

**Land At Hanwell Fields Dukes Meadow Drive
Banbury**

25/01545/OUT

Case Officer: Lewis Knox

Applicant: Manor Oak Homes and Mr and Mrs Donger

Proposal: Outline planning application for up to 150 dwellings and associated open space with All Matters Reserved other than access

Ward: Banbury Hardwick
Cropredy, Sibfords & Wroxton

Councillors: Banbury Hardwick - Cllr Besmira Brasha, Cllr Andrew Crichton, Cllr Dr Kerrie Thornhill
Cropredy, Sibfords & Wroxton - Cllr Chris Brant, Cllr Phil Chapman, Cllr Douglas Webb

Reason for Referral: Major development of 10+ dwellings/Significant departure from adopted development plan

Expiry Date: 10 September 2025

Committee Date: 2 October 2025

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located north of Dukes Meadow Drive and extends to approximately 7.1 hectares of fallow agricultural land. It comprises the western extent of a larger parcel of undeveloped land to the north of Dukes Meadow Drive, opposite the Winter Gardens Way roundabout junction, and close to the Hanwell Fields school, shops and community centre. This is the third proposed phase of development to this northern side of Dukes Meadow Drive with previous consents granted for 78 dwellings (Ref: 21/03426/OUT) to the southeast and 114 dwellings (Ref: 24/02514/OUT) immediately to the east of the site adjacent to Dukes Meadow Drive and the Lapsley Drive roundabout junction. This application seeks consent for a further 150 dwellings and is described in the application submission as 'Phase 3'.
- 1.2. The southern roadside, eastern and northern boundaries are defined by mature hedgerows but is open to the elevated plateau land to the west. The site slopes upwards from Dukes Meadow Drive (rising from both east to west and from south to north) and the higher ground is open and exposed in views from the south and east. The Hanwell Fields Recreation Ground and pavilion lies to the east of the site (beyond the approved phase 1 and 2 developments) and the Hanwell Fields Community Centre, school, dental surgery, pub and shops all lie immediately to the southeast, on the southern side of Dukes Meadow Drive, at its junction with Lapsley Drive.

2. CONSTRAINTS

- 2.1. The application site comprises Grades 2 and 3 agricultural land. It has remained fallow for a considerable period and has been used as an informal recreational resource. The Neithrop Fields Cutting SSSI is located within about 1km of the site. Site investigations have identified that the site could potentially contain Priority Grassland Habitat and also Oxfordshire Protected and Notable Species.
- 2.2. On the plateau land to the west of the site is a network of Public Rights of Way (PRoW) linking Hanwell village to the north with the northern edge of Banbury. In addition to the nearby PRoW, there is clear evidence of informal pathways across parts of the application site, used extensively by dog walkers.
- 2.3. The site is in flood zone 1, i.e., an area at the lowest risk of flooding.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the erection of a further 150 dwellings, described in the application as Phase 3 of the previously approved developments of 78 (phase 1) and 114 dwellings (phase 2) north of Dukes Meadow Drive. All matters are reserved except for access.
- 3.2. Vehicular access to the site is proposed via a new northern spur to the existing Dukes Meadow roundabout junction with Winter Gardens Way. The application Parameters Plan indicates development in two clusters on the plateau, either side of a retained oak tree in the site centre and with landscaped POS on the northern and eastern edges, where development would be most noticeable in wider landscape views.

4. RELEVANT PLANNING HISTORY

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

Application: 21/03426/OUT Permitted 3 May 2024

Outline planning application for up to 78 dwellings and associated open space with all matters reserved other than access

Application: 23/03366/OUT Refused 12 August 2024

Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access.

Application: 24/02514/OUT Permitted 30 June 2025

Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access - re-submission of 23/03366/OUT.

Application: 24/03424/REM Permitted 16 September 2025

Reserved matters for phase 1 development of 78 dwellings, access and associated open space

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with respect to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice 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 **11 July 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. To date there have been 13 letters of objection, 1 letter of support and 1 letter of comment. The matters raised by third parties are summarised as follows:
- Unallocated site
 - Harmful increase to traffic levels in and around Hanwell;
 - Erosion of gap to Hanwell village;
 - Loss of greenness and openness of countryside;
 - Visually prominent site, particularly from the east;
 - Impact on heritage and Hanwell Conservation Area;
 - Contrary to CLP 2015;
 - Contrary to HELAA assessment;
 - Beyond built up limits of Banbury;
 - Impact on climate change; and
 - Lack of additional local facilities proposed.
- 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.
- 7.2. BANBURY TOWN COUNCIL: **Object**. Premature prior to the outcome of the local plan examination. Harmful impact to open countryside impacting on the landscape on the approach to Banbury.
- 7.3. DRAYTON PARISH COUNCIL: **Object**. Unallocated site harmful to the character of the countryside, narrows the gap between Banbury and Hanwell, landscape harm. Loss of agricultural land.
- 7.4. HANWELL PARISH COUNCIL: **Object**. Unsustainable, against local plan policies, landscape harm, erosion of gap to Hanwell.
- 7.5. OCC HIGHWAYS: **No objections** subject to conditions and contributions.
- 7.6. OCC ARCHAEOLOGY: **No objections** subject to conditions.
- 7.7. LLFA: **No objections** subject to conditions.
- 7.8. OCC EDUCATION: **No objections** subject to s106 contributions.

- 7.9. OCC WASTE MANAGEMENT: **No objections** subject to s106 contributions.
- 7.10. BBOWT: **Object**. Further information requested on several ecological impact points.
- 7.11. CDC Drainage: **No objections**.
- 7.12. BOBICB: **No Objections** subject to s106 contributions.
- 7.13. THAMES VALLEY POLICE: **No objections** subject to s106 contributions.
- 7.14. CDC LEGAL SERVICES RIGHTS OF WAY: Raised no comments.
- 7.15. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions.
- 7.16. CDC RECREATION & LEISURE: **No objections** subject to s106 contributions.
- 7.17. CDC BUILDING CONTROL: Raised no comments.
- 7.18. CDC PLANNING POLICY: **Object**, recognising the benefits to housing supply and affordable housing in the context of a lack of 5-year housing land supply, but must be balanced against the landscape harm, which the HELLA and LUC landscape impact reports prepared in support of the emerging Local Plan both concluded would be significantly adverse and would therefore not warrant an allocation for development in the Plan, notwithstanding its otherwise sustainable location.
- 7.19. CPRE: Comments raised with regard to ecology, transport and infrastructure.
- 7.20. ACTIVE TRAVEL: Standing advice received.
- 7.21. CDC URBAN DESIGN: **Objection**, to the scheme as submitted on grounds that the site was an area of High Landscape Value (not formally designated) of Moderate-High Sensitivity where development would likely result in a Major Adverse Effect when viewed from informal footpaths within the site and elsewhere. He suggested that the proposed landscaping scheme and parameters needed strengthening (which could potentially be achieved through imposition of conditions).
- 7.22. *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.*
- 7.23. *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 several 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 2015)

- Policy SLE4: Improved Transport and Connections
- Policy PSD1 – Presumption in favour of Sustainable Development
- Policy BSC1: District Wide Housing Distribution
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing mix
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC11: Local Standards of Provision – Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities
- Policies ESD1-5: Mitigating and Adapting to Climate Change
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy H18: New dwellings in the open countryside
- Policy C7: Landscape Conservation
- Policy C8: Sporadic development in the open countryside
- Policy C28: Layout, design and external appearance of new development
- Policy C30: Design Control

- 8.3. The District Council has prepared a 2042 Review Local Plan that has passed through Reg.18 and Reg.19 consultations and has now been submitted for Examination (31 July 2025). Even though it has not been statutorily adopted, by virtue of its advanced stage of preparation and Council endorsement as adopted emerging strategy worthy of consideration at Examination, some weight must now be afforded to its policies and proposals, with the weight attributable dependent upon the level of objection and/or support offered in representations made in respect to the two rounds of public consultation. Emerging policies of relevance to this proposal are:

- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM10: Protection & Enhancement of the Landscape
- COM13: Settlement Gaps – Hanwell Strategic Gap
- COM14: Achieving Well Designed Places
- BAN 1: Banbury Area Strategy

- 8.4. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Planning Obligations SPD (2018)
- National Design Guide
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Landscape Impact
- Heritage impact
- Site Layout and Design Principles
- Highways and Vehicular Access
- Housing Mix and Affordable Housing
- Ecology and Biodiversity
- Flood Risk and Drainage
- Sustainability
- Section 106

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3. The Development Plan for this area currently comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and saved policies of the Cherwell Local Plan 1996 (CLP 1996). The 2042 Review Local Plan has been submitted for Examination and is due, upon final adoption following Examination, to replace the 1996 and 2015 Local Plans. Whilst some weight may now be afforded to the policies and proposals within the new Review Local Plan, including its maintenance of the general strategy approach to concentrate most District development needs at the two principal towns of Banbury and Bicester and thereafter to accommodate the bulk of remaining needs at Kidlington, Heyford Park and the ten largest villages that act as service centres for their immediate environs, numerous objections have been lodged in respect to its policies and proposals, which reduces the relevant weight that may be attributable.
- 9.4. Policy PSD1 of the adopted CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states *'The most sustainable locations for growth in the district are considered to be Banbury, Bicester and the larger villages as identified in Policies*

Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'.

- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built-up limits of settlements.
- 9.8. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.9. The NPPF explains 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.
- 9.10. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.11. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.
- 9.12. The published Cherwell District Council latest Annual Monitoring Report dated February 2025 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. Policy PSD1 of the Cherwell Local Plan and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.13. As Cherwell District Council cannot demonstrate a five-year housing land supply, the presumption in favour of sustainable development (paragraph 11d of the NPPF) applies.
- 9.14. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.15. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.16. The recently published National Planning Policy Framework (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
- 9.17. The reference to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.
- 9.18. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.

Assessment

- 9.19. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 150 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. Indeed, the HELLA and LUC landscape reports both conclude that the application site should not be allocated for development in the Local Plan due to the severity of harmful landscape impact. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Banbury and the Hanwell Fields development and is therefore in open countryside. It is however noted that the parcels of land adjoining the site to the east / southeast have already been granted outline consent for 78 and 114 dwellings respectively. A reserved matters application is currently being considered for the "Phase 1" 78 dwellings with one soon to follow for "Phase 2", it is therefore considered that there is no reason to believe that this site would not come forward, if approved, and delivery would be quicker given that the existing approved sites would be being built out. Given this, it is considered that the site would be connected to the built form of Banbury and would not appear as a standalone development within the open countryside.
- 9.20. The development would not be in accordance with the development plan's allocations, however given the current housing land supply within the district it is considered that the tilted balance is engaged. The overall goal of the Cherwell Local Plan 2031 (and its emerging replacement) is to direct housing towards the most sustainable metropolitan areas such as Banbury, Bicester and Kidlington. It is considered that the

proposed development would be located in a sustainable location on the edge of Banbury close to a wide range of facilities including schools, shops, community centres and has good transport links into the town centre and beyond through cycle routes and bus services.

- 9.21. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of, the proposed development would create jobs both directly and indirectly. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement and immediately alongside a wide range of local community facilities served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of ecological habitats available for wildlife and the setting of the site. It would, however, have significant adverse landscape impacts when viewed distantly from the east and more locally from the north, when viewed from Hanwell village and the intervening PRoWs. Overall and on balance, it is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and could be considered sustainable. These aspects are explored in greater detail through the coming paragraphs.

Conclusion

- 9.22. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location.
- 9.23. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years at 2.3 years. As such, the 'tilted balance' is engaged and therefore a presumption is in favour of sustainable development. The site is located on the edge of one of the most sustainable settlements within Cherwell and would benefit from proximity to existing infrastructure and facilities. Whilst there may be some negative impact upon the character and appearance of the open countryside and locality through the development of this greenfield site, Officers accept the applicant's assessment within the submitted LVIA that the proposed mitigation would, in time, be acceptable and sufficiently reduce any identified landscape harm. It is considered that the harmful impact could be mitigated and would be outweighed by the benefits of the additional housing, which would boost the housing land supply within the district at its most sustainable settlement. The provision of affordable housing, the sustainability of the location and the long term socio-economic benefits which additional housing and population would bring would, on balance, render this proposal acceptable.
- 9.24. Overall, it is considered that the development would boost the local housing supply in a sustainable way and therefore would comply with the goals of both the Local Plan and NPPF.

Landscape Impact

Policy context

- 9.25. Policy ESD13 of the adopted CLP 2015 requires landscape protection and enhancement opportunities 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 or 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 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.

- 9.26. Paragraph B.252 of the CLP 2015 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton. The site comprises open and prominent steeply rising ground (rising from east to west) and from Dukes Meadow Drive with the northern boundary of the site being located on the brow of the hill. The site consists of open, agricultural land which is classified Grades 2 and 3 with field hedges and trees that contribute to its rural character. The site is visible from the adjacent public right of way network.

Assessment

- 9.27. The site is included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (site HELAA036) – It concluded as follows: *Greenfield site outside the built-up limits. The site is considered to be unsuitable for development in this location would be prominent in the landscape, particularly when viewed from the east, on one of the highest points in the vicinity. It would lead to the loss of greenfield land and informal recreation resource for local people which is in close proximity to the existing Hanwell Fields development.*
- 9.28. The application site forms part of a parcel of land assessed by the Landscape Sensitivity Capacity Assessment prepared to inform the emerging Cherwell Local Plan Review. Although a much wider parcel of land was assessed, including the higher plateau land to the east, the Study concluded that the assessment unit had moderate-high sensitivity for residential and commercial development. The sensitivity to logistics development was considered high. This sensitivity arises from the physical character including the undulating valley slopes and openness of the assessment unit to views from the north and north-east. Observations from the top of the plateau showed that Grimsbury Reservoir was clearly visible as was the M40, Southam Road and Little Bourton. There was no intervisibility identified with Hanwell village to the north, although it is recognised in the application LVIA that some proposed development would extend up to the plateau edge that would form the horizon view in vistas from Hanwell and the Public Rights of Way between the two settlements.
- 9.29. In describing the landscape setting of Banbury, the September 2013 Banbury Green Buffer Report (paragraph 3.1.1) states; *'The town itself is strongly contained by landform, with the River Cherwell and its floodplain located on the eastern side of the town and the Sor Brook and its tributaries to the west. The rounded ridge-line located to the west and south west of the town, between the Sor Brook and Cherwell, marks the edge of development to the town, whilst to the east and north, a series of undulating hills and valleys beyond the River Cherwell create a sense of enclosure in the wider landscape'.*
- 9.30. It is noted that the site will be visible from several vantage points around the town, particularly from the east. It is further noted that there are panoramic views of parts of the development site from some of the higher ground to the west which would restrict building heights on the eastern part of the site.
- 9.31. The site has been further assessed through the creation of the new Local Plan. The site is identified as Banbury L1 within the Landscape Evidence Base Site Landscape Assessments prepared by LUC. The assessment concludes that the majority of the site would have a moderate sensitivity to residential development as is proposed. The principal issue with development on this site would be the perceived encroachment

on the undeveloped valley landform to the north which would impact on the site's relationship with Hanwell as well as some long range views.

- 9.32. The assessment concludes that development on the eastern part of the site; on the highest ground, would have a moderate-high sensitivity to residential development and should be avoided to ensure the rural character of the valley landscape is protected as well as the gap to Hanwell being maintained. It is noted that the Parameters Plan shows that built form of development would avoid the most visually harmful northern and eastern edges of the plot where the land is most elevated and so would have the most views from surrounding vantage points. It would nevertheless extend development close to those boundaries.
- 9.33. By keeping the built form on the southern edge of the site it would allow it to be seen within the context of the existing Hanwell Fields development on the southern side of Dukes Meadow Drive as well as the approved Phase 1 development on the adjoining field to the east. It would also allow a significant buffer to the northern and eastern edges of the site to allow for a strengthening of the landscaping at these points, which would help reduce any harmful views from Hanwell Village and more distant views from the east.
- 9.34. The application submission and the submitted Landscape Impact Assessment has been assessed by the Council. This submitted LVIA fairly concludes that there would be significant landscape harm when viewed from some viewpoints, particularly from the north towards the south.
- 9.35. Officers also note and acknowledge the objections put forward by both the Council's Planning Policy Officers and Urban Designer which are both rooted in the significant landscape harm which would be caused by development in this location. Officers agree that there would be potentially severe landscape harm caused by the proposals, whilst the proposed mitigation and conditions would help to reduce the harm, it is still the conclusion that landscape harm would occur as a result of building in this location.
- 9.36. It is noted that neither the site nor the surrounding context is designated in landscape, ecological or historical terms. In landscape terms, the retention and enhancement of existing boundary vegetation; together with new planting would provide a suitable quantum and approach to mitigation of the development. The placement of development away from the northern and eastern edges of the site as shown on the Landscape Strategy Plan contained within the LVIA as well as the Parameters Plan would help to reduce landscape effects on site and associated harm creating a compact development form. Along the western boundary the retention of existing vegetation creates embedded mitigation by restricting development here. Ideally, the inclusion of trees would allow a natural and defined boundary to the west and north of the site where visibility for transport receptors travelling west to east along Dukes Meadow Drive is possible, as well as further to the east in elevated views from the A422. Such vegetation would form a large vertical form over time and would reinforce the character of Hanwell Brook and help define it as a feature in this landscape. The southern boundary has a strong residential character, and the cumulative effects of the approved Hanwell Fields Development Site (Phase I) reinforces this character.
- 9.37. In general terms, due to the landform and vegetation on the site's boundaries and the wider landscape context, visibility of the site is largely limited to the immediate area. The natural ridge to the northern boundary and boundary hedgerow and trees; together with falling levels within the site limit visibility to the north of much of the site. Whilst the site is visible along parts of Dukes Meadow Drive and more distantly from elevated land to the east on parts of the A422 Brackley Road and from parts of Southam Road, any harm could be mitigated by appropriate landscape treatments. Views from the south would be limited by existing and proposed vegetation and would

be seen in the context of a largely residential landscape would not cause significant harm in this respect.

Conclusion

- 9.38. Officers conclude that the scheme would result in severe landscape harm particularly when viewed from several viewpoints to the north and east of the development. Appropriately worded landscape conditions securing the strengthening and depth of planting to the site's boundaries in line with the Landscape Strategy Plan are proposed which should minimise the harm caused to the wider landscape; though even with these conditions it is conceded that there would still be a high degree of harm to the landscape, particularly in the short term until screen landscape planting matures.
- 9.39. In this context it is considered that the proposals would not comply with Policy ESD 13 of the CLP 2015. As such in Landscape and Visual terms it is considered that the level of harm assessed within the LVIA and by Planning Policy and Urban Design Officers is correctly assessed in terms that there would be significant harm, particularly in the short term. This harm caused needs to be taken into account when balancing the pros and cons of the development as a whole.

Heritage Impact

Legislative and policy context

- 9.40. The site is within the wider setting of the Hanwell Conservation Area.
- 9.41. 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.*
- 9.42. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.43. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 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 2015 echoes this guidance.
- 9.44. The applicant has submitted a heritage impact assessment, which provides verified views of the proposed development (winter views) from the Conservation Area. The Heritage Statement as submitted appears to corroborate the assessment made by the application submission that the proposed development would not be perceived in views from Hanwell Conservation Area.
- 9.45. The level of heritage harm likely to be experienced would be less than substantial and probably would be towards the lower end of a less than substantial impact.

Ecology Impact

Legislative context

- 9.46. 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.
- 9.47. 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.
- 9.48. 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.
- 9.49. 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.
- 9.50. 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

- 9.51. Paragraph 180 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.

- 9.52. Paragraph 186 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.
- 9.53. Paragraph 191 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.
- 9.54. Policy ESD10 of the Cherwell Local Plan 2015 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.
- 9.55. 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.
- 9.56. 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.
- 9.57. 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

- 9.58. 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 LPAs 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')

- 9.59. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is within 1km of Neithrop Fields Cutting SSSI and Fishponds Wood, Hanwell Local Wildlife Site (LWS) and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.60. In order for the LPA 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 would meet the 3 derogation tests listed above.
- 9.61. 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 would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant the licence then the Council may grant planning permission.
- 9.62. Following consultation, a number of objections were raised by BBOWT regarding the ecology on the site. Firstly, they cite that the development would have a potential impact on the Hanwell Brook Wetland. Just to the east of the development site lies an area known as the Hanwell Brook Wetland. This site supports a range of wildflowers such as bugle, meadowsweet and greater bird's-foot trefoil and a range of birds, dragonflies, damselflies, frogs and toads. It is one of the areas which has been improved for wildlife and people as part of the Wild Banbury Project which is a partnership between BBOWT, Cherwell District Council and Banbury Town Council, funded by Cherwell District Council.
- 9.63. The proximity of the proposed development site to the wetland combined with the topography of the site which slopes steeply to the east (toward the wetland) means there is potential for a negative hydrological impact on the wetland and the applicant should provide information to illustrate how this impact will be avoided.
- 9.64. The proximity of an additional 150 new homes to the Hanwell Brook Wetland in addition to the houses which make up phase 1 and 2 of the planned development (a total of 342 dwellings) will almost certainly mean an increase in walkers and associated dogs visiting the wetland and we are concerned that this increased recreational pressure will have a negative impact on the site. It was suggested that the applicant should provide information to illustrate how this impact will be avoided or if that is not possible mitigated.
- 9.65. Specific consideration has been set out in the submitted Ecological Appraisal Report and these considerations specifically in relation to hydrological matters and recreational use.
- 9.66. With regard to hydrological impacts, it is noted that the current site boundary is located approximately 600m from Hanwell Brook Wetland and there is no permanent watercourse connecting the site with Hanwell Brook Wetland. Further, the site is separated from any drainage features by the retained grassland areas and further

permitted residential development schemes as such officers consider that the proposals would result in adequate hydrological separation to the Hanwell Brook Wetland.

- 9.67. Further to the information within the Ecological Appraisal Report. The submitted Flood Risk Assessment also confirms that the proposed drainage strategy will provide an acceptable level of water quality treatment (subject to detailed design at the appropriate stage), with measures set out in order to ensure the drainage strategy operates above the accepted water quality treatment thresholds and accordingly, the proposals will not result in any adverse hydrological impacts on offsite receptors including Hanwell Brook Wetland.
- 9.68. With regard to recreational concerns these have also been considered within the ecological appraisal. The application site would provide for a considerable amount of public open space both within this development, the previously approved phases and Hanwell Fields to the south and as such it is not considered that there would be a harmful amount of additional use to this area as a result of the development. Furthermore, this area is noted (including within the BBOWT response) to have been specifically enhanced for wildlife *and people*, including measures to encourage and assist access by local residents, whilst visitor movement is directed along surfaced paths and boardwalks and as such mitigation has already been provided to ensure harm is not caused as a result of recreational use.
- 9.69. Secondly, BBOWT has noted the potential impact on existing grassland with adder's tongue fern. The grassland areas with adder's tongue fern should be carefully managed as Other Neutral Grassland in order to protect it into the future. The proposals have been designed in order to avoid the majority of the areas of grassland recorded to contain Adder's Tongue Fern (which has been recorded outside of the red-line boundary), and accordingly, the proposals represent the opportunity to incorporate specific long-term management measures within the offsite grassland and this can be secured via an appropriately worded condition and within the S106 agreement.
- 9.70. Officers therefore do not consider that the Adder's Tongue Fern would represent a significant constraint to this development, and it has been appropriately considered by the applicants as part of this proposal.
- 9.71. BBOWT have also suggested that the application does not provide adequate evidence of a net gain in biodiversity. The submission documents have given consideration to BNG and Officers are confident that the documents show that at least a 10% Biodiversity Net Gain can be achieved at the site, and a strategy has been submitted as to how this could be achieved.
- 9.72. Given the outline nature of the application and associated levels of detail associated with the proposed parameters plans, the precise BNG figures and any associated offsetting required cannot be confirmed at the outline stage and would necessarily be further confirmed as part of reserved matters/detailed design at the appropriate time. Furthermore, in line with the legislative requirements, the submission of a Biodiversity Gain Plan (in line with the statutory Biodiversity Gain condition) would take place following the granting of planning permission in order to demonstrate how the development will achieve the mandatory 10% BNG.
- 9.73. Officers are confident that the 10% Biodiversity can be achieved at the site and would be secured via the s106. More detailed information on this will be submitted in line with the statutory BNG condition following any approval of the application.

- 9.74. With regard to the importance of a net gain in biodiversity being in perpetuity, this will be secured in the S106 agreement as is standard for housing developments of this kind.
- 9.75. BBOWT have suggested that if the application is approved then retained hedgerows should be protected and enriched by creating buffer zones or buffers of semi-natural vegetation. Officers agree with this statement however given the nature of this application it is premature to request such detailed designs and as such this would follow within any subsequent reserved matters application.

Highways and vehicular access

Policy Context

- 9.76. The NPPF (Para.105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, it notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.77. The NPPF (Para.106) advises that in assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.78. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: “*New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions*”; whilst Policy SLE4 states that: “*All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported*”.
- 9.79. Policy TR7 states that: “*Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted*”.

Assessment

- 9.80. OCC Highways have been consulted on the application and have raised no objections to the scheme in principle but have several suggested conditions and contributions to help mitigate any impacts of the development.
- 9.81. OCC as the LHA support well-connected, sustainable development in Oxfordshire. This proposal is in a good location, but it falls short of the necessary standards in some respects. Though their assessment of planning application based on all the submitted information, the following conditions and obligations are requested:
- Provision of a TOUCAN controlled crossing of Dukes Meadow Drive;
 - Financial contributions/commitments towards Banbury LCWIP ROUTE 5 and ROUTE 8 enhancements;

- High-quality internal and external walking and cycling links;
- Contributions towards PRow improvements and upgrades;
- Contributions towards existing bus service (B9);
- A full Residential Travel Plan with monitoring;
- Detailed, safety-audited access design to be delivered via a Section 278 agreement.

9.82. The site is served by the B9 bus service from Highlands/Ferriston stops approximately 450m away, however the furthest parts of the site being around 700m from the closest bus stops. As a point of detail, the southeast area of housing needs a direct pedestrian link through to Dukes Meadow Drive (near the crossing). No resident should have to walk north to go south to access the bus services. These details will be subject to assessment at any subsequent reserved matters application and as such are not a limiting constraint to this application. S106 funds are requested towards the financial support of this bus route.

9.83. Provided these measures and obligations are secured, OCC considers that the proposed development can be made acceptable in highway and transport terms. CDC Planning Officers see no reason to disagree with the assessment made by the professional colleagues at the LHA and as such do not consider that there would be any significant highways issues as a result of the development subject to the conditions and obligations suggested.

Site layout and design principles

Policy Context

9.84. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve.

9.85. Policy BSC10 of the CLP 2015 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

9.86. The application is submitted in outline with a site plan submitted for illustrative purposes. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.

9.87. The indicative landscaping, with retention of the existing trees and proposals for a green buffer along the northern and eastern edges allowing for a transition to the rural landscape would be acceptable in principle. The effect of the development on the landscape is considered later in this appraisal.

- 9.88. That said, whilst every application would need to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition(s) attached to any such permission.

Conclusion

- 9.89. It is considered that the submitted indicative layout is generally acceptable and demonstrates that 150 dwellings could be satisfactorily accommodated on the site and also allows for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. As such, the proposal accords with Policy BSC10.

Sustainability

- 9.90. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the CLP 2015 address this.
- 9.91. Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaption measures to ensure that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.
- 9.92. Policy ESD2 considers Energy Hierarchy and Allowable Solutions and seeks to achieve carbon emissions reductions where the council will promote an 'energy hierarchy' as follows: reducing energy use, in particular by the use of sustainable design and construction measures; supplying energy efficiently and giving priority to decentralised energy supply; making use of renewable energy and making use of allowable solutions. Any new development will be expected to consider these and address the energy needs of the development.
- 9.93. Policy ESD3 considers Sustainable Construction and states that 'all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.
- 9.94. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.
- 9.95. Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

Assessment

- 9.96. The application is accompanied by an energy and sustainability report. This report confirms that the development proposed would adopt the following:
- Use of passive solar design for heating and cooling;
 - Use of SuDS drainage;
 - Sustainable and active modes of transport;

- Electric vehicle charging;
- Water efficient fittings to reduce water consumption to 110 litres per person per day;
- Tree lined streets to assist in temperature reduction;
- Use of recycled and energy efficient materials and locally sourced materials;
- Maximise natural daylight and ventilation;
- An all-electric heating strategy.

Conclusion

9.97. The details submitted are considered to comply with the requirements of the policies above in respect of sustainability.

Planning Obligations

9.98. In order to ensure that the development would be acceptable in planning terms, a number of the impacts of the development need to be mitigated and/or controlled through covenants in a legal agreement. All section 106 requirements are subject to statutory tests and in order to be taken into account in deciding to grant planning permission they need to be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind.

Assessment

It is considered that should planning permission be forthcoming that the following additional items/contributions should be secured as part of the permission relating to the new dwellings (and any amendments deemed necessary).

CDC Obligations:

30% affordable housing to NDSS and CDC requirements and standards;
 contribution to the provision or enhanced facilities at Hanwell Fields Community Centre; - £165,301.20
 contribution towards outdoor sport provision; - £438,908.00
 contribution towards indoor sport, Woodgreen Leisure Centre or a new indoor sport facility in the locality; - £166,333.00
 contribution for community development worker to help integrate residents into the wider community; - £18,724.91
 contribution towards initiatives to support groups for residents; - £6750.00
 contribution towards public art within the vicinity; - £42,000.00
 £5,000 monitoring fee.

OCC Obligations:

£292,350 – public transport;
 £2035 – travel plan monitoring;
 £65,000 – public rights of way;
 £150,000 – Local Cycling & Walking Infrastructure Plan (LCWIP)
 £1,500,372 – secondary education;
 £144,936 – secondary land contribution;
 £129,841 – special education;
 £15,525 – household waste and recycling centres.

Other obligations:

Health Care Provision - £TBC
 Thames Valley Police - £30,521

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The Council cannot currently demonstrate a 5-year housing land supply and as such a tilted balance assessment must be applied. It is considered that the proposal would demonstrate a sustainable development with the proposed application site being located close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The development would not cause harm to the local highway network or flood risk. Housing developments of this kind should be located close to the most sustainable locations within the district. Banbury is the most sustainable town and as such can accommodate a development of this size thus boosting the district's overall housing supply.
- 10.3. The indicative plans demonstrate the site can accommodate the level of development suggested within the application and through careful design, the proposal would integrate well with the existing residential development. The development proposes 30% affordable housing and an acceptable mix.
- 10.4. It is considered that the proposal would have a significant impact on wider landscape views particularly to the north and east of the application site, and whilst this harm can be partially mitigated through appropriately worded conditions and landscape planting it would still be a significant constraint to this scheme. If considered on a flat rather than tilted balance, the conclusion would likely be that the degree of landscape harm resulting would be sufficient to justify refusal.
- 10.5. However, given the Council's current housing land supply position of 2.3 years, the tilted balance is engaged. Officers consider that even with the tilted balance this is still a very finely balanced assessment. The benefits of the scheme are wide ranging however the harm to the landscape cannot be ignored and would be significant even with the proposed mitigation. Taking all things into account, including most recent appeal decisions at the neighbouring Warwick Road (east) site, it is considered that the benefits of the scheme being a sustainable site, the Council's current need for housing and the expected quick delivery of the site would overall outweigh the severe landscape harm. The degree of landscape harm, when considered against the planning benefits in terms of sustainability of location and lack of 5-year housing land supply would not be sufficient, in Officers opinion, to substantially and demonstrably outweigh those benefits.
- 10.6. Therefore, on balance and subject to appropriate conditions and S106 obligations, it is concluded that planning permission should be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii) 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) contribution to the provision or enhanced facilities at Hanwell Fields Community Centre; - £165,301.20
- c) contribution towards outdoor sport provision; - £438,908.00
- d) contribution towards indoor sport, Woodgreen Leisure Centre or a new indoor sport facility in the locality; - £166,333.00
- e) contribution for community development worker to help integrate residents into the wider community; - £18,724.91
- f) contribution towards initiatives to support groups for residents; - £6750.00
- g) contribution towards public art within the vicinity; - £42,000.00
- h) £5,000 monitoring fee.
- i) £292,350 – public transport;
- j) £2035 – travel plan monitoring;
- k) £65,000 – public rights of way;
- l) £150,000 – Local Cycling & Walking Infrastructure Plan (LCWIP)
- m) £1,500,372 – secondary education;
- n) £144,936 – secondary land contribution;
- o) £129,841 – special education;
- p) £15,525 – household waste and recycling centres.
- q) Health Care Provision - £TBC
- r) Thames Valley Police - £30,521

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON XXXX IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate mitigation required as a result of the development and necessary to make the ecological, landscape and highway impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to development plan policies SLE4, ESD10, ESD13, INF1, C7, C8 and C28 and national guidance contained in the National Planning Policy Framework.

CONDITIONS

Time Limit

1. No development shall commence until full details of the layout including the layout of the internal access roads and footpaths), 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.

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of 18 calendar months 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.

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of 40 calendar months from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: 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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended). The time period for submission has been reduced from standard period. The application has been submitted to address the Council's 5-year housing land supply position and is in accordance with the applicant's planning statement.

Compliance with Plans

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

Forms and Certificates - PP-14068191
Covering Letter – Ref: 00825/L0002
Planning Statement / SCI – Ref - 00825/S0001
Design and Access Statement – Ref: 103-184 06/06/25 Rev A
Site Location Plan – Ref: 103-184 001 C
Parameter Plan – Ref: 103-184 003 K
Access Drawing – Ref: 1340-TA10
Landscape Strategy (illustrative only) – Ref: DL06 Rev A
FRA & Drainage Strategy – Ref: 1340-FRA-01-0
Transport Assessment – Ref: 1340-TA-01-0
Travel Plan- Ref: 1340-TP-01-0
Heritage Statement – Ref: 10365
Archaeology Desk Based Assessment – Ref: DMB25/76 May 2025
Archaeology Geo-Physical – Ref: DMB25/76 June 2025
Landscape and Visual Impact Assessment (3 files) – Ref: I000911_DL101A
PEA / Ecology – Ref: 6007-02 EcoAp dv3
BNG Report and Metric – Ref: 6007-02 BNG dv1 CL
Arboricultural Impact Assessment – Ref: 250522 25038 AIA V1
Sustainability & Energy Statement – Ref: BAN 3 MOH SES

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.

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. As part of any reserved matters application a specialist acoustic consultants report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. Where acoustic glazing and alternative means of ventilation are required to achieve this standard full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

7. No development shall commence until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

8. If a potential risk from contamination is identified as a result of the work carried out under condition 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. If contamination is found by undertaking the work carried out under condition 8, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with detailed mitigation measures proposed by the developer, in order to address any adverse impacts on local air quality. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: To protect the amenities of nearby residents and the character of the area and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

12. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

- Discharge rates based on 1:1 year greenfield run off rate
- Discharge Volumes
- SUDS
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers.
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)
- A detailed maintenance regime for all proposed drainage features and SuDS features.
- A detailed surface water catchment plan.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

14. No works shall commence until full engineering details of the proposed TOUCAN crossing on Dukes Meadow Drive have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the approved TOUCAN crossing has been constructed in its entirety.

Reason: To ensure that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and

pedestrians is provided in accordance with paragraphs 115 and 117 of the National Planning Policy Framework.

15. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic and Highway condition survey pre and post construction;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

16. No development shall commence unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, have been submitted to and approved in writing by the Local Planning Authority. The access, driveways and turning areas shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

17. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter.

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

18. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical

vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason: To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

19. No properties shall be occupied until approval has been given in writing by the Local Planning Authority that either:

- Evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or
- A housing and infrastructure phasing plan has been agreed with Thames Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

20. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, 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 document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan Part 1.

24. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason: In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework.

25. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

26. a) No tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the approval of the final reserved matters.

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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Lewis Knox