

Applicant:	Pandora Trading Limited And Sanctuary Affordable Housing Ltd	
Proposal:	OUTLINE Application for the development of up to 90 residential units (Use Class C3), Class A Uses, Class D1 Use and associated access, landscaping / open space, parking and related works	
Ward:	Banbury Hardwick	
Councillors:	Cllr Anthony Illott Cllr J A Donaldson Cllr Nicholas Turner	
Reason for Referral:	Major Development	
Expiry Date:	16 May 2018	Committee Date: 21 st June 2018
Recommendation:	Approve, subject to no objections from the Council's Ecologist, and subject to completion of a satisfactory planning obligation	

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site, which comprises approximately 6.1 hectares, is located to the north of Dukes Meadow Drive and to the west of Southam Road (A423). The site comprises roughly half of an agricultural field. Overhead power cables run from north to south through the site. The land to the north and west of the site (save for the nearby cemetery) is largely characterised by open fields.
- 1.2. To the south west of the site is the Hanwell Fields residential neighbourhood. To the south, beyond Dukes Meadow Drive, is a former field and beyond this is the Cherwell Business Park. To the south east of the site is a roundabout, and beyond this is a large distribution building currently occupied by Amazon. To the east of the site, beyond Southam Road, is Banbury Office Village and a relatively modern residential estate (510 dwellings were approved under 13/00159/OUT), which at the time of writing is still undergoing construction.
- 1.3. The topography of the area rises to the north by approximately 15 metres and is a prominent location at the fringe of the settlement edge.
- 1.4. The Hanwell Brook runs adjacent to the western boundary of the site and a footpath runs along the other side of the brook and this connects with the sports field to the west. The site's boundaries, apart from the northern boundary, are formed by hedgerows. The site includes a group of oak trees in the south western corner and a number of mature willows adjacent to the Hanwell Brook along the western boundary.

- 1.5. To the south east of the site is a Grade II listed war memorial and gates which were associated with a former use on the site now occupied by Amazon (Northern Aluminium Co Ltd).
- 1.6. The west and southern sides of the site are within Flood Zones 2 and 3 and the site has some ecological potential as it is located within 2KM of Neithrop Fields Cutting SSSI and legally protected species have been recorded within the vicinity of the site, including the Grass Snake and Bullhead. Furthermore, the site is within 20 metres of a 'main river'.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Outline planning permission is sought for up to 90 residential units, along with an element of Class A1 (retail) and Class D1 (non-residential institutions) uses to serve local needs, and associated access, landscaping/open space and parking. The application leaves all matters reserved apart from access.
- 2.2. The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that: "in relation to reserved matters, (access) means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding network; where 'site' means the site or part of the site in respect of which outline planning permission granted or, as the case may be, in respect of which an application for such a permission has been made."
- 2.3. In this case, the applicant has confirmed that approval is being sought in respect of the points of access only at this stage; the precise alignment of internal access roads, pedestrian and cycle routes etc. is to be considered at reserved matters stage. This can be made clear by condition in respect of the detail to come forward at reserved matters stage, should permission be granted.
- 2.4. Two accesses are proposed from the public highway, one being from Southam Road to the east and the other from Dukes Meadow Drive to the south. A plan has been submitted showing the route of the spine road, although it is noted on this plan that the internal alignment of this spine road is indicative. Detailed drawings showing the access points have also been provided, and include a re-aligned toucan crossing at Dukes Meadow Drive.
- 2.5. No indicative plans relating to the layout, scale, appearance and landscaping have been submitted. However, a Design and Access Statement and Planning Statement have been submitted alongside the application which discusses the matters of layout, scale, appearance and landscaping.
- 2.6. The following technical documents have been submitted in support of the application:
 - Transport Assessment
 - Ecological Impact Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Air Quality Assessment
 - Landscape and Visual Impact Assessment

3. RELEVANT PLANNING HISTORY

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

The application Site

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/00019/SO	Screening Opinion to 18/00273/OUT - OUTLINE Application for the development of up to 90 residential units (Use Class C3), Class A Uses, Class D1 Use and associated access, landscaping / open space, parking and related works	Screening Opinion not requesting EIA
15/00034/NMA	Non Material Amendment to 14/01767/OUT - Variation of the wording of drainage conditions 25, 26 and 27	Application Permitted
15/01026/REM	Layout of spine road (reserved matter to 14/01767/OUT)	Application Permitted
15/00049/SO	SCREENING OPINION - Layout of spine road	Screening Opinion not requesting EIA
14/00825/OUT	OUTLINE - Development of up to 230 residential units (C3), local retail community facilities (Classes A and D1) with associated infrastructure, parking, open space and landscaping	Application Refused
14/01767/OUT	Removal of Condition 6 of 13/00158/OUT	Application Permitted
14/00825/OUT	OUTLINE - Development of up to 230 residential units (C3), local retail community facilities (Classes A and D1) with associated infrastructure, parking, open space and landscaping	Application Refused
13/00158/OUT	OUTLINE - Development of up to 90 residential (Use Class 3/extra care housing), Class A uses, Class D1 use with associated access, landscaping/open space, parking and related works	Application Permitted

3.2. The previous outline consent for 90 dwellings on the site was originally granted on 18th December 2013, and reserved matters for the spine road were approved on 3rd September 2015. However as not all the reserved matters were approved within the timescales required by the outline consent, the previous consent has now lapsed.

- 3.3. Regarding 14/00825/OUT (230 dwellings), this proposal included the application site but also extended further to the north. The Council's decision to refuse permission for this scheme was appealed by the applicant. That appeal was subsequently dismissed on 11th March 2015. It is worth noting that the Inspector stated the following: *"Overall, I conclude that in several key local views the proposed built development on the upper parts of the site would be prominent with an intrusive effect that would demonstrably and fundamentally harm the character of the landscape and mask its topography and whilst this effect would be less easily discerned from a distance it would still be significant"*.

Land E/O Southam Road

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
15/00961/REM	Reserved Matters Application for Phase 2 to 14/01871/OUT - Appearance, landscaping; layout and scale for 412 dwellings and associated development	Approved
14/02140/REM	Reserved Matters Application to 14/01871/OUT - Appearance, landscaping; layout and scale for 98 dwellings and associated development	Approved
14/01871/OUT	Variation of Conditions 6 and 47, including the consolidation and alteration of conditions 5, 8, 14, 16, 17, 19, 23, 24, 45 and 46 of 13/00159/OUT	Approved
13/00159/OUT	OUTLINE - Demolition of existing structures; development of up to 510 residential units (use Class C3/extra care housing) and Class D1 education use, with associated access, landscaping/open space, parking and related works	Approved

- 3.4. Development has commenced in respect of the land east of Southam Road and construction is at an advanced stage.
- 3.5. In relation to 13/00158/OUT and 13/00159/OUT, the two original outline planning permissions were linked through a Section 106 Agreement, the terms and provisions of which remain operative and enforceable in respect of the development east of Southam Road. The Agreement secures the infrastructure requirements related to the development of both sites, and the applicant argues in the Design and Access Statement that the enabling works undertaken as part of developing the eastern parcel of land has delivered a number of the obligations identified within the Section 106 Agreement as necessary to support the development of both sites, which further facilitates the early delivery of the western parcel of land.

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
14/00299/PREAPP	Pre-application Advice - Outline proposal for up to 143 residential units, Class A uses, Class D1 use, with associated access, landscaping/open space, parking and related works

- 4.2. In summary Officers advised that the proposal exceed the acceptable developable area of the site, and that the starting point for development on the site was the (then extant) outline consent for 90 dwellings on the southern portion of the site.
- 4.3. Since the expiry of the original consent, Officers have also given informal advice on procedural matters and have reaffirmed their support for the principle of development on this site, in line with the allocation under Policy Banbury 2 of the Cherwell Local Plan 2011-2031 Part 1.

5. RESPONSE TO PUBLICITY

- 5.1. 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 is 14.06.2018.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. 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

- 6.2. BANBURY PARISH COUNCIL: **No objections** to the principle of development at this site. However, the Town Council do wish to be party to any discussion related to outdoor play provision, open green space and landscaping.
- 6.3. HANWELL PARISH COUNCIL: **No comments** received.

STATUTORY CONSULTEES

- 6.4. ENVIRONMENT AGENCY: **No objections** subject to conditions to safeguard a 10 metre wide ecological buffer zone alongside the Hanwell Brook, and requiring the development to be carried out in accordance with the approved Flood Risk Assessment (as submitted with the application). A further condition is also recommended to ensure the appropriate siting of buildings and essential infrastructure, taking account of the flood risk on site.
- 6.5. NATURAL ENGLAND: **No objections.**
- 6.6. THAMES WATER: **No objections**, subject to a drainage strategy.
- 6.7. OCC DRAINAGE: (Comments provided through OCC Highways) – **No objections** subject to a condition.
- 6.8. OCC HIGHWAYS: **No objections** subject to:

- A legal agreement as necessary to link the site to the existing S106 already secured on the land, in connection with planning permissions 13/00158/OUT and 13/00159/OUT (the sites West and East of Southam Road);
- Planning Conditions and Informatives.

NON-STATUTORY CONSULTTEES

- 6.9. CDC ARBORICULTURE: **No comments** received.
- 6.10. OCC ARCHAEOLOGY: **No objections**, subject to a staged programme of archaeological investigation to be maintained during the period of construction being conditioned.
- 6.11. BBO WILDLIFE TRUST: **No objections** in principle.
- 6.12. CDC ECOLOGY: Comments awaited.
- 6.13. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to appropriate noise and contaminated land conditions.
- 6.14. CDC HEALTH PROTECTION: **No comments** received.
- 6.15. CDC HOUSING STANDARDS: **No comments** received.
- 6.16. CDC LANDSCAPE SERVICES: **No objections** subject to on site contributions toward play areas and open space, in line with the Council's current policy requirements.
- 6.17. NHS OXFORDSHIRE CLINICAL COMMISSIONING GROUP (OCCG): **Objects to the application** pending agreement of appropriate contributions (£77,760) toward primary care infrastructure. "Primary medical care in North Oxfordshire is mostly at capacity, and further housing growth will require additional or expanded infrastructure to be in place. The size of this development does not justify a new separate health centre or equivalent, and it is anticipated that funds would be used for enhancing existing primary care medical infrastructure to meet the needs of a growing population".
- 6.18. CDC PLANNING POLICY: **No comments** received.
- 6.19. OCC PUPIL PLACE MANAGER: **No objections**.
- 6.20. CDC RECREATION & LEISURE: **No objections** subject to off-site financial contributions to indoor and outdoor sports provision, community hall facilities, and public art projects as listed in the Council's Infrastructure Development Plan.
- 6.21. CDC STRATEGIC HOUSING: **No objections** subject to provision of on-site affordable housing (30%), equating to 27 units. The mix of house types and build standards are to be in accordance with the Council's current policy requirements.
- 6.22. THAMES VALLEY POLICE DESIGN ADVISER: **No comments** received.
- 6.23. CDC URBAN DESIGN: **No comments** received.
- 6.24. CDC WASTE & RECYCLING: **No comments** received.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, 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 (SuDs)
- 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
- BANBURY 2 – Hardwick Farm, Southam Road (East and West)
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C15 – Prevention of coalescence of settlements
- C28 – Layout, design and external appearance of new development
- C15 – Prevention of coalescence of settlements
- C30 – Design of new residential development
- C31 – Compatibility of proposals in residential areas

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Vision and Masterplan SPD (December 2016)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update December 2017

8. APPRAISAL

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

- Principle of development
- Landscape and visual impact
- Impact on the historic environment
- Transport and highways impact
- Flood risk and drainage
- Ecology and trees
- Impact on residential amenity
- Sustainability and energy efficiency
- Affordable housing
- Infrastructure provision
- Other matters

Principle of development

8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

8.4. The site is allocated for residential development under Policy Banbury 2 (Hardwick Farm, Southam Road – east and west) of the Cherwell local Plan Part 1. The key components of Policy Banbury 2 are to: provide approximately 600 dwellings including no more than 90 homes to the western side of Southam Road; to achieve 30% affordable housing on site; to provide a variety of dwelling types; to provide extra care housing and the opportunity for community self-build affordable housing; and to ensure infrastructure needs relating to education, health, open space, community facilities and utilities are met.

8.5. The key design objectives of Policy Banbury 2 include achieving a development that respects the landscape setting (particularly in relation this site to the west of Southam Road), consideration of topographical features, green buffers along watercourses, retention of significant landscape features (e.g. hedgerows), public open space, good accessibility, connectivity, and a high degree of integration maximising walkable neighbourhoods, new footpaths and cycles ways, good accessibility to public transport, a travel plan and good access to the open countryside.

8.6. In line with Policy Banbury 2, 90 dwellings are proposed on this site to the west of Southam Road. Furthermore, and as alluded to in the relevant planning history section of the report, an outline proposal for 90 dwellings was approved at the site in 2013 (13/00158/OUT) and there have been no significant changes in site circumstances since the approval of this application. Thus, officers consider that the principle of 90 dwellings on this site is acceptable. However, the acceptability of the

proposal is also dependent on other material planning considerations, including whether the proposal is in accordance with the criteria and master planning principles specified in Policy Banbury 2 of the Cherwell Local Plan.

Landscape and visual impact

- 8.7. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.8. Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 endorse good design and development that respects landscape character and doesn't result in undue visual intrusion into the open countryside
- 8.9. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.10. Policy Banbury 2 sets out some key site specific plan shaping principles and in relation to the matters of landscape and visual impact, as well as the impact upon the character of the area, these include:
 - A well-considered approach to mitigating the landscape sensitivities through good design;
 - Development that respects the landscape setting with particular attention to west of Southam Road, where the visual sensitivity is considered to be greater. Careful consideration should be given to address the topographical changes on the site to ensure minimal visual impact;
 - The landscape sensitivity needs to be fully understood and should include a full landscape and visual impact assessment which establishes the zone of visual impact and the development envelope;
 - Development that retains and enhances significant landscape features (e.g. hedgerows), which are or may be of ecological value; and where possible introduces new features (e.g. green buffer along the watercourses) to enhance, restore or create wildlife corridors and therefore preserve, enhance and increase biodiversity in the area;
 - A well designed approach to the urban edge, which relates development at the periphery to its rural setting and affords good access to the countryside.
- 8.11. The landscape around the site is located within the Upstanding Village Farmlands character type within the Oxfordshire Landscape Study 2004, and this notes the area is characterised by a hilly landscape with a strong pattern of hedgerows and nucleated villages, characteristically built from the local ironstone. The application site is typical of this landscape character and positively contributes to the rural landscape setting of Banbury.
- 8.12. The land rises steadily from south to north, and so defining the northern extent of built development on the site is particularly important to ensuring the landscape and visual impact is acceptable. In line with the site allocation and the previous outline consent granted on the site, the northern boundary of the site runs from Southam

Road to the east, generally following the contours of the land west towards Hanwell Brook which itself defines the western edge of the site and which is identified by a belt of mature trees. The proposed application site boundary is considered an appropriate response to the site context and topography. In particular, along the northern edge of the site the boundary generally follows the contours so that the development is kept to the lowest levels possible within the wider setting of the existing field.

8.13. Development of a site layout which maximises the opportunities offered by this gently sloping topography while minimising the wider landscape impacts will be a key design driver for the detailed proposals developed at reserved matters stage, as identified within Local Plan Policy Banbury 2. Detailed design proposals developed at reserved matters stage should seek to respond to these existing gradients.

8.14. In terms of landscaping the applicant's supporting documentation states that: *"The site is not subject to any tree preservation orders; however there are a number of mature trees towards the western edge of the site which form an important and valued landscape feature, along with the hedgerows that contribute to the character of the site. These features will be retained and will not be affected by the development"*. It goes on to acknowledge that *"Through the reserved matters process a landscape strategy should be adopted that provides buffer zones of informal landscaping to the west and north of the site protecting the impact of any development on the adjacent countryside, crematorium and views from the village of Hanwell"*. It also states that *"An open parkland area along the north and western edges of the site would provide publically accessible recreational areas as well as an undeveloped backdrop to distant views."*

8.15. Regarding the quantum and scale of development, the application proposes up to 90 dwellings on the site, which is in accordance with Policy Banbury 2. The applicant's Design and Access Statement states that: *"In order to establish the appropriate density for development of the site studies have been undertaken of local residential areas, including Hanwell Village and Dukes Meadow Drive. These studies established that locally there is precedent for residential densities of between 18 and 34 dwellings per hectare. These studies also recorded distinctive characteristics of the areas in question in order that future proposals can be developed in a sympathetic manner commensurate with local precedent"*.

8.16. The Design and Access Statement goes on to discuss the mix and density of housing types that would be appropriate, and suggests the following approach to developing the site:

- Low density residential development (21 dwellings/ha) – 1.2 hectares (20 units)
- Medium density residential development (32 dwellings/ha) – 2.2 hectares (70 units)
- Community / retail development – 0.5 hectares Primary road – 1.0 hectares
- Open space and green infrastructure – 1.2 hectares

8.17. It concludes by stating that it would be, *"appropriate to locate the lower density areas adjacent to the north and west boundaries providing for the possibility of a more visually and physically permeable edge to the open countryside to the north and Hanwell brook to the west"*. Officers concur with this assessment, though it may be necessary to increase the densities mentioned in the preceding paragraph in order to achieve all 90 residential units. The affordable housing mix will also have a bearing on this.

8.18. The Council's Landscapes Officer has not objected to the proposal, and some landscape and visual impact is to be expected. Officers consider that the LVIA and Design and Access Statement demonstrate how the visual impact of the proposed development on this site will not adversely affect the visual amenity of the local area to an unacceptable extent, and together they provide sufficient assurance that an appropriate scale and layout of development can be achieved that meets the aims and objectives of Policy Banbury 2. Precise details of landscaping, layout and scale can be secured and reserved matters stage. Therefore the proposal is considered acceptable in this respect.

Impact on the historic environment

8.19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting.

8.20. Section 12 of the NPPF (Conserving and Enhancing the Historic Environment) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. 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. Proposals that preserve those elements should be treated favourably.

8.21. Paragraph 132 of the NPPF states that: "Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

8.22. Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: "Conserve, sustain and enhance designated and non-designated 'heritage assets' 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 PPG."

8.23. Policy Banbury 2 states that: "An archaeological survey will be required due to close proximity to heritage assets. Development should respect and have minimal impact on the historic environment, including listed buildings (Hardwick House) and area of archaeological potential north of Noral Way (Hardwick Deserted Medieval Village)."

8.24. There are two listed building just over 100 metres away from the site to the south east, these being the gates and war memorial of the former Northern Aluminium Co Ltd. These heritage assets sit within an urban context and are mainly screened from the site by landscaping around and adjacent to Southam Road. Officers do not consider that residential development on the site would cause harm to the significance of these designated heritage assets, or their setting.

8.25. An archaeological survey was submitted alongside a previous application at the site (ref: 13/00158/OUT). The County Council's Archaeologist has noted that the site is located in an area of archaeological interest as identified in the geophysical survey and trench evaluation submitted alongside the previous application. The survey and evaluation identified a number of archaeological features including ditches, gullies, pits and postholes and a single un-urned cremation. No dateable material was recovered from the evaluation although the cremation is likely to be prehistoric. The OCC Archaeologist has noted that it is likely that further cremations survive on the site as well as further cut archaeological features. The OCC Archaeologist

concludes that these features will be impacted upon by any development of the site and that should permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. Should permission be granted, this can be conditioned.

Transport and highways impact

- 8.26. Policy ESD15 of the Cherwell Local Plan Part 1 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.*” 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.*”
- 8.27. One of the key site specific design and place shaping principles of Policy Banbury 2 is that a transport assessment and travel plan are submitted to accompany development proposals. Other transport related principles of this policy include:
- New footpaths and cycleways should be provided that link to 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 include the provision of a bus route through the site with buses stopping at the railway station and at new bus stops on the site.
- 8.28. The Local Highway Authority (LHA) has raised no objections to the proposal, but this is subject to a number of planning conditions and a legal agreement.
- 8.29. The proposal seeks to provide two new access points off Southam Road and Dukes Meadow Drive, which are virtually identical to the access arrangements previously approved under 13/00158/OUT at the site. A submitted plan displays the indicative route of a spine road linking the two site accesses on Dukes Meadow Drive and Southam Road and this route is again similar to what has been previously agreed under 15/01026/REM.
- 8.30. The LHA has recommended that the connection of the spine road through the site is secured by condition, to be connected and open to through traffic prior to the occupation of the 80th dwelling, which is when both accesses need to be constructed. The LHA has stated that this is considered necessary both for the efficient distribution of traffic and to enable the development to be served effectively by a bus service.
- 8.31. Furthermore, the LHA recommends that the spine road incorporates an off-carriage way footway/cycleway on one side of the road, to tie in with existing facilities. The LHA recommends that this connection to Dukes Meadow Drive is secured well in advance of the spine road opening due to the demand for pedestrian and cycle access towards facilities at Hanwell Fields and North Oxfordshire Academy. The LHA states that this is necessary to ensure that opportunities for sustainable travel are taken up in accordance with the NPPF, and it has requested that this is required by the 30th occupation.

- 8.32. Regarding the traffic impact, this was assessed in detail under the original application (13/00158/OUT). The LHA states that appropriate mitigation in relation to the traffic impact was secured through the Section 106 agreement for this previous application. Since the approval of this application, the site has also been allocated in the Cherwell Local Plan confirming its suitability, in general terms, to accommodate the additional traffic movements associated with a development of up to 90 dwellings as proposed.
- 8.33. Notwithstanding the above, a Transport Assessment has been provided alongside this current application to demonstrate the capacity of the site access junctions and the adjacent roundabout remains adequate, taking into account fresh traffic counts and relevant committed development. The assessment does not take into account other land uses at the site, but, the LHA considers that the local shops and community centre uses are unlikely to attract a significant number of peak hour trips new to the network in this area.
- 8.34. The LHA states that the assessment demonstrates that the site access junctions will operate well within capacity. Furthermore, the LHA has noted that, due to the distribution of traffic from the site, the impact of the proposal beyond these junctions is not considered to be sufficient to warrant further assessment.
- 8.35. Moving on to public transport, some of the information in the Transport Assessment is out of date in relation to public transport. In particular the B10 bus service ceased operation in 2017, being replaced by B4 and B9 services.
- 8.36. There is currently a limited B4 bus service operating from Banbury Town Centre to the Noral Way/Southam Road/Dukes Meadow Drive roundabout, and this is currently extended along Dukes Meadow Drive as far as the Lapsley Drive roundabout. There are also currently some temporary bus stops on Dukes Meadow Drive. It is intended to extend the B4 service further north into the new development to the east of Southam Road, probably this September 2018, with a longer operating day (probably from 0700-1900).
- 8.37. Eventually, it is intended that this extended B4 service will be operated in one direction (south to north) along this development's spine road, so the northbound service will turn left at the Noral Way roundabout, then right into the new spine road, then across the A423 into the 'east of Southam Road' development, then through this development on an anticlockwise loop before emerging again onto the A423 at Bourton Road, and then turning left for the direct journey back into Banbury along the Southam Road.
- 8.38. Thus, the new spine road through the site will need to be constructed to a standard suitable for bus operation. Currently, the intention is to operate northbound only, but the LHA has stated that the road should facilitate operation in both directions, should this be required at a later date.
- 8.39. The LHA has stated that the applicant should provide a new bus stop near the site entrance on the north western side of the spine road with hard standing area, connecting footway and road markings. The LHA has noted that the exact location of the bus stop is to be agreed at a site meeting with a number of stakeholders and that passive provision should be made for a bus stop on the opposite (south western) side of the spine road.
- 8.40. The original Section 106 agreement (as subsequently varied) secured pedestrian and cycle infrastructure on Southam Road and Dukes Meadow Drive (this has already been delivered), plus off-site capacity improvements at Southam Road/Hennef Way roundabout, as well as contributions to off-site highway

infrastructure improvements, public rights of way and a new bus service. It also required the access junction onto Southam Road to be constructed prior to the occupation of the 80th occupation. The works are subject to an existing section S278 agreement, and so the detail of what is required has already been agreed.

- 8.41. Nevertheless, and notwithstanding the work that has already been done to secure the necessary transport infrastructure improvements, as the previous consent has lapsed a new S106 Agreement is required. This is to ensure that the delivery of the development proposed by the current application is also tied to delivery of the transport related improvement works deemed necessary to make the development acceptable in planning terms.
- 8.42. A toucan crossing on Dukes Meadow drive was required in connection with triggers on the East of Southam Road site and has already been provided. The LHA has stated that the construction of the Dukes Meadow Drive access to serve the proposed development to the west of Southam Road will require road widening and an amendment to the crossing, to revert to the originally agreed, staggered crossing scheme. This also will need to be addressed in a new S106 Agreement.
- 8.43. In summary, Officers are satisfied that the proposed development of 90 dwellings with a small amount of retail and community use to serve local needs remains acceptable in transport infrastructure and traffic terms, in accordance with Policy Banbury 2. This is subject to the necessary planning conditions and completion of a S106 Agreement to secure the transport infrastructure improvements required, as recommended by the LHA.

Flood risk and drainage

- 8.44. Paragraphs 100-103 of the National Planning Policy Framework (the Framework) and Policy ESD6 of the Cherwell Local Plan (CLP) state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.
- 8.45. Paragraph 102 of the NPPF states that: *“If, following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located within zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*
- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
 - *a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce the flood risk overall.”*
- 8.46. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 8.47. Regarding the appropriateness of the proposed development, the development is considered to be categorised as ‘more vulnerable’ under the flood risk vulnerability classification and such development is considered to be potentially appropriate if it passes the sequential test, but the PPG highlights that an exception test will be required for such development.

- 8.48. In relation to the sequential test, the site is allocated in the Cherwell Local Plan Part 1 (Policy Banbury 2), and the flooding risk of the site would have been known when allocating the site. Furthermore, the sequential test was conducted during the site allocation process. Paragraph 104 of the NPPF also states that for individual developments on sites allocated in development plans through sequential tests, applicants need not apply the Sequential Test. Furthermore, consent for 90 dwellings has been granted on this site previously (13/00158/OUT). Thus, officers do not consider it necessary to apply the sequential test in this instance.
- 8.49. Moving on to the Exception test, as noted above, it must firstly be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared. In relation to the sustainability benefits of the proposal, this allocated site proposed for residential development has an urban focus with being located at Banbury, and is therefore in line with the aspirations of the Cherwell Local Plan Part 1. It is therefore considered that the site provides sustainability benefits in terms of providing new housing adjacent an existing urban area with good connections to jobs, services and leisure facilities. Officers consider this should be afforded significant weight.
- 8.50. Secondly, a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 8.51. A Flood Risk Assessment (FRA) has been submitted with the application in line with the requirements of Policy ESD6 of the Cherwell Local Plan Part 1 and the NPPF, given that the site extends to over 1ha in area and because the west and southern sides of the site are within Flood Zones 2 and 3. Flood Zone 3 is land assessed as having a 1 in 100 or greater annual probability of river flooding, whilst Flood Zone 2 is land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding.
- 8.52. The submitted FRA concludes that the site is at low risk of flooding from fluvial, surface water, groundwater and artificial sources, once appropriate mitigation measures have been applied. The FRA also states that there is no residual flood risk from the development site to the surrounding area, due to the proposed mimicking of greenfield storm water flow rates to the Hanwell Brook that currently drains the majority of the site. Thus, the FRA notes that the development does not increase the risk of surface water flooding to other adjacent neighbourhoods. The FRA also notes that there will be no commercial or residential units built in flood zones 2 and 3.
- 8.53. The Environment Agency (EA) has raised no objections to the application, subject to conditions, including that all proposed buildings and essential infrastructure is located outside the 0.1% flood extent or the 1% plus climate change extent (whichever is the greater) and that the development is carried out in accordance with the approved FRA and the mitigation measures detailed within it (finished flood levels set at least 300mm above the 1 in 100 year flood level). Given the above, officers consider that the Exception Test has been passed.
- 8.54. Regarding the matter of drainage, infiltration testing undertaken at the site indicates poor infiltration rates and therefore SuDS proposals based wholly on infiltration are unlikely to be viable. OCC Drainage (who has provided comments through the LHA) has stated that the proposed allowable discharge rate of QBAR is appropriate and will provide mitigation for increases in volume of runoff as a result of the development.

- 8.55. OCC Drainage has also stated that as well as the consideration of the modelled events, there should be a qualitative examination of what could happen if any part of the 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. OCC Drainage has noted that this should be supported by a flood exceedance route plan. OCC Drainage has also recommended that a SuDS Management and Maintenance Plan is produced for the development. Thus, OCC Drainage has recommended a revised drainage strategy.
- 8.56. Furthermore, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thus, Thames Water has requested that a drainage strategy is conditioned should permission be granted.
- 8.57. In line with guidance provided by OCC Drainage and Thames Water, an updated drainage strategy will be conditioned should permission be granted. Subject to this and the conditions recommended by the EA, and having regard to the site's allocation in the development plan for residential development, Officers are content that the development can be made acceptable in respect of the flooding and drainage impacts.

Ecology and trees

- 8.58. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.
- 8.59. Paragraph 109 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible."*
- 8.60. Policy ESD10 of the Cherwell Local Plan Part 1 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out in the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that *"every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity."*
- 8.61. Policy Banbury 2 also notes that development should retain and enhance significant landscape features (e.g. hedgerows) which are or may be of ecological value; and where possible, introduce new features to enhance and increase biodiversity in the area. Policy Banbury 2 also states that a Great Crested Newt survey will be required.
- 8.62. Natural England has raised no objections to the proposal and has noted that the proposal as submitted will not damage or destroy the interest features for which the Neithrop Fields Cutting SSSI has been notified.
- 8.63. In relation to protected species, the application is accompanied by an Ecological Appraisal. The report draws upon ecological surveys of a larger area that includes the application site carried out in 2012 and updated again in 2014 in relation to

previously proposed development schemes, when considering ecological constraints and opportunities. At the time, The Council's Ecologist considered that these surveys were suitable. Updated site walk overs were carried out last year, alongside an updated ecological desk study, to map the habitats present on site and assess their potential to support protected species within the site.

- 8.64. The report sets out habitats of local importance have been identified on the site and these include grassland habitat, mature trees, hedgerows and marshy grassland. Officers are in agreement with this description of the site's ecological value. The report then goes on to note that habitats of local importance can support legally protected or otherwise notable species that are considered ecological features at the local level. The appraisal notes that these include reptiles, breeding birds, bats, otter, badger and hedgehog.
- 8.65. Following this, the appraisal recommends that the same approach can be adopted as was agreed for the previous permission on the site (ref: 13/00158/OUT). That is, it was conditioned that when a final plan of the development and landscaping is produced, the impact on protected and notable species on site will need to be fully reassessed and a full mitigation plan or working method statements will be required prior to any clearance or any other works commencing on site.
- 8.66. The appraisal goes on to consider the potential effects in the absence of mitigation, and proposes avoidance and mitigation measures that should be considered at the reserved matters stage (dependant on results of updated surveys). The significance of any residual impacts are also considered, assuming that all recommended mitigation measures are implemented in the final design. Ecological enhancements that are put forward in the appraisal include integrated bat, bird and invertebrate boxes and the incorporation of locally-sourced native or wildlife-friendly plants into the landscape strategy.
- 8.67. Officers hold the view that the indicative layout preserves the most important ecological receptors on site, these being the trees and hedgerows and a significant area of grassland associated with the flood plain of Hanwell Brook, which is shown to be retained for both open spaces and wildlife purposes. This is in line with the Environment Agency's comments, which recommend a condition to secure the provision of a 10 metre wide ecological buffer zone alongside the Hanwell Brook.
- 8.68. At the time of writing comments have not been received from the Council's Ecologist but these are anticipated to be received before the Committee meeting. Any comments received will be included in the written updates circulated on the day of the Committee meeting. However in respect of the previous permission granted on the site in 2013, the Council's Ecologist was satisfied that the appropriate level of survey work had been carried out but advised that *"a Management Plan to conserve and enhance the retained biodiversity will need to be produced."* The Ecologist also advised that *"In line with the recommendations within the NPPF, we should be seeking a net gain in biodiversity on site from developments. Thus, a full plan of biodiversity enhancements to include opportunities for species within the built environment should also be produced before anything commences on site."*
- 8.69. In summary, Officers are satisfied that the ecological impacts of the development have been properly assessed and understood through the site allocation process, the previous grant of outline planning permission, and the updated survey work provided with the current application. Therefore, subject to conditions as noted above and any others recommended by the Council's ecologist, the impact of the development on ecology can be made acceptable.

8.70. Regarding the impact on trees, while comments have not been received from the Council's Arboricultural Officer in respect of the current application, it was recommended in respect of the previous application that a tree survey is carried out to identify those trees that are to be retained along with a protection plan to ensure their longevity. This aspect would be subject to a condition and consequently it is considered that the proposed development would maintain the existing boundary coverage provided by those trees.

Impact on Residential Amenity

8.71. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C30 of the Cherwell Local Plan 1996 states that design control will be exercised so that new housing development or any proposal for the extension or conversion of any existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.

8.72. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that: "*Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.*"

8.73. Policy Banbury 2 outlines that one of the design and place shaping principles that should inform proposals is development that demonstrates consideration for and addresses any potential amenity issues which may arise.

8.74. Even though all matters are reserved in this application, apart from access, Officers consider that the site is a sufficient distance away from existing residential development so as to prevent undue harm to the amenities of existing residential properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

8.75. Given that no indicative plans of the layout of the development have been submitted, it is difficult to assess whether the proposal could be developed and provide a good standard of amenity for future occupiers. However, in the previous application at the site for 90 dwellings (13/00158/OUT), an indicative layout was submitted and after viewing this, officers were convinced an acceptable layout could be achieved in order to provide a good standard of amenity. Furthermore, given that this site is allocated for up to 90 dwellings, officers consider that it would be difficult to resist the application on such grounds (i.e. that the development would not provide a good standard of amenity for future occupiers). It is noted that the indicative layout forming part of the previous consent would not have achieved adequate separation distances and that a different layout would be required as part of any reserved matters application.

8.76. In relation to noise, odour and light pollution, the Council's Environmental Protection Officer has raised no objections to the proposal in principle. However, with respect to noise, the Environmental Protection Officer has requested that a report should be provided that shows that all habitable rooms within the dwellings will achieve noise levels specified in the British Standard for indoor and external noise levels and that this can be conditioned.

8.77. However, the Environmental Protection Officer has not provided justification for such a condition. In the previous application for 90 dwellings at the site (13/00158/OUT), the Environmental Protection Officer considered that the sources of environmental

noise likely to impact on the proposed housing would be local road traffic from Southam Road to the east and generally from the M40 located further to the south east. The Environmental Protection Officer concluded that the level of noise produced by the highways was not extreme and dwellings within the site could be effectively protected against road traffic noise by ungraded glazing and the use of either passive or active ventilation systems. Officers considered that the site would not give rise to unacceptable noise levels such that further noise assessments should be required to be undertaken. In the end, such a condition was not attached to the previous permission. Given the site and its context has not changed significantly since the previous permission, it is considered unreasonable to attach this condition should permission be granted for the current proposal.

8.78. The Environmental Protection Officer has also requested a Construction Environmental Management Plan (CEMP) prior to the commencement of development and a similar condition was attached to the previous permission at the site for 90 dwellings (13/00158/OUT).

8.79. In summary, Officers are satisfied that the development can be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

Sustainability and energy efficiency

8.80. Policy ESD1 of the Cherwell Local Plan Part 1 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the Cherwell Local Plan Part 1 seeks to achieve carbon emission reductions. Policy ESD3 of the Cherwell Local Plan Part 1 encourages sustainable construction and states that all non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect.

8.81. The application has not been accompanied by a Sustainability and Energy Statement and sustainability should be built into the proposal and it should be demonstrated how the proposal complies with Policies ESD1-3 of the Cherwell Local Plan Part 1. This is acknowledged in Policy Banbury 2 which states that development proposals for the site should demonstrate "climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD1 – 5".

8.82. While it is accepted that the precise details of what measures are appropriate for the development will need to be agreed at the reserved matters stage, it is considered reasonable to require a Sustainability and Energy Statement to be prepared prior to, or alongside, the submission of reserved matters to establish the sustainability principles that feed into the design work at reserved matters stage. This should include consideration of the technology and feasibility options for incorporating sustainability and climate change mitigation into the development before the layout and design parameters of the development become fixed, as opposed to identifying these retrospectively. This is a matter that would be addressed by condition if the application were to be recommended for approval.

8.83. Regarding air quality, the Environmental Protection Officer has requested that ducting is provided for the future installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand. Whilst this was not requested or imposed in respect of the previous permission, both the NPPF (paragraph 35) and Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV

charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan. Therefore this condition is considered reasonable and necessary.

Affordable housing

- 8.84. Policy Banbury 2 states that development on the site should make provision for 30% affordable housing and this is in line with the requirements of Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1. Policy Banbury 2 also states that provision should be made on site for extra care housing.
- 8.85. The Council's Strategic Housing Officer has commented on the application, and has recommended that on site affordable housing be secured via a S106 Legal Agreement, in line with the policy requirements of BSC3. However, this does not take account of the requirement of Policy Banbury 2 for the provision of extra care housing on the site, and it should be noted that the S106 Legal Agreement entered into in respect of the previous outline consent secured provision of 27 specialist affordable housing units for persons aged 55 years old and over. This requirement took account of the balance and mix of affordable housing being provided across the whole allocation, including the development which has progressed to the east of Southam Road under a separate consent.
- 8.86. Subsequent to it becoming apparent that the previous consent had lapsed, discussions took place between Council officers and a potential developer as to the aforesaid specialist affordable housing requirement, and advice was given that in principle the affordable housing provision could be the normal tenure/type rather than this specialist housing. Further, advice was given on the mix of affordable housing that would be expected.
- 8.87. It is noted that the affordable housing mix now sought is different to the above, and Officers are seeking further clarification from Strategic Housing colleagues on this matter. An update will be included in the Written Updates to be circulated to Members on the day of the Committee meeting.

Infrastructure provision

- 8.88. New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National planning policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost, of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning Obligations are the mechanism used to secure these measures.
- 8.89. Policy INF 1 of the Cherwell Local Plan 2011-2031 Part 1 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". Policy Banbury 2 lists some of the infrastructure requirements required including a new primary school, provision of onsite open space including play space, and community facilities including, ideally, an onsite community hall.
- 8.90. The Council has recently adopted a Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

8.91. Full draft Heads of Terms will be included in the Written Updates for Members to consider and approve, and these will form the basis of the Council's position in respect of negotiating completion of the S106 Agreement. However, based on the consultation responses received and the contributions secured in respect of the previous outline planning permission granted on the site, the following are likely to be included:

- Financial contribution to support improvement of local primary care infrastructure
- Provision of open space and play space on site, and a financial contribution toward management and maintenance of the same
- Financial contribution to off-site outdoor and indoor sports provision
- Financial and/or on-site contribution to community hall facilities (i.e. enhancement of existing facilities in the area and/or provision of a new facility on site)
- Financial contribution to provision of waste and recycling services in line with the recently adopted SPD
- On and off site transport improvements, including provision of highway infrastructure works and public transport links
- Financial contribution to increasing primary school capacity in the area (as per the previous S106 Agreement)

8.92. The applicant has indicated a willingness to work with Officers to agree the necessary package of contributions as quickly as possible, acknowledging that the starting point is the previous S106 Legal Agreement entered into in respect of the previous permission granted for the site, updated as necessary to take account of the recently adopted SPD on Developer Contributions. Therefore, subject to completion of a satisfactory Agreement to secure the above matters, Officers are satisfied that the infrastructure and service impacts of the development can be made acceptable.

Other Matters

8.93. One of the design and place shaping principles of Policy Banbury 2 includes a detailed survey of the agricultural land quality identifying the best and most versatile agricultural land and a soil management plan.

8.94. Annex 2 of the NPPF identifies the best and most versatile agricultural land (BMV) as land in Grades 1, 2 and 3a of the Agricultural Land Classification. Paragraph 112 of the NPPG states that: *“Local planning authorities should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality agricultural land in preference to that of a higher quality”*.

8.95. The site falls within grades 2 and 3a, therefore it is considered to be the best and most versatile quality agricultural land. The development will result in the loss of this land for agriculture and will cause some harm in this respect. No information has been submitted to justify or address this harm, as envisaged by Policy Banbury 2. Nevertheless, the site is allocated for residential development and has previously

been granted outline consent for a development of up to 90 houses. Therefore this harm is not considered sufficient reason to refuse consent.

- 8.96. The Environmental Protection Officer is of the opinion that the site could potentially be contaminated and has requested full contaminated land conditions. Similar conditions were attached to the previous consent at the site for 90 dwellings (13/00158/OUT) and should permission be granted, this can be conditioned once again. This will safeguard against the risk of contamination on site, and ensure the development is built in such a manner as to protect future residents against the risk.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 9.2. The proposal seeks outline permission for residential development of up to 90 dwellings and an element of retail and community use, on a site allocated for the same under Policy Banbury 2 of the Cherwell Local Plan 2011-2031 Part 1. Therefore the principle of development is acceptable and the contribution the development will make to meeting the housing strategy of the Local Plan is a benefit of considerable weight in favour of granting permission. Paragraph 14 of the NPPF states that development which accords with the development plan should be approved without delay, unless material considerations indicate otherwise.
- 9.3. The landscape and visual impacts of the development, along with the ecology, flood risk, transport, heritage, and off site service and infrastructure impacts, can all be addressed and made acceptable through the use of planning conditions and completion of a satisfactory planning obligation, as envisaged by Policy Banbury 2. An appropriate amount and mix of affordable housing can also be secured and provided on site, as required by Policy Banbury 2 and BSC3 of the Local Plan.
- 9.4. Thus, it is considered that the environmental, economic and social benefits of the scheme, which is in compliance with the housing strategy of the Cherwell Local Plan Part 1, would outweigh any adverse impacts which can be adequately mitigated and addressed through the use of conditions and a planning obligation. It is therefore concluded that the proposal constitutes sustainable development and the application is therefore recommended for approval.

10. RECOMMENDATION

That permission is granted subject to conditions, and subject to:

- a) completion of a satisfactory planning obligation

Proposed conditions and draft heads of terms in respect of the planning obligation will follow in the written updates

CASE OFFICER: Stuart Howden

TEL: 01295 221815