

Ref: GA/AM/03222/L0006am

28th November 2022

Planning Department
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Sir / Madam,

**Outline Planning Application on behalf of Mr P M Donger, Mrs S M Donger and Manor Oak Homes
Land at Hanwell Fields, Banbury
PP Reference PP-11597460**

Further to our client's successful first phase of development at Dukes Meadow Drive comprising 78 new dwellings we are pleased to enclose a revised planning application comprising the second phase of development, seeking permission for the following:

"Outline planning application for up to 117 dwellings and associated open space with all matters reserved other than access"

The application was submitted today via Planning Portal (Reference PP-12617136) and is supported by the documentation set out in the submitted document schedule.

The application fee has been calculated as being £16,400 on the basis of an outline application in respect of a site area of 6.02ha. The fee will be paid via BACS by our client.

Specifically, approval is sought for the following drawings (with all other plans appended to the various supporting reports provided as illustrative only at this outline stage):

- Drawing Reference SLP 03 Rev G: Site Location Plan
- Drawing Reference SHLUDPP 01 Rev A: Storey Heights, Land Use, and Density Parameter Plan
- Drawing Reference 802-TA10 Rev B: Proposed Access Phase 1 and 2 Without Layout

The proposal subject of this application follows the resolution to grant planning permission, subject to the completion of a Section 106 legal agreement, for a first phase of our client's development immediately to the south comprising up to 78 dwellings. The associated application, reference 21/03426/OUT, secured the support of the Council at planning committee on 7th April 2022 due to a combination of the severe deficiency in the

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district's housing land supply allied with the demonstrably sustainable location of the proposal on the edge of the district's largest settlements.

It also follows the withdrawal of an initial application for the second phase of development which sought permission for up to 176 dwellings. The applicant resolved to withdraw the previous scheme due to matters that arose during the application specific to this larger proposal relating to landscape impact, ecology, and drainage. The current submission follows a thorough consideration of the concerns raised by officers in respect of the previous application and principally responds through a reduction of the site area by exactly 30% (8.6ha reduced to 6.02ha) and the proposed number of dwellings by 34% (176 reduced to 117). These measures alone are considered by the applicant to have entirely alleviated any potential harm caused by the proposal resulting in a scheme that is now overwhelmingly beneficial in respect of the provision of additional much needed new homes adjacent to Banbury.

Like the development proposed as part of the first phase the composition of the current application scheme has been informed by the thorough analysis of the site set out in the accompanying suite of technical reports, the findings of which are summarised best in a combination of the Planning Statement and Design and Access Statement. This statement also provides a full review of the way in which the main concerns that arose in respect of the 176-dwelling proposal have been comprehensively addressed.

Specifically, the design, layout, and way in which the new development will link with both the first phase and the wider urban area of Banbury ensures that it will comprise a natural further phase of our client's overall proposals.

The Application Site

The application site, extending to approximately 6.02ha including the land required for access and drainage, comprises the eastern extent of a larger field lying to the immediate north of Dukes Meadow Drive and the 3.4ha of land subject of the first phase of our client's proposed development. It represents an approximate 40% portion of the larger field which comprises rough grazing land.

The field is bound by a prominent established hedgerow and treeline along its northern and eastern edges and then by the Dukes Meadow Drive corridor to the south, a route which represents Banbury's northern distributor road and one of the town's principal locations for residential growth. The western boundary of the application site is currently undefined on the ground due to the site comprising the eastern portion of a larger field (it will essentially split the field by a ratio of 3:2). The site is then separated from the main carriageway of Dukes Meadow Drive by a combination of the first phase land and a grassy embankment which comprises highways land.

The site lies immediately to the north of the built-up area of Banbury and opposite a substantial area of modern housing, community facilities and open space comprising the recent Hanwell Fields development at the town. The existing development is characterised by a range of contemporary housing styles featuring a mixture of terraces, townhouses and predominantly apartments, many of which comprise 'landmark' building fronting onto Dukes Meadow Drive including those opposite the site, themes which have been incorporated into the first phase proposal. To this end it sits in the context of existing recent residential development. Furthermore, it is then well related to two current and significant Local Plan allocations at the town – Banbury 2 to the east and Banbury 5 to the west – which clearly establish the northern approaches to the town as an established direction of both current and future growth.

The site is unburdened by any environmental designations. In addition, other than the site lying outside of but on the edge of the built-up area of Banbury, it is not burdened by any known policy constraints. There are no adjacent heritage assets. The site is located within Flood Zone 1 and thus at the lowest risk of flooding. There are no known surface water flooding issues either on the site or in the general locality.

It is also afforded immediate vehicular access from the existing highway network. Indeed, the site is in a highly accessible location in every respect, affording pedestrian and cycle linkages to a wide range of shops, services, and facilities as well as public transport services. Along with the site lying within an 800m walking distance of the nearest bus stop at Ferriston (which is adjacent to the nearest doctor's surgery) to the south it also lies immediately adjacent to a range of services at Hanwell Fields local centre.

In considering the location of the first phase land and its relationship with these local services and facilities the committee report concluded "*the proposed location of the site is immediately opposite an existing local centre containing a convenience store, food outlets, other retail premises, dentist, public house, community centre and primary school. These are ideally located and provide safe/convenient pedestrian access to these facilities from the site.*"

The Proposed Development

The development subject of this application will be led by the following key principles:

- The delivery of up to 117 dwellings in total of a range of sizes, types and tenures;
- Development at an approximate density of 20dph (gross), 30dph (net) which is lower than that of nearby proposals at Sites Banbury 2 and Banbury 5 as well as the first phase of development immediately to the south;
- Consequently, a development that incorporates approximately 40% of the site as open space and public amenity land;
- The provision of just over 30% affordable housing on site (36 dwellings) with an overall mix in line with the general requirements of the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) and the more specific comments provided by the Council's Housing Strategy team towards the previous withdrawn application;
- A layout characterised by a combination of formal and informal planting representative of the settlement edge character of the site and reflective of the first phase of development to the immediate south;
- Vehicular access drawn from the adjacent Dukes Meadow Drive / Lapsley Drive roundabout via the first phase (as already approved);
- A secondary emergency access at the southeast corner of the site directly on to Duke's Meadow Drive;
- Then, opportunities for additional cycle and pedestrian links to and from the first phase of development along the southwestern boundary;
- Both a LAP and a LEAP are integrated as part of the open space which provides a buffer between the northern edge of the developable area and the open countryside to the north;
- A proposed perimeter block style layout in keeping with the existing development on the southern side of Dukes Meadow Drive and taking cues from the emerging developments at Sites Banbury 2, Banbury 5 and of course the first phase; and
- An integrated SUDS drainage system using a series of surface attenuation ponds to ensure discharge can be maintained at greenfield rates. This is designed to link in with the first phase of development.

A parameter plan showing both the proposed development parcels along with the maximum upper storey heights across the site is included as part of this submission. This plan is offered for approval to ensure that the key principles of the proposal will be adhered to at detailed reserved matters stage.

Response to the withdrawn application

The supporting Planning Statement sets out a comprehensive and compelling case for the proposed development. Most importantly it identifies a maintained need for additional sustainably located homes in the district to enable the Council to establish an up-to-date 5-year supply of housing land in line with the requirements of the NPPF. Currently it is our estimate that there is at best a 4.04-year supply in Cherwell which represents a worsening of the position since the first phase application (4.8-years at the point of submission). Based on the current trajectory

the level of demonstrable supply then drops further still to approximately 3.57-years for the 2023-28 monitoring period.

It is noted that the withdrawn application was opposed by officers on the basis that the delivery of new homes at this location conflicts with the spatial strategy of the adopted development plan, a matter which weighed heavily against the benefit of housing delivery. However, this conclusion was reached without recognition of the deficit in supply that exists across the district, one which is described clearly at Section 6 of the accompanying planning statement.

As explained above this application also seeks to overcome all of the additional technical and environmental concerns raised in respect of the larger 176-unit scheme. The revised design approach responds positively and comprehensively to each of these point as follows:

- **Issue:** Visual prominence within the open countryside beyond and the additional potential to threaten the coalescence of Banbury and the village of Hanwell to the north:

Response: As described above the proposal subject of this application represents a much reduced scale of development when assessed against the withdrawn scheme. It works far more with the contours of the site whilst providing a significant landscape buffer along the northern end western edges of the development. It also draws the highest proposed dwelling some 10m below the most prominent unit supported by the Council as part of the Phase 1 scheme. The application proposal will therefore form a natural extension to Banbury which is visually related to the urban area to the south and is concealed from wider views from the open countryside to the north.

Then, in respect of its relationship with Hanwell the substantial 1.35km separation distance provided as part of the Phase 1 proposal is maintained – the nearest part of the proposed developable area will be no closer to the southeasternmost dwelling of Hanwell than the first phase of development.

- **Issue:** Insufficient detail to demonstrate that sufficient surface water drainage can be provided at the site:

Response: The Lead Local Flood Authority (LLFA) recommended the refusal of the previous application due to the lack of sufficient information to allow them confidence that the drainage proposals would be effective. Accordingly, this submission now comprises full details in respect of infiltration, discharge rates, and the location of the proposed outfall including its connection with the local ditch network.

- **Issue:** Insufficient detail to demonstrate that the proposal would not harm flora and fauna and would secure a 10% biodiversity net gain:

Response: One of the main areas of concern in respect of the withdrawn application was the impact it would have on an area of biodiversity-rich Adder's Tongue Fern comprising part of the larger field. Accordingly, the area of the site covered by the fern has now been removed from the reduced red line and will be unaffected by the development. Then, this resubmission includes full details of a mitigation strategy designed to secured at least 10% biodiversity net gain in land immediately to the west of the site under the applicant's control.

Planning merits of the proposal

Taking into account the positive response to the withdrawn application described above the proposal then offers the following range of benefits that allow us to conclude that it is sustainable in every respect:

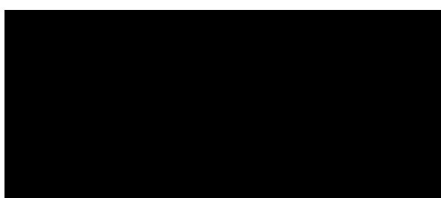
- The site lies adjacent to the built-up area of Banbury and is within walking distance of the full range of services and facilities at the town;

- The site is approximately a 750m walk from the nearest bus stop which offers regular services to the town centre;
- The proposal will provide up to 81 market dwellings and up to 36 affordable dwellings of a mix which responds directly to the Oxfordshire SHMA 2014. This provision of these dwellings is particularly important considering the deficient housing land supply position across the district;
- Specifically, the affordable housing provision on the site, to be split 66:34 in favour of rented accommodation, comprises a range of dwelling and tenure types for which there is a need including social housing, discounted homes to buy and intermediate products;
- The proposed development would help support the local economy. The provision of new houses would provide construction jobs for local people. Along with this, there will be a longer-term economic benefit from the future occupants of the proposed dwellings through a combination of spend in the local economy and support for the ongoing viability of local businesses and employers more generally;
- The illustrative design of the proposal allied with the parameter plan offered for approval is the result of an opportunities and constraints led approach to development and demonstrates a form and layout of development which responds positively to both the relief of the site and its urban edge character; and
- The highways impact of the proposed development will be adequately accommodated by the existing road network. Otherwise, the sustainable location of the site will ensure that the use of sustainable forms of transport is maximised.

On this basis and allied with the Council's deficient housing land supply it is concluded that the application proposal must benefit overwhelmingly from the presumption in favour of sustainable development described by paragraph 11(d) of the NPPF. It should therefore be approved without delay.

We trust that the enclosed documents and drawings are sufficient to enable the validation and determination of this application. Indeed, we look forward to building on your very helpful pre-application comments and working with Officers towards the approval of the enclosed scheme. Should you have any queries or require any further information please do not hesitate to contact me or my colleague Alex Munro.

Yours sincerely



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