

Case Officer: Richard Greig

Applicant: Vistry Homes

Proposal: Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access

Ward: Cropredy, Sibfords And Wroxton
Banbury Hardwick

Councillors: Cllr Chapman, Cllr Reynolds, Cllr Webb
Cllr Brasha, Cllr Crichton, Cllr Donaldson

Reason for Referral: Major development/Significant departure from adopted development plan or other CDC approved policies/strategies

Expiry Date: 11 August 2023

Committee Date: 10 August 2023

RECOMMENDATION: REFUSAL

EXECUTIVE SUMMARY OF RECOMMENDATION

REFUSE PERMISSION – OUTSIDE OF SETTLEMENT, THREAT OF COALESCENCE WITH HANWELL, HARMFUL TO CHARACTER & APPEARANCE OF OPEN COUNTRYSIDE AND THE HERITAGE SETTING OF HANWELL CONSERVATION AREA & ITS LISTED BUILDINGS CONTRARY TO DEVELOPMENT PLAN POLICIES PSD1, BSC1, C8 AND H18

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site equates to 12.63ha in area and comprises two arable fields separated by Gullicott Lane (a lane extending south from Hanwell village past Park Farm towards the northern edge of Banbury) and is located beyond the north-western built-up settlement limits of Banbury. It is bounded to the west by the B4100 Warwick Road, to the south by a substantial tree and hedgerow boundary that contains the built-up area of Banbury and to the north by another flat arable field, which is separated from the application site by a sparse hedgerow with intermittent trees.
- 1.2. To the northwest of the application site lies the village of Hanwell, which is a designated Conservation Area containing on its southern edge the Grade I listed Church of St Peter and the Grade II* listed Hanwell Castle with its Community Observatory. Further agricultural land lies to the north and east; and, to the south lies the Persimmon Homes Hanwell Chase and Drayton Lodge residential developments.
- 1.3. The topography of the site is slightly undulating across a broad plateau, at an altitude of around 145m above Ordnance Datum (AOD). Beyond the site boundary to the west and east, the landform slopes down into the Cherwell and Hanwell Brook valleys.

- 1.4. A mature established tree belt runs along the length of the southern boundary of the site. The northern and eastern boundaries are defined by sparse hedgerows with open views eastwards from Warwick Road.

2. CONSTRAINTS

- 2.1. The application site on the top of the plateau is situated within Flood Zone 1 and is classified as grade 2 and grade 3a agricultural land that separates the town of Banbury from the nearby village of Hanwell. Two PRow's cross the site, linking Banbury with Hanwell, namely PRow 191 and PRow 239.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. As set out under the applicants completed application form, which provides the 'Proposal' description to this report, this application seeks planning permission for the following:

'Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury. All matters reserved except for access.

- 3.2. As referred to above in the application description, all matters are reserved for future consideration except for access.

- 3.3. Notwithstanding the above the applicant's submission illustratively breaks down the proposals as follows:

- a mix of 1, 2, 3 and 4 bed dwellings;
- a new vehicular and pedestrian entrance to the site from the western boundary from Warwick Road;
- a footpath and cycleway to the eastern edge of Warwick Road, to connect the site to the existing footpath in the Persimmon development to the south;
- 53% of the site to be retained as public open space, including the retained PRow's;
- a biodiversity net gain of 38% for habitats and 10% for hedgerows;
- play and recreational provision; and,
- highway improvements and sustainable drainage systems.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no previous planning history on the site.

5. PRE-APPLICATION DISCUSSIONS

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

Application Reference: 21/02776/PREAPP

- Residential development of up to 250 dwellings;
- OS Land Parcel 1200, Warwick Road, Banbury;
- Response issued on 4 May 2022.

- 5.2. The response can be summarised as follows:

- The potential landscape impacts of the proposal would be significant and demonstrable, and they would outweigh the benefits of providing additional residential development to address the Council's 5-year housing land supply position;
- The proposal would reduce the existing gap between the settlements of Banbury and Hanwell, creating a perception of coalescence between the two settlements and having a detrimental impact on the setting of the Hanwell Conservation Area;
- The submitted documents have inadequately assessed issues relating to landscape impact, heritage impacts and ecology; and,
- The development would likely be detrimental to the rural character and landscape appearance of the countryside on the northern edge of Banbury and would threaten coalescence with nearby Hanwell village.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **19 May 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **19 May 2023**.

6.2. In response to the above, 489 objections and 2 representations of support have been received. Those comments are summarised as follows:

Objections

- The site is not allocated for development in the Local Plan;
- CDC are able to demonstrate the required 5-year housing land supply;
- Site has previously been identified as not being suitable for development;
- Would result in erosion of gap between Hanwell and Banbury;
- Impact upon rural landscape and loss of important public views;
- Impact upon setting of Hanwell Conservation Area and other heritage assets;
- Need to maintain village identity of Hanwell;
- Impact upon wildlife and their habitat;
- Impact upon valuable agricultural land;
- Increase in light pollution and impact upon local observatory;
- Infrastructure not in place for more houses/residents;
- Would lead to additional traffic and congestion;
- The development is speculative;
- No requirement for this form of open market housing;
- Lack of screening between development and Hanwell village;

Support

- Shortage of housing;
- Development is appropriate and necessary;
- Would welcome more people living in area; and,
- Fields will remain between Hanwell and Banbury.

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

7 RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **Objection.** The comments are summarised as follows:

- Consideration of application is premature pending publication of draft local plan and consultation responses;
- CDC have a 5-year housing land supply;
- The gap between Banbury and Hanwell is of vital importance and therefore strongly object to landscape impact; the impact upon Hanwell Conservation Area; and the erosion of gap between Banbury and Hanwell.

7.3. SHOTTESWELL PARISH COUNCIL: **Objection.** The comments are summarised as follows:

- Hanwell and Drayton rural have already had unprecedented levels of development;
- The land is not allocated for development;
- Promise was made not to develop beyond the well-established green bund which exists between Hanwell and Hanwell Chase;
- CDC have a 5-year housing land supply;
- Loss of prime agricultural land;
- Proximity to and impact upon Hanwell Conservation Area and heritage assets therein;
- Impact of light pollution upon observatory;
- Thames Water has indicated the pressure this development would place upon existing infrastructure;
- Doctors surgeries are at full capacity and the levy does not guarantee funds would actually enhance services;
- Impact of additional traffic and congestion;
- Horrified that PROW team have not tried to protect a rural footpath over fields from urbanisation;
- Settlement has a historic value and should remain rural and retain its identity.

7.4. HORLEY PARISH COUNCIL: **Objection.** The comments are summarised as follows:

- Contrary to Cherwell Local Plan;
- Erosion of important rural gap;
- Would result in coalescence of Banbury and Hanwell;
- Negative impact upon conservation area and heritage assets;
- CDC has a 5-year housing land supply;
- Banbury has had an enormous amount of development and does not appear to have been taken into account;
- Proposal is to develop a site CDC have previously assessed as clearly 'not suitable' for development;
- Would cause loss of an important landscape feature and green space that contributes to character and identity of countryside;
- Would result in loss of high grade agricultural land;
- Would cause traffic congestion, access and safety problems; and,
- Would place added pressure upon existing local infrastructure.

7.5. DRAYTON PARISH COUNCIL: **Objection** The comments are summarised as follows:

- The site is not allocated for development in the Draft Local Plan that was recently out for consultation;
- Tree barrier was planted to delineate northern boundary of Persimmon Homes development to protect Hanwell village from said development;

- This application is to north of tree lined Persimmon development and has a severe visual impact upon Hanwell;
- While located mainly within Drayton Parish it is only a few yards from Hanwell village and will destroy its rural character;
- Approving this development will only leave a single field between Banbury and Hanwell, risking further development joining these settlements;
- CDC have a 5-year housing land supply;
- There are a number of brownfield sites that have planning and have not yet been developed, which should be completed before new sites are sought; and,
- This is good agricultural land that will be required for food security in the future.

7.6. HANWELL PARISH COUNCIL: **Objection** The comments are summarised as follows:

- Conflict with the spatial strategy, which sets limits to growth for Banbury and Hanwell;
- Harm to character and appearance of the area, including coalescence;
- Impact on heritage assets; and,
- Loss of best and most versatile agricultural land.

7.7. THE BOURTONS PARISH COUNCIL: **Objection** The comments are summarised as follows:

- Encourages the coalescence of outlying villages into the area of Banbury Town;
- Impact to the local Conservation area and heritage assets;
- Housing land supply;
- The area surrounding Hanwell has high landscape value and comprises high quality agricultural land; and,
- The Cherwell Local Plan emphasises the need to maintain clear rural buffers between outlying villages and Banbury Town.

7.8. KEEP HANWELL VILLAGE RURAL ACTION GROUP (KHVRAG): **Objection** The comments are summarised as follows:

- Conflict with the spatial strategy, which sets limits to growth for Banbury and Hanwell;
- Harm to character and appearance of the area, including coalescence;
- Impact on heritage assets; and,
- Loss of best and most versatile agricultural land.

CONSULTEES

7.9. OCC HIGHWAYS: **Objection** The comments are summarised as follows:

- The site access junction has not been supported by a vehicle tracking exercise;
- The Personal Injury Collision data used to identify any significant highway safety issues within the study area is not up to date. This has not utilised the most recent 5-year accident record; and,
- Junction Capacity Assessment is not deemed to be robust enough, failing to appraise certain junctions that have been shown to accommodate a majority of traffic from the proposed development. The study area for the analysis needs to be determined by robust assumptions of the development's traffic distribution.

7.10. OCC LOCAL LEAD FLOOD AUTHORITY (LLFA): **No Objection** subject to conditions.

7.11. OCC EDUCATION: **No Objection** subject to S106 contributions.

7.12. OCC ARCHAEOLOGY: **No Objection** subject to conditions.

7.13. OCC WASTE MANAGEMENT: **No Objection** subject to S106 contributions.

7.14. OCC RIGHTS OF WAY: **No Objection** subject to conditions and S106 contributions.

7.15. CDC BUILDING CONTROL: **No Objection** Comments are summarised as follows:

- Where required works will be subject to an application to secure compliance with Building Regulations; and,
- Attention drawn to B5 fire service vehicle access.

7.16. CDC ENVIRONMENTAL HEALTH: **No Objection** subject to conditions

7.17. CDC ECOLOGY: **No Objection** subject to conditions.

7.18. CDC RECREATION & LEISURE: **No Objection** subject to S106 contributions.

7.19. CDC PLANNING POLICY: **Objection** summarised as follows:

- CDC are able to demonstrate a 5-year housing land supply;
- Merits of providing additional homes are noted and proposal would assist in delivering new homes under Policy BSC1;
- The application site, if developed, will extend the current built up limits of Banbury into open countryside. The site is not allocated for development in the development plan. The proposals are therefore contrary to saved policies C8 and H18;
- Policy ESD13 requires development to respect and enhance local landscape character;
- In support of policy ESD13, paragraph B.252 of the Plan lists key landscape, and landform features of value around Banbury which includes the open and agricultural setting and identity of the outlying villages surrounding Banbury;
- The application site forms part of a larger area included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (site HELAA030) – which concluded, in part, that the site is: *'unsuitable for development'*; *'would be a direct risk of coalescence of Banbury and Hanwell village which development would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site'*.
- The landscape impact of the application site is especially sensitive given its visual prominence, likely harm to the setting of Hanwell and the erosion of the gap between the village and Banbury, thereby creating a real risk of coalescence;
- Development will likely breach Banbury's contained environmental setting and erode landscape features which define Banbury as a compact historic market town;
- Proposals should be considered against Policy ESD 10, particularly in relation to the loss of best and most versatile agricultural land, and biodiversity;
- Proposals should be considered against and informed by Policy ESD 15 and consider matters such as impact on the Hanwell Conservation Area and other designated and non-designated heritage assets, public access, routes, views, light pollution, urban spaces, development frontage, and building heights. The impact on the Hanwell Observatory should also be considered;
- Advice should be sought from the Housing Strategy and Development Team as to the mix of affordable unit types and Policy BSC 4 will apply;

- proposal exceeds the threshold which requires open space provision to be provided on site and due regard should be given to the requirements of Policy BSC 11;
- Technical matters including access, traffic, drainage, biodiversity net gain and ecology will require detailed consideration;
- It is understood that primary care provision in the Banbury area is at or near capacity. The views of local GP practices and BOB ICB should therefore be sought on this matter; and,
- The Council is currently undertaking a review of the adopted Cherwell Local Plan 2011-2031 (Part 1) which will cover the period to 2040. This plan is the appropriate context for identifying the quantum and location of future residential growth at Banbury. The application site has been submitted for consideration through the Cherwell Local Plan Review 'Call for Sites'.

7.20. THAMES WATER: **No Objection** subject to conditions.

7.21. NHS INTEGRATED CARE BOARD (BOBICB): **Comments** no objection subject to S106 contributions. The comments are summarised as:

- Primary Care Network (PCN) are already under pressure from nearby planning applications;
- This application directly impacts on the ability of the Banbury Cross Health Centre surgery in particular, to provide primary care services to the increasing population;
- Primary Care infrastructure funding is therefore requested to support surgery alterations or capital projects to support patient services;
- Funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.

7.22. THAMES VALLEY POLICE (CRIME PREVENTION): **Comments** no objection subject to S106 contributions. The comments are summarised as:

- Block Arrangement – there should be no excessive permeability and side/rear gardens devoid of surveillance should not be exposed;
- PROW/Public Open Space – PROW transecting the site should be routed and landscaped to provide high levels of surveillance; and, area of open space must be overlooked by multiple dwellings;
- S106 – contributions required;
- Parking – wherever possible in curtilage parking is preferred. Parking spaces must be covered by active surveillance;
- Parking Courts – should be avoided as they can attract those intent on crime and antisocial behaviour;
- Cycle Routes - providing dual purpose routes (pedestrian/cyclist) would be beneficial;
- Defensible Space and Planting - There should be clear definition between the public and private realm;
- Surveillance - it is vital that public areas are well overlooked by natural surveillance from surrounding dwellings, with active frontages to all streets and to neighbouring open spaces;
- Apartment Blocks – should follow best practice of Secured by Design;
- Merged Cores within Apartments Blocks – lift/stairwell cores should not be merged;
- Lighting - should meet the general standards of BS5489-1:2020;
- Rear Access Routes - must be secured to the front of the building line;

- Allotments – should be designed and enclosed to prevent unauthorised entry; and, should be overlooked by surrounding development;
- Utility Meters - unless smart meters are specified, private utility meters must be located where they are easily accessible and visible from the public realm.

7.23. BANBURY CIVIC SOCIETY: **Objection** summarised as follows:

- Proposed development would intrude into the open countryside on high grade farmland identified as being visually sensitive to urban development;
- Would compromise the rural setting of Hanwell village and its conservation area and result in coalescence, contrary to Cherwell's adopted Local Plan.

7.24. CPRE: **Objection** summarised as follows:

- Plans presented will destroy an area of Best and Most Valuable agricultural land (grade 2) at a time of heightened concern regarding the nation's food security;
- Will cause significant harm to the habitats of a number of species, many of which are recognised to be in decline, some to the point of endangerment;
- The proposal has the effect of conjoining Banbury with the settlement of Hanwell, a Conservation Area with Grade 1 and 2 listed buildings; and,
- Hanwell village will disappear as a distinct settlement.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC3: Affordable Housing
- BSC4: Housing Mix
- 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
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H5: Affordable Housing
- H18: New Dwellings in the Countryside
- C7: Landscape Conservation
- C8: Sporadic Development in the Open Countryside
- C28: Layout, design and external appearance of new development
- C30: Design of New Residential Development

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive (1992)
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Biodiversity and Geological Conservation: Circular 06/2005
- Cherwell Residential Design Guide SPD (2018) Developer Contributions SPD (2018)
- Hanwell Conservation Area Appraisal (August 2007)
- CDC Housing and Economic Land Availability Assessment (HELAA) (February 2018)
- CDC Banbury Landscape Sensitivity and Capacity Assessment (September 2013)
- A Green Future: Our 25 Year Plan to Improve the Environment (January 2018)

9. APPRAISAL

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

- Principle of Development
- Landscape Context
- Heritage Context
- Loss of Agricultural Land
- Highways
- Housing Mix and Affordable Housing
- Natural Environment
- Flood Risk and Drainage
- Sustainability
- Section 106 Agreement

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states '*if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*' This is also reiterated within the National Planning Policy Framework (NPPF) at paragraph 12 which highlights that the starting point for decision making is the development plan.

Development Plan

- 9.3. Having regard to this application the Development Plan comprises the adopted CLP 2031 Part 1 and the saved policies of the CLP 1996.
- 9.4. Policy PSD1 of the CLP 2031 Part 1 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development under the NPPF.
- 9.5. Underpinning the Development Plan is a vision and spatial strategy wherein the latter is summarised as follows:
- *Focusing the bulk of the proposed growth in and around Bicester and Banbury;*
 - *Limiting growth in our rural areas and directing it towards larger and more sustainable villages; and,*
 - *Aiming to strictly control development in open countryside.*
- 9.6. Policy BSC1 (CLP 2031 Part 1) directs the delivery of housing within the District, stating, in part:

'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.'

National Planning Policy Framework

- 9.7. 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).
- 9.8. 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.
- 9.9. 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:
- 11c) *'approving development proposals that accord with an up-to-date development plan without delay;*
- or
- 11d) *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.'*

9.10. The position under para 11d above, 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'*.

9.11. Paragraph 12 of the NPPF provides clear direction in respect of sustainable development and the status of the Development Plan, wherein it states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

9.12. Section 5 of the NPPF focuses upon the delivery of a sufficient supply of homes, stating:

'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 groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

9.13. Paragraph 74 (Section 5) of the NPPF provides direction on maintaining the supply and delivery of homes, stating:

'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.'

9.14. The supply of specific deliverable sites should, in addition, include a buffer which is 5% in CDC's current circumstances (moved forward from later in the plan period).

9.15. The position in respect of the CDC housing land supply is addressed below.

5-Year Housing Land Supply

9.16. In February 2023 Cherwell District Council (CDC) approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are 'out of date'. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5-Year supply of land should be calculated using the Government's standard methodology.

9.17. The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently CDC is able to demonstrate a 5.4-year supply and paragraph 11d (the *'tilted balance'*), as referenced above, is not engaged.

9.18. The merits of providing additional homes (including affordable homes) on this site is therefore noted and it is acknowledged that the proposal would assist in delivering new homes and in meeting overall housing requirements under Policy BSC1 (CLP 2031 Part 1) to 2031.

Assessment

- 9.19. The Council's housing land supply position of 5.4 years means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states that the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are a starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.20. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 170 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. This undeveloped greenfield site (i.e., open countryside) serves an important landscape and visual function in separating the settlements of Banbury and Hanwell and preventing coalescence.
- 9.21. As the application site is located within open countryside beyond the built-up limits of any settlement, including Banbury, the proposal must also be assessed against saved Policies C8 and H18 of the CLP 1996. Policy C8 seeks to avoid sporadic development in the open countryside and applies to all new development proposals beyond the built-up limits of settlements.
- 9.22. Policy H18 states that planning permission will only be granted for new residential development beyond the existing built-up limits of a settlement where the development is:
- a. essential for agriculture or other existing undertakings;
 - or
 - b. the proposal meets the criteria set out in policy H6;
 - and,
 - c. the proposal would not conflict with other policies in the development plan.
- 9.23. The proposed development is not essential for agriculture or any identified undertaking; and, does not meet the criteria under Policy H6. Accordingly, the proposed development does not accord with Policies C8 and H18 of the CLP 1996.

Conclusion

- 9.24. It is acknowledged that the proposed development would assist in meeting the overall housing requirements of the district and contribute to the provision of affordable housing.
- 9.25. However, the housing supply figure for CDC is calculated at 5.4-years. Whilst the NPPF states that the requirement to have a 5-year supply is not intended to place a cap on development, the housing policies of the Development Plan are nevertheless the starting point for decision taking and afforded full weight. Whilst the benefits of additional housing, including the provision of affordable housing are acknowledged, the impact upon the landscape; any resultant coalescence between the settlements of Banbury and Hanwell; the impact upon heritage assets; and, the loss of agricultural land, arising from the development of these parcels of agricultural land, must be weighted significantly in the planning balance. The respective matters are addressed in turn below.

Landscape Context

9.26. ESD13 of the CLP 2031 Part 1 seeks to conserve and enhance the distinctive and highly valued local character of the entire District and provides clear direction as to the requirements for development proposals, wherein it states:

'Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside;*
- Cause undue harm to important natural landscape features and topography;*
- Be inconsistent with local character;*
- Impact on areas judged to have a high level of tranquillity;*
- Harm the setting of settlements, buildings, structures or other landmark features; or,*
- Harm the historic value of the landscape.'*

Assessment

9.27. In the first instance it is important to understand the landscape context.

9.28. Paragraph B.252 of the CLP 2031 Part 1 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.

9.29. Having regard to para. B.252, the application site, as referred to under section 1 of this report comprises two arable fields, crossed by 2no PRow, situated within an slightly undulating open agricultural plateau landscape wherein the landform slopes down into the Cherwell and Hanwell Brook valleys either side, maintaining the identity of the outlying village, on this occasion Hanwell.

9.30. With regards to the capacity of the application site to accept development, the CDC Housing & Economic Land Availability Assessment (HELAA030 – Land of Warwick Road, Banbury) provides a significant summary, stating:

'Greenfield site outside the built-up limits. The site is considered to be unsuitable for development as the land rises from Hanwell Village towards the site and the gradient is steep. Similarly, the land falls steeply away from the site towards the cricket ground off Dukes Meadow Drive. There would be a direct risk of coalescence of Banbury and Hanwell village which development would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site. The site is in a prominent position therefore unsuitable for development.'

9.31. In addition to the findings of the HELAA, the application site forms part of a parcel of land (referred to as 'Site A') assessed by the Banbury Landscape Sensitivity and Capacity Assessment, which was prepared to inform the emerging Cherwell Local Plan Review. A wider parcel of land, equating to 105ha, was assessed, wherein the landscape sensitivity was assessed as:

'medium - high sensitivity and the Visual Sensitivity has been assessed as high sensitivity'

In addition, the capacity for residential development was weighted towards low, wherein it was stated:

'The development of residential properties north of Dukes Meadow Drive may result in urban sprawl to the north of Banbury and create a poorly defined development limit which currently exists at Dukes Meadow Drive. There would also be indirect effects of residential development affecting the setting of the Hanwell Conservation Area and Banbury Cemetery and Crematorium.'

9.32. In describing the landscape setting of Banbury, the September 2013 Banbury Green Buffer Report (paragraph 3.1.1) states, in part:

*'Banbury's landscape setting imposes and defines environmental limits for growth of the town'; and,
'Any further development beyond these environmental limits would harm the special character of Banbury and its relationship to its landscape setting.'*

9.33. In respect of any potential landscape mitigation, it is important to return to the Banbury Landscape Sensitivity and Capacity Assessment and para. 4.1.15 wherein it states:

'Development within the area could be mitigated through the implementation of a landscape strategy although this would have an effect upon the visual appearance and alter the character from open valley side to a wooded valley appearance. The site is therefore considered of high sensitivity to mitigation.'

9.34. Turning to the perceived impact and effects of the proposed development.

9.35. Significantly, 'Table 7.11: Summary of residual and significant effects' to the applicants submission provides a summary of the residual effects, wherein the table identifies 1) the changes to landscape character; and 2) changes to the visual amenity of visual receptors within 1km of the site.

9.36. Having regard to 1) the changes to landscape character – the residual effect is acknowledged as being significant, ranging from 'Minor' to 'Major' adverse both within the site and the site context, including the relationship between Banbury and Hanwell; and 2) changes to visual amenity - being 'Moderate' to 'Major' adverse in respect of the visual receptors within 1km, including the PRoW and users of Warwick Road, Main Street and Gullicott Lane.

9.37. The summary of residual effects above covers a period ranging from Year 1 to Year 15 and includes the proposed mitigation measures, namely woodland planting to a part of the western (Warwick Road) site boundary; a mixture of wildflower meadow and parkland; informal sports provision; attenuation features and natural play spaces.

Conclusion

9.38. Having regard to the above, it is considered that the proposed development would cause undue visual intrusion into the open countryside, fundamentally changing these parcels of open arable land, creating a prominent urban built form, inconsistent with the local character, readily visible from within the surrounding public domain.

9.39. The visual prominence of the site is such that the development would breach Banbury's contained environmental setting to the south, giving rise to a direct risk of coalescence between Banbury and Hanwell to the north, harming the undeveloped setting and eroding the identity of the settlement of Hanwell and its heritage assets – contrary to policy ESD13 of the CLP 2031 Part 1.

Heritage Context

Legislative and Policy Framework

9.40. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states:

'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.'

41. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that in exercise of planning functions, with respect to any buildings or other land in a conservation area *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

42. In considering the potential impacts of development para. 199 of the NPPF states:

'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.'

9.43. The requirements of para.199 of the NPPF are reinforced by Policy ESD15 of the CLP 2031 Part 1 wherein, in part:

'New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design';

and,

'Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting.'

9.44. The special interest which Hanwell Conservation Area possesses lies in its historic core (centred around the Church and Hanwell Castle); several listed buildings; archaeological remains; and its rural setting.

Assessment – Archaeology

9.45. As set out within the OCC Archaeology consultation response an archaeological evaluation has been carried out on the site following a geophysical survey, and the accepted evaluation report has been submitted. The evaluation recorded relatively dense Iron Age remains in the eastern part of the site, and an undated feature in the western area. The proposed site lies immediately to the north of a development site wherein archaeological excavations recorded extensive Roman and Iron Age features. The features recorded in the evaluation will need to be fully investigated should any grant of planning permission be forthcoming.

Assessment – Conservation Area & Listed Buildings

9.46. The application site forms part of a patchwork of open arable land between the edge of Banbury and Hanwell village, providing clear separation between the respective settlements and forming part of the surroundings within which heritage assets, namely Hanwell Conservation Area, St Peter's Church (Grade I) and Hanwell Castle (Grade II*) are experienced.

9.47. St Peter's Church and Hanwell Castle are located on the southern side of Hanwell Conservation Area in the area overlooking the proposed development, forming a part of the surroundings and therefore the setting, in which these important heritage assets are experienced.

9.48. Significantly, para. 9.1 to the Hanwell Conservation Area Appraisal (2007) explicitly highlights:

'The pressure on the village from the urban extension of Banbury is a threat to the integrity and independence of Hanwell. It is important that the setting of the Conservation Area as well as that of the Castle and the Grade I listed Church is protected.'

9.49. As acknowledged within the Executive Summary to the applicants 'Archaeological and Heritage Assessment', the application site is recognised as making a 'small positive contribution to its significance'; and there would be a 'change to the rural character of part of the setting of the HCA' thereby causing 'less than substantial harm'.

Conclusion

9.50. The resultant development is considered to erode the open arable landscape which provides that clear separation between Banbury and Hanwell and the surroundings within which St Peter's Church and Hanwell Castle are experienced, to the detriment of and causing harm (less than substantial) to the setting of Hanwell Conservation area and the setting of the aforementioned listed buildings – contrary to policy ESD15 of the CLP 2031 Part 1.

Loss of Agricultural Land

Legislative and Policy Framework

9.51. The Agricultural Land Classification (ALC) helps to inform decisions on the appropriate sustainable development of land. The ALC uses a grading system to identify the quality of agricultural land. The land subject of this application is classified as Grade 2 (very good quality agricultural land) and Subgrade 3a (good quality agricultural land).

9.52. In efforts to preserve the natural environment the NPPF (para 174b) states:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.

9.53. The requirements of para.174 above are supported by paras. 001 and 002: Planning Practice Guidance for the Natural Environment which explains why planning decisions should take account of the value of soils and the ALC.

9.54. In turn Policy Villages 2 of the CLP 2031 Part 1 states, in part:

'In identifying and considering sites, particular regard will be given to the following criteria:

- *Whether best and most versatile agricultural land could be avoided.'*

Assessment

9.55. In response to the applicable legislative and policy framework the applicants supporting 'Planning Statement' at 5.98 and 5.99 confirms the value of the land having regard to the ALC and states:

'The proposals will result in the loss of best and most versatile land, however this amounts to only 12.63ha and if therefore not significant.'

Conclusion

- 9.56. In this instance no evidence base has been provided to attempt to demonstrate whether the loss of this 'very good' and 'good' quality parcels of agricultural land could be avoided. The proposals thereby fail to satisfy the prescribed criteria under Policy Villages 2 of the CLP 2031 Part 1 and the requirements of para.74 of the NPPF and must be weighted accordingly in the decision making process.

Highways

Legislative and Policy Framework

- 9.57. The In considering development proposals in respect of highway safety para.111 of the NPPF states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 9.58. Policy SLE4 of the CLP 2031 Part 1 provides clear direction in respect of highway matters, stating:

'All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.'

- 9.59. In turn Policy TR1 of the CLP 1996 focuses upon transportation funding, stating:

'All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.'

Assessment

- 9.60. As highlighted within the applicants 'Planning Statement' at paras.5.54-5.56, the proposed access/footway arrangements comprise:

'A new vehicular access is proposed off Warwick Road. In accordance with Oxfordshire County Council guidance the access will be 5.5m wide. The red line boundary for the application contains land sufficient to cover the necessary visibility splays.

It is proposed to extend the 40mph speed limit along Warwick Road to the north past the proposed access point, to be secured through a Traffic Regulation Order (TRO).

A 3m wide shared footpath and cycleway is proposed to connect the site access on the eastern side of Warwick Road to the residential development to the south. It is

also proposed to improve connections along the Public Rights of Way across the site and connect to Dukes Meadow Drive.'

9.61. As set out under para. 6.9 of this report, OCC as the Local Highway Authority (LHA) have raised an objection to the scheme due to the absence of the following:

- 1) The site access junction has not been supported by a vehicle tracking exercise;
- 2) The Personal Injury Collision data used to identify any significant highway safety issues within the study area is not up to date. This has not utilised the most recent 5-year accident record; and,
- 3) Junction Capacity Assessment is not deemed to be robust enough, failing to appraise certain junctions that have been shown to accommodate a majority of traffic from the proposed development. The study area for the analysis needs to be determined by robust assumptions of the development's traffic distribution.

9.62. It is acknowledged that the applicant has entered into dialogue with the LHA to attempt to address the objections raised. However, at the time of writing this report no information has been received and the LHA objection remains.

Conclusion

9.63. Based upon the submission to date, insufficient information has been provided to determine if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This should be weighted accordingly in the decision-making process.

Housing Mix and Affordable Housing

Legislative and Policy Framework

9.64. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need.

9.65. Policy BSC3 of the CLP 2031 Part 1 requires 30% affordable housing, and the dwelling mix should be informed by Policy BSC4. All qualifying developments, as is the case in this instance, will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes.

Assessment

9.66. The proposed development provides for up to 170 dwellings.

9.67. As set out within the CDC Housing Strategy and Development consultation response, the policy framework requires 30% of the scheme to be affordable housing, equating to up to 51 dwellings.

9.68. The required tenure split is 70% rented and 30% intermediate. In turn 25% of the affordable mix should be First Homes with 10% of the total (i.e., 170) number to be Low-Cost Home Ownership (i.e., 17 dwellings).

9.69. On a scheme of 170 dwellings, a policy-compliant tenure split comprises:

- 34 x Rented;
- 13 x First Homes; and,

- 4 x Shared Ownership.

Conclusion

9.70. The applicant's submission does not specify a proposed tenure split. However, it is noted under P.33 of the applicants 'Planning Statement' that '*A target of 30% affordable housing will be provided in line with Policy BSC 3. The tenure split will be agreed through the S106 Agreement.*'

Natural Environment

Policy Framework

9.71. Para.174 of the NPPF provides an overarching objective wherein planning policies and decisions should contribute to and enhance the natural and local environment.

9.72. Para.180 of the NPPF provides guidance in determining planning applications wherein local planning authorities are required to apply the following principles:

- a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b. development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c. development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and*
- d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

9.73. Policy ESD10 of the CLP 2031 Part 1 lists the criteria within which the protection and enhancement of biodiversity and the natural environment will be achieved, which includes, but is not limited to the following:

- *In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources; and,*
- *Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value.*

Assessment

9.74. As summarised within the applicants 'Planning Statement' at paras.5.45-5.48:

'An Ecological Appraisal has been prepared by EDP and accompanies the submission. The baseline ecological investigations included a desk study, Extended

Phase 1 survey and detailed (Phase 2) surveys relating to hedgerows, breeding birds, roosting and foraging/commuting bats and badger.

The report confirms the site is subject to no ecological designations, nor are there any within the zone of influence of the site. The on-site habitats are predominantly managed arable fields, locally valuable hedgerows, mature trees and woodland.

These habitats support small populations of a number of protected/priority species: breed bird assemblages, foraging/commuting bat assemblages and badgers.

The ecological mitigation strategy comprises initial avoidance measures that have informed the design of the masterplan; sensitive timing of works (secured through an Ecological Construction Method Statement to be conditioned on the grant of any permission); habitat enhancement and creation measures to be specified in a soft landscape scheme to be submitted in a later Reserved Matters, and also secured in an Ecology Management Plan (also to be conditioned on the grant of any permission).'

9.75. In response to the above CDC Ecology have confirmed the following:

- The submitted BIA demonstrates an acceptable level of biodiversity net gain in both habitats and hedgerows on site;
- Foraging and commuting bats, including rarer species such as a Barbastelle, will require large buffers to hedgerows and woodland edges and a sensitive lighting strategy that ensures there is no light spill into areas of importance to these species should be conditioned;
- Badgers are present and therefore additional surveys (and mitigation strategy) will be required before any works commence. It should be possible to retain setts on site;
- The adjacent field could mitigate fully for any loss to farmland birds and Brown Hare on site and act as a refuge from amenity use; and,
- Recommend a CEMP, LEMP (with metric showing a minimum of 10% biodiversity net gain and habitat monitoring program), updated badger and protected species surveys, lighting strategy and farmland bird mitigation scheme are conditioned should planning permission be forthcoming.

Conclusion

9.76. Subject to the delivery of the specified Biodiversity Net Gain and the additional mitigation measures and survey work – to be secured by condition, it is considered that the scheme may be compliant with the prescribed policy framework.

Flood Risk and Drainage

Policy Framework

9.77. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 states that when determining any applications, local planning authorities should ensure that '*flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood-risk assessment.*

9.78. Policy ESD6 of the CLP 2031 Part 1 reinforces the guidance contained within the NPPF, seeking to manage and reduce flood risk in the District.

9.79. Policy ESD7 of the CLP 2031 Part 1 sets out the Councils approach to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.

Assessment

9.80. The application site is located in Flood Zone 1 (low probability) and as such the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a Flood Risk Assessment (FRA) has accompanied this submission.

9.81. The application submission, inclusive of the FRA, has been considered by OCC as the Lead Local Flood Authority wherein no objection has been raised subject to a detailed surface water drainage scheme and a record of the installed SuDS and site wide drainage scheme.

Conclusion

9.82. Subject to the outstanding details being secured by condition – should a grant of planning permission be forthcoming – the proposals are considered compliant with the aforementioned policy framework.

Sustainability

Policy Framework

9.83. Section 14 of the NPPF addresses meeting the challenge of climate change, flooding and coastal change. This is echoed by Policies ESD1-5 of the CLP 2031 Part 1.

9.84. Policy ESD1 identifies measures to be taken to mitigate the impact of development within the District on climate change.

9.85. Policy ESD2 seeks to achieve carbon emissions reductions and to promote an energy hierarchy.

9.86. Policy ESD3 places an emphasis upon sustainable design and construction.

9.87. Policy ESD4 promotes the use of decentralised energy systems.

9.88. Policy ESD5 supports renewable and low carbon energy provision.

Assessment

9.89. The applicant's submission is accompanied by a 'Energy and Sustainability Statement'. The aforementioned statement confirms that the development will adopt the following measures:

- *a combination of fabric efficiency measures and renewable energy;*
- *site wide CO² emission reductions of greater than 31% over Part L of Building Regulations standards;*
- *fabric first approach to sustainable construction;*
- *solar PV systems;*
- *all buildings to be built to be resilient through construction specification and managing overheating risk in consideration of the longer term impacts of changing climate; and,*
- *water usage will be reduced using flow restrictors and low use appliances.*

Conclusion

9.90. The specified measures are considered to demonstrate compliance with the requirements of the policies referenced above in respect of sustainability.

Planning Obligations

9.91. Local planning authorities are required to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

9.92. Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Assessment

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

9.94. CDC Obligations:

- 30% affordable housing to NDSS and CDC requirements and standards;
- £194,365.42 towards improvements/enhancements at Hanwell Fields Community Centre and / or other community facility in the locality;
- £17,463.35 towards the costs of employing a community development worker;
- £342,895.10 towards the provision of a 3G football pitch in Banbury;
- £141,940.96 towards the provision of an Indoor Tennis Centre in Banbury or improvements to other indoor sports facilities in the locality;
- £38,080.00 towards public artwork to be created in the vicinity of the site.

9.95. OCC Obligations:

- TBC towards Strategic Highway works 1;
- £170,000.00 towards Strategic Highway works 2;
- £275,060.00 towards Public Transport Services;
- £3120.00 towards a Traffic Regulation Order;
- £1890.00 towards Travel Plan Monitoring;
- £65,000.00 towards PROW
- £1,598,085.00 towards secondary and special school education;
- £15,973.00 towards Expansion and Efficiency of Household Waste Recycling Centres

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise.

- 10.2. The Council's housing land supply position of 5.4 years means that the relevant development plan policies are up-to-date and the development proposals must be assessed in accordance with the Development Plan. Paragraph 11d of the NPPF is not engaged in this instance.
- 10.3. The application site is located within open countryside beyond the built-up limits of any settlement and is not allocated for development. Accordingly, the principle of development is not deemed permissible.
- 10.4. The visual prominence of the site is such that development would breach Banbury's contained environmental setting, giving rise to a direct risk of coalescence between Banbury and Hanwell, to the detriment of both the rural landscape and the setting within which heritage assets (i.e. Hanwell Conservation Area, St Peters Church and Hanwell Castle) are experienced, causing less than substantial harm, contrary to Policies PSD1, BSC1 and ESD15 of the CLP 2031 Part 1 and saved Policies C8 and H18 of the CLP 1996.
- 10.5. Further to the adverse impact upon the settlements of Banbury and Hanwell, the landscape context and surrounding heritage assets, no evidence base has been provided to attempt to demonstrate whether the loss of this 'very good' and 'good' quality agricultural land could be avoided, contrary to Policy Villages 2 of the CLP 2031 Part 1 and para. 174 of the NPPF.
- 10.6. Moreover, insufficient information has been provided to determine if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.7. The benefits of additional housing, including the provision of affordable housing are acknowledged, however, the impact upon the landscape; the resultant risk of coalescence between the settlements of Banbury and Hanwell; the impact upon heritage assets; the loss of good and very good quality agricultural land; and, the potential unacceptable impact upon highway safety are considered to outweigh any such benefits.
- 10.8. With the above in mind this application is recommended for refusal.

• **RECOMMENDATION**

REFUSAL FOR THE REASONS SET OUT BELOW:

1. Cherwell District Council is able to demonstrate a 5-year housing land supply meaning that the relevant development plan policies are up to date. The application site is located within open countryside and is not allocated for development. The proposed development by virtue of its visually prominent position, is such that it would breach Banbury's contained environmental setting, giving rise to a direct risk of coalescence between Banbury and Hanwell, causing undue visual intrusion into the open countryside, fundamentally changing the undeveloped characteristics of these parcels of open arable land, creating a prominent urban built form, inconsistent with the local character, to the detriment of the rural landscape and the identity and individuality of Hanwell village, contrary to Policies PSD1 and BSC1 of the CLP 2031 Part 1 and saved Policies C8 and H18 of the CLP 1996.
2. The proposed development is considered to erode the open arable landscape which provides clear separation between Banbury and Hanwell and forms part of the surroundings within which the setting of Hanwell Conservation Area, St

Peter's Church (Listed Building Grade I) and Hanwell Castle (Listed Building Grade II*) are experienced, to the detriment of and causing harm (less than substantial) to the setting of these designated heritage assets, contrary to policy ESD15 of the CLP 2031 Part 1.

3. No evidence base has been provided to attempt to demonstrate whether the loss of this 'very good' and 'good' quality parcels of agricultural land could be avoided. The proposals thereby fail to satisfy the prescribed criteria under Policy Villages 2 of the CLP 2031 Part 1 and the requirements of para. 174 of the NPPF.
4. Insufficient information has been provided to determine if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, contrary to para. 111 of the NPPF.

CASE OFFICER: Richard Greig

TEL: