protected, flood risk to be reduced where possible, reduce pollution and provide landscape and wildlife benefits.
- 9.64. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The FRA confirms that the site is located in Flood Zone 1 and that there is a low probability for fluvial flooding based on Environment Agency mapping. Flood Risk to the site from overland, groundwater, sewers or artificial water bodies is also reported to be low. The Environment Agency raises no objections. This has also been assessed by OCC as Lead Flood Authority who advises that a pre-commencement condition will be required as the information provided at this stage is insufficient to ensure a satisfactory drainage scheme will be secured for the site.
- 9.65. The drainage strategy proposes to utilise a range of SuDS across the site, which includes Soakaways, Permeable Paving and an Attenuation Pond. Swales and rainwater harvesting should also be considered as part of the mix, but are omitted from the strategy. The strategy is conceptual and further detailed design work is required to explore and clarify the full scope of SuDS. (The submission includes a drawing showing the location of an attenuation pond only, without consideration of infiltration at this stage). Therefore a planning condition is required to ensure that use of SuDS is maximised at this site and further detailed design is undertaken to complete the proposals.
- 9.66. It is reported that some soakaway testing has already been undertaken at the site, which indicate positive results for infiltration, in areas except for the south-western corner where the proposed attenuation pond is located, where infiltration is considered to be unsuitable. Further comprehensive soakage testing across the site will be required to inform the detailed design.
- 9.67. The strategy presented was adequate in terms of surface water control of rates and volumes to comply with the Non-Statutory Technical Standards, which will manage

surface water to reflect the existing greenfield conditions to avoid increased floodrisk downstream.

- 9.68. The submission does not include a SuDS Management and Maintenance Plan and the attenuation pond is within an area of public open space, therefore an easement could be required depending on the ownership of the open space.
- 9.69. The flood exceedance strategy of utilising the pond situated at the low point of the site, will require further updating as the detailed design develops. As well as the consideration of the modelled events, there should also be a qualitative examination of what would happen if any part of the SuDS drainage system fails, to demonstrate that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes. This would need to be supported by a flood exceedance route plan.
- 9.70. Thames Water has advised that the existing potable water supply network does not currently have sufficient capacity to accommodate the full development proposals and therefore additional modelling works are required to determine the impact on the network and the necessary upgrade works to supply the site. Thames Water has also confirmed that the existing foul network does not have sufficient capacity and that modelling is also required in this respect. It is proposed to deal with these issues by condition.
- 9.71. Having regard to the above, in the light of there being no technical objections raised, and subject to appropriate conditions securing an acceptable surface water drainage scheme for the site based on sustainable drainage principles and an acceptable sewage drainage strategy, the proposals are considered acceptable in terms of flood risk and drainage.

Landscape, Visual Impact and Settlement Character

- 9.72. Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire District. The site in question was previously identified in the adopted Cherwell Local Plan 1996 as an Area of High Landscape value, although the formal designation relating to the Area of High Landscape Value has been removed, this does not mean that the quality of the landscape is any less important. Policy ESD13 states that: *development will be expected to respect and enhance local landscape character.....and 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, or, harm the historic value of the landscape.*
- 9.73. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within Cherwell Valley and within conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.*

9.74. Policy Banbury 18 identifies a number of key site specific design and place shaping principles, those relevant to landscape and visual impact are as follows:

- Careful design of the height and extent of built development to minimise adverse visual impact on the setting of Drayton Village and Drayton Conservation Area
- Development proposals should be accompanied and influenced by a landscape/visual and heritage impact assessments
- Existing natural features and additional structural planting will reinforce the landscape framework upon which to structure development parcels
- Public open space to form a well connected network of green areas within the site, suitable for formal and informal recreation. Formal recreation should be located and phased to come forward as part of development at the southern part of the site
- A high quality residential area that is designed with consideration to the landscape setting
- Retention of dwellings and the copse at the centre of the site with no new development in close proximity
- The provision of a green buffer surrounding the existing dwellings and along the western boundaries of the site
- Retention and enhancement of existing hedgerows and trees
- Provision of green infrastructure links beyond the development site to the wider town and open countryside
- Detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity

9.75. Paragraph 170 of the NPP advises that planning policies and decisions should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value, recognising the intrinsic character and beauty of the countryside and minimising impacts on and providing net gains for biodiversity. There is an existing Tree Preservation on the site adjacent to the existing entrance to Drayton Lodge onto the Warwick Road. An existing copse which surrounds the existing farmhouse and farm buildings is excluded from the application area.

9.76. The application was accompanied by an initial Landscape and Visual Impact Assessment which considered the potential impacts on the landscape character and amenity of the site and surrounding area, and concluded that *'the development would not be out of keeping, in context with the existing edge of Banbury and would not unduly harm the character of the wider landscape'*. *A combination of the local topography and vegetation result in a site which is relatively well contained from the wider landscape. The southern portion of the site is smaller in scale and contained to a greater degree than the field to the north, by vegetation and the existing edge of Banbury. There would not be views of the development site from vast majority of buildings within the conservation area. However, the southern edge of the development would be visible in the middle distance from the northern edge of Drayton village and the fields within the Conservation Area, and would be seen in*

context with glimpses or partial views of the permitted Warwick Chase development. Initially, the development would have a substantial adverse effect on views from the northern edge of Drayton and nearby footpaths. Over time, proposed planting would help reduce views of built form, and assimilate the development into the landscape. It is judged that the effect on views from the northern edge of Drayton would reduce to Minor Adverse after 10 years'.

- 9.77. This LVA however was incomplete in that it did not include wire frames to demonstrate the visual impacts of the development and furthermore was potentially inaccurate as it had assessed development of 2 storeys in height with ridge heights of 8m and on the outer north western edge, single story dwellings up to 5.5m in height. This did not reflect the submitted parameter plans that sought heights of 11-15m across the site.
- 9.78. The revised LVA dated March 2019 has assessed a development where the majority of dwellings would be 2-2.5 storeys high with lower density areas of housing up to 2 storeys, located along the more sensitive edges of the site to the north-west and south. A local centre, including retail and community facilities, up to 3 storeys high, would be located near the existing site access adjacent to Warwick Road. The LVA advises that dwelling heights would be between 9.5m-10.25m to ridge with the 3 storey development up to 11m in height. The LVA does not assess any single storey development to the more visually sensitive edges which was discussed during pre-application. The conclusion to the revised LVA is identical to the original LVA above which did not accurately assess the proposed development.
- 9.79. The submitted LVAs have been assessed by the Council's Landscape Officer who has raised concerns about the estimated impact of the development visually and therefore disagrees with the conclusion above. Furthermore she is also critical that the original Design and Access Statement did not substantially address landscape treatment, advising that landscape concept plans should be considered at an early stage. The Landscape Officer advises that the revised LVA has not re-assessed the development in written form and it therefore remains a comment on visibility of the site and not the proposed development from each viewpoint. There doesn't appear to be any indication how the results of the LVA will inform the layout and building heights. The illustrative framework DWG SK09 does not bear much relationship with the wire lines which appear to show a very dense and continuous built form.
- 9.80. Having regard to the above therefore, it is considered that the proposed development would have an adverse impact on the amenity value of the landscape, in particular in respect of the southern part of the site and its relationship with Drayton. Officers are of the view that development along this edge should be reduced in height with more significant planting along this boundary. This matter has also been raised by Drayton Parish Council. This matter has been raised with the applicant's agent and an update will be given at committee.
- 9.81. A tree survey report and Arboricultural Impact Assessment have been submitted with the application. This is however, a very high level report and the planning statement advises that the overall approach is to protect existing trees and hedgerows and to limit the loss of trees from the site as much as possible. This approach is commended, however, the statement goes on to say that the evolving scheme design will inform the Arboricultural Method Statement and Tree Protection Plan. Unfortunately the landscape strategy currently lacks detail and it is not possible to properly assess where trees and hedgerows might be lost as a result of the development.
- 9.82. Having regard to the above it is considered that subject to the above issues being successfully resolved that whilst the proposals would result in the loss of a

greenfield site and the new development will be clearly visible from Warwick road, that provided appropriate buffer planting is provided and the scale of the development respects the sensitive edges, such as the southern boundary, that the proposed development will not cause undue harm to the character and appearance of the locality and the open countryside and is therefore in accordance with the development plan and the NPPF.

Noise Impact Assessment

- 9.83. Due to its proximity to the B4100 Warwick Road which is the dominant noise source impacting on the proposed development; Policy Banbury 18 requires the consideration of noise mitigation along it. As a consequence the application is accompanied by a Noise Impact Assessment. The Assessment has determined that acceptable internal noise levels can be achieved through appropriate glazing and ventilation for all dwellings but that external noise levels for those immediately adjacent to Warwick Road, depending on orientation and layout may be exposed to noise levels that exceed 55dBA. The assessment concludes that noise levels could generally be reduced by using close-boarded fencing at a height of 2.5-3m in height to surround proposed gardens. Exposed close board fencing to Warwick Road or the public domain would not be considered acceptable in terms of visual amenity and it is considered therefore that this issue should be appropriately addressed through design, orientation and the placing of buildings on the site at reserved matters stage.
- 9.84. The noise assessment has been assessed by Environmental Health who have suggested a condition requiring a more detailed noise strategy. Having regard to this the proposal is considered acceptable in principle in respect of the outline application.

Design and Impact upon the Character of the Area

- 9.85. Section 12 of the NPPF – Achieving well-designed places advises that the creation of high quality buildings and places is fundamental to what planning and the development process should achieve. At paragraph 127 it further advises that planning decisions should ensure that ‘developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’. The housing Ministers speech at the Design Quality Conference 2018 also highlighted the importance of good design and creating attractive, thriving places to live where quality can help drive up the quantity of new homes being delivered.
- 9.86. Policy ESD15 of the adopted Cherwell local plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built development which reflects and respects the urban or rural context within which it sits. The adopted Cherwell local Plan 1996 contains saved Policy C28 which states that ‘control will be exercised over all new development to ensure the standard of layout, design and external appearance, including choice of materials, are sympathetic to the character of the urban or rural context of that development. Policy C30 states that ‘design control will be exercised to ensure...(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 9.87. The Cherwell Design Guide SPD July 2018 seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy. The submission makes no reference to the Design Guide.

- 9.88. The application is accompanied by a Design and Access Statement (DAS) which includes an assessment of adjacent developments and other developments within the Cherwell District but it is not clear how this has been translated into the development proposed. Whilst the DAS advises that the character of the development will be based on elements found in surrounding villages, with village greens and community facilities at the heart of the proposals, these are not clearly explained or identified through the use of graphics and how these will be delivered in terms of character areas, landscaping and streetscape. Neither is any detail provided in terms of the size, function or appearance of the green spaces and this is important at this stage in understanding how they will relate to the adjacent development parcels and how they will be successfully delivered to achieve the aspirations of the development. The DAS should also include a basic structure of landscape proposals and movement across the site and beyond to ensure successful integration. The DAS should also include details of appropriate materials and their distribution across the site. It is expected that natural ironstone will be used along sensitive edges and within the centre of the site to reflect local traditional vernacular and building materials.
- 9.89. Following discussions with the applicant and agent, a revised Design and Access Statement which seeks to address the concerns raised is still awaited at the time of writing this report.
- 9.90. Policy Banbury 18 reflects many of the requirements of Policy ESD15 which in turn is reflective of national policy in the NPPF which emphasises the importance of high quality design in achieving sustainable development. Policy Banbury 18 requires a high quality development that 'demonstrates sensitive response to this urban fringe location', that is locally distinctive and includes careful design of building heights and the extent of the built development to minimise its adverse visual impact on the setting of Drayton village and its Conservation Area. The building height parameter plan accompanying the application indicates 2, 2.3 and 3 storey built development across the site with built height ranging between 11-15 metres. It is considered that these ridge heights are excessive and not appropriate for this sensitive edge of town site and furthermore are totally out of keeping with the new and existing developments adjacent and opposite. Two storey dwellings are normally approximately 7.5-8.5m in height and 3 storey dwellings are normally a maximum of 11m in height. Whilst page 43 of the DAS states that bungalows might be incorporated along more sensitive edges, the parameter plans do not reflect this. This matter has been discussed with the applicant and agent and revised parameter plans are expected but have not been received at the time of writing this report.
- 9.91. The pre-application submission relating to this development was subject to a Design Review by the BOBMK Design Review Panel in July 2018. A comprehensive report was produced as a result. Whilst the 'Panel' felt there was much to commend the scheme, they were keen to raise the standard of design for the development compared to those adjacent and advised that careful design of the height and extent of the built development to minimise adverse visual impact on the setting of Drayton village and Conservation Area needed careful consideration and advised that the development which is predominantly 2.5 – 3 storeys and 13-15m in height did not address this issue.
- 9.92. The above has been discussed with the applicant and agent and revised parameter plans and submission which addresses these points is expected but have not been received at the time of writing this report. These matters must be successfully addressed to accord with the above mentioned policies and the NPPF accordingly.

Housing Mix and Affordable Housing

- 9.93. Policy Banbury 18 requires that 30% of the new dwellings provided on the site to be affordable in the interests of supporting the creation of mixed and balanced communities in accordance with both local and national planning policy objectives. Policy BSC3 is also material and specifies that the council seeks at least 70% of the affordable homes to be affordable rented units with the remainder intermediate housing (such as shared ownership).. The applicant has indicated a commitment to provide such affordable housing but would also like to include housing for those in education, but this requires further discussion with the housing officer and applicant to ascertain how these might be delivered and retained in perpetuity. The affordable housing will need to be secured through a section 106 agreement.
- 9.94. Policy BSC4 relating to housing mix also aims to encourage a mix of housing to suit the needs of the population and enable movement through the market from one house type to another as the needs of households change. The Oxfordshire Strategic Housing Market assessment provides conclusions on a strategic mix of housing for Oxfordshire to 2031. It is expected that this development will provide a mix of housing as required by this policy and it is recommended that a condition be included which reflects this.

Planning Obligations

- 9.95. Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, public rights of way, sports provision, play provision and public open space. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect.
- 9.96. Policy INF1 of the Cherwell Local Plan 2011-2031 states that: *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities*. Contributions can be secured via a section 106 agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.
- 9.97. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following matters would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

9.98. Cherwell District Council

- 30% affordable housing
- Provision of on site public open space and future maintenance arrangements
- Provision of on-site outdoor sports pitches, car parking and changing facility and financial contribution for future maintenance arrangements
- Provision of on-site community building and local retail facility and future maintenance arrangements and marketing of retail unit
- Financial contribution towards community development officer
- Financial contribution to indoor sports improvements at Spiceball

- Provision of on-site children's play provision and financial contribution for future maintenance
- Financial contribution for future maintenance of trees and hedgerows
- Provision of on-site allotments and car parking and future maintenance
- Provision of on-site SuDS drainage and financial contribution for its future maintenance
- Public open space to south west to be kept permanently free of development
- Public art provision on site
- Financial contribution towards police infrastructure
- Financial contribution towards health

9.99. Oxfordshire County Council

- Strategic transport contribution
- Public transport – bus services contribution
- Public transport infrastructure – bus stops
- Traffic regulation order to reduce the speed limit to 40mph
- Travel plan monitoring contribution
- Section 278 highway works
- Nursery and primary education contribution
- Secondary education contribution
- Special education Needs contribution

10. PLANNING BALANCE AND CONCLUSION

10.1. The application site relates to the allocation under Policy Banbury 18 together with additional areas of land as explained above and up to an additional 70 dwellings across the site. For the reasons set out in the report, subject to conditions, satisfactory amended Design and Access statement and parameter plans and a satisfactory section 106 agreement, the proposals are considered to be in general accordance with Policy Banbury 17 in the manner required by the policy as well as the other relevant policies in the development plan. Whilst up to 70 additional dwellings are proposed, officers have sufficient confidence that this amount of development can be acceptably accommodated on the site although it will probably require the provision of a greater number of smaller dwellings and more compact unit typologies, delivering small to medium sized dwellings that are recognised as the greatest need within the District. This approach also makes efficient use of land in a sustainable location and will seek to ensure the ongoing delivery of housing in the district on an allocated site which has been identified within the AMR as a deliverable site in the five year housing land supply calculations.

- 10.2. In coming to this conclusion, officers have had regard to the development plan, Government guidance and statutory and other representation and comments made in respect of the application. Officers are satisfied that the adverse impacts of the development will not be significant subject to the mitigation measures identified and secured through conditions and legal agreement.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY), THE RECEIPT OF A SATISFACTORY AMENDED DESIGN AND ACCESS STATEMENT AND PARAMETER PLANS AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 30% affordable housing on site
- b) Provision of and commuted sum for open space/habitat management
provision of and commuted sum for on-site sports pitches
- c) Provision of and commuted sum for on-site allotments
commuted sum for maintenance of existing trees and hedgerows on site
commuted sum for SuDS maintenance
provision of and commuted sum for on-site play areas and equipment
contribution of £267,182.98 toward off-site indoor sports facilities
provision of on-site community building/retail facility and commuted sum for maintenance
contribution towards community worker on site
provision of on-site public art
financial contribution to TVP
financial contribution of £276,480 to support local primary care infrastructure
additional land to south west to be kept clear of built development
- d) Payment of a financial contribution of £3,552,751 towards educational infrastructure serving the development
- e) Payment of £16,942 public transport infrastructure
- f) Payment of £2,600 traffic regulation order
- g) Payment of a financial contribution towards public transport service of £457,142.57fire
payment of £113,409 strategic transport contribution
- h) Payment of the Council's monitoring costs of £1,240.
Section 278 Agreement to secure highway works

CONDITIONS (DRAFT)

(To be provided in detail at Committee)

Time Limit

1. Time limit relating to outline

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

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

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

3. Standard condition 1.9
4. Standard condition 3.7 tree survey
5. Standard condition 3.8 protection of trees
6. Standard condition 3.10 soil levels around trees
7. Thames Water recommended conditions
8. Standard contamination conditions
9. Archaeological conditions re Written Scheme of Investigation
10. OCC transport and drainage conditions as recommended
11. Ecological conditions as recommended by ecologist
12. Design code
13. Levels
14. Soil management plan
15. Management/storage and disposal of spoil
16. Lighting details
17. Scheme for public art
18. Provision of waste and recycling bins
19. Energy efficiency at 19% above building regulations
20. Water efficiency limit of 110 litres per dwelling
21. All utilities to be provided underground
22. Protection of existing trees and hedges except where new access to Warwick road
23. Non-residential buildings to meet BREAM very good
24. Housing mix in accordance with Policy BSC4
25. Noise mitigation measures in respect of Warwick Road
26. Not more than 320 dwellings

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