

Response to planning application 22/03064/OUT

Application: Outline application for up to 176 dwellings, off Dukes Meadow Drive.

Applicant: Armstrong Rigg Planning (on behalf of Manor Oak Homes).

<https://planningregister.cherwell.gov.uk/Planning/Display/22/03064/OUT#undefined>

I strongly OBJECT to the proposed development.

The applicant's Planning Statement is false in asserting that approval of 21/03426/OUT (Outline application for up to 78 dwellings, off Dukes Meadow Drive) mandates that approval must be granted for 22/03064/OUT (Outline application for up to 176 dwellings, off Dukes Meadow Drive).

In summary, the application 22/03064/OUT should be refused for the following reasons:

1. The proposal is further development into countryside beyond the built limits of Banbury towards neighbouring villages. It does not have the same characteristics as application 21/03426/OUT.
2. Since the approval of 21/03426/OUT in April 2022, the Cherwell draft Local Plan 2040 has been further advanced. This provides updated information on housing supply. Development outwith the current plan would be prejudicial to the plan-making process.
3. The proposed development is contrary to several Local Plan policies the current planning framework.

Further details are provided below:

1. The proposal is further development into countryside beyond the built limits of Banbury towards neighbouring villages. It does not have the same characteristics as application 21/03426/OUT.

- 1.1 The applicant asserts "We suggest that any conclusion reached in respect of the current application site [22/03064/OUT] must be near-on identical [to the previous application 21/03426/OUT]". However, this myopic view ignores a key difference is the environmental impact of the site of 22/03064/OUT. It is materially less well contained by natural topography and has far greater landscape impact. CDC must assess application 22/03064/OUT on its merits and NOT based on merits of the previous application of 21/03426/OUT.
- 1.2 The applicant is biased in claiming that there would be no adverse impact caused by the development. The site was in fact assessed by CDC as clearly "not suitable" for development as recently as the 2018 HELAA. Site HELAA036 was described as: "Greenfield site outside the built-up limits. The site is considered to be unsuitable for development as development in this location would be prominent on the landscape, particularly when viewed from the east, on one of the highest points in the vicinity. It would lead to the loss of greenfield land and informal recreation resource for local people which is in close proximity to the existing Hanwell Fields development."
- 1.3 Subsequent to being approved, 21/03426/OUT was cynically re-branded as "Phase 1", leading to the submission of 22/03064/OUT as "Phase 2". This creates an expectation of "Phase 3" following for the adjacent plot under the same ownership (despite the current application clearly admitting the constraint of topography of the site). CDC must put down a clear marker that Local Plan policies cannot be usurped through piecemeal applications causing housebuilding over the open countryside beyond the built limits of Banbury.

- 1.4 As noted in the Local Plan the rising landform and village conservation areas to the north of Banbury must be taken into account in constraining the extent of Banbury. The proposed site and continuation of northward growth of Banbury will be to the detriment of open countryside and the setting of Hanwell Village conservation area. Given approval of previous housing developments already visible from Hanwell Village conservation area, and details of the current proposal, the assurances of no intervisibility with Hanwell Conservation Area to the north are considered very weak.
- 1.5 The applicant's planning statement says that "the northern edge of Banbury as a key direction of growth" by referencing development approved at Banbury 2. However, that site beyond the northern edge of Dukes Meadow Drive is no direct precedent, since Banbury 2 (as assessed through the local plan making process) clearly has different characteristics, particularly environmental, that differentiate it in terms of sustainable development.
2. **Since the approval of 21/03426/OUT in April 2022, the Cherwell draft Local Plan 2040 has been further advanced. This provides updated information on housing supply, such that development outwith the current plan would be prejudicial to the plan-making process.**
- 2.1 Given the extent of engagement with developers and the people of Cherwell it is inaccurate and extremely churlish for the applicant to assess that the Local Plan Review carries very limited weight. The applicant's speculation on extent of delays in adoption of the draft Local Plan to 2040 is unhelpful.
- 2.2 The applicant's principal argument in favour of development is identical to their previous submission (ref. 21/03426/OUT: Outline application for up to 78 dwellings, off Dukes Meadow Drive). Namely: "In the event that a Council cannot demonstrate a minimum of five years' worth of housing against the relevant housing figure, such as in Cherwell, paragraph 11(d) of the NPPF directs that this would render the most important policies for determining the application as out-of-date."
- 2.3 The applicant states that NPPF directs that the prior local housing need figures may be used in instances where a plan is over five years old, unless the plan has been reviewed has been found not to require updating. However, prior housing need figures are not appropriate as preparation of the draft plan clearly demonstrates that the housing need figures HAVE BEEN FOUND TO REQUIRE UPDATING. For Cherwell Development Control staff to ignore conclusions of Cherwell Planning Policy staff would be inexplicable. The draft plan provides evidence that CDC can demonstrate a 5-year supply of deliverable housing sites.
- 2.4 The next Cherwell Local Plan is in development, with the Regulation 18 draft Local Plan to be issued prior to determination of this application. Weight must be given to the policies emerging from this consultation. NPPF paragraph 50 confirms that permission can be refused on the grounds of prematurity. Premature applications prejudice the outcome of the plan-making process. To permit this proposal now would prejudice decisions that ought properly to be taken locally as part of the Local Plan process.
- 2.5 The applicant's principal argument in favour of development is that a site not approved in the CDC Local Plan 2011-31 is that CDC is unable to demonstrate a 5-year housing supply. The currently available housing supply demonstrated by CDC is based on data for housing need from 2014 (as adopted in the 2015 update of the Local Plan). This is outdated. CDC Planning

Policy team have confirmed that they will be publishing new evidence, alongside the draft Local Plan to 2040 to be issued on 14 December 2022, that demonstrates 5 years of housing supply, through recalculation of housing supply requirements (as permitted by NPPF).

- 2.6 NPPF states that a *5-year supply can be demonstrated when part of a plan that is produced through engagement with developers*. As supply can be demonstrated CDC must resist current speculative housing proposals that ride roughshod over the current Local Plan. The NPPF tilted balance should not be applied to the detriment of a Local Plan prepared with proper consultation and reflecting the wishes of people of Cherwell. As such, CDC will be able to demonstrate 5 years of housing supply prior to 22/03064/OUT being determined. It is certainly disingenuous for the applicant to state that there is a shortfall of over 2,000 homes prior to 2027, when the draft Local Plan with revised housing targets will be approved before that time.

3. The proposed development is contrary to several Local Plan policies the current planning framework.

- 3.1 The applicant's statement that "the council has already resolved that land to the north of Dukes Meadow Drive represents an entirely suitable location for new growth at an entirely sustainable location" relates to a conclusion on a previous application, and NOT relating to the site of 22/03064/OUT. Following the applicant's logic would set a VERY dangerous precedent prejudicing future land-use decisions on land to the north of Dukes Meadow Drive. CDC must clearly confirm the limits to the northward expansion of Banbury and continued development over open countryside.

- 3.2 **Further policies relevant to planning application:** The applicant's Planning Statement omits full consideration of additional policies that are relevant to the consideration of this application. In particular, Cherwell Local Plan 1996 (Saved Policies):

- TR7 Development attracting traffic on minor roads
- R14 Reservation of land for community buildings in association with housing developments at Hanwell Fields, Banbury and Slade Farm, Bicester
- C8 Sporadic development in the open countryside
- C13 Areas of High Landscape Value
- C15 Prevention of coalescence of settlements
- C17 Enhancement of the urban fringe through tree and woodland planting
- C33 Protection of important gaps of undeveloped land

- 3.3 **Incomplete consideration of policies in the application:** The applicant's Planning Statement lists policies that they identify as relevant but is then very selective in judging that the proposal complies with these policies. For example, although referring to adopted Policy ESD15: The Character of the Built and Historic Environment, the applicant makes no reference to how they "Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation." This is an important consideration given the close proximity of this further housing development to Hanwell village, as it would have a serious impact on the publicly funded Hanwell Community Observatory located in the Castle grounds.

- 3.4 **Previous consideration by Planning Inspector relevant to proposed site for development:** The land between Banbury and Hanwell village does not have a statutory landscape designation in the current adopted Cherwell Local Plan. However, it is relevant that

comparable protection was proposed in submission of the Cherwell Local Plan (2011-2031) via the submitted Policy ESD 15 Green Boundaries to Growth*. This submission included the concept of “green buffers” to restrict development of the land between Banbury and Hanwell village (land which application 22/03064/OUT proposes to develop). Whilst submitted Policy ESD 15 Green Boundaries to Growth was not adopted, the Planning Inspector did confirm the relevance of such protection of “green buffers” in citing that protecting local landscape character and vulnerable gaps between settlements to prevent coalescence could be achieved via Policy ESD13 and saved adopted Cherwell Local Plan policy C15. It is these adopted policies that must protect the land north of Dukes Meadow Drive from further development. Greater weight should be given to these material considerations of preventing coalescence between Banbury and surrounding villages.

*(<https://www.cherwell.gov.uk/download/downloads/id/3896/cherwell-submission-local-plan-2006-2031-part-1.pdf>).

- 3.5 **Assessment of application against planning framework:** The following consideration of the application indicates that it is not appropriate development.

Principle of Development:

- 3.6 The applicant’s Planning Statement is largely based on the contention that planning permission should be granted unless there are any adverse impacts of doing so (per NPPF paragraph 11(d)) as Cherwell District Council cannot demonstrate a minimum of five years’ worth of housing. Housing provision should be through the update of the housing supply as identified through strategic sites in the Cherwell Local Plan 2011-2031. Provision should not be through sporadic development. Paragraph 11(d) of the NPPF should not overrule extant planning policies in this case.
- 3.7 In reference to Policy BSC2 the applicant states “Whilst the Council will ‘encourage the re-use of previously developed land in sustainable locations’ it does not preclude potential greenfield opportunities from coming forward which are sustainable in all other respects.” The applicant is incorrect to assert that the proposed development is “sustainable in all other respects”. The Council must take account of policies relevant to this development causing the loss of open countryside. This planning application is setting a dangerous precedent for further development north of Banbury, which is not sustainable development. Policy C15 (Prevention of coalescence of settlements) is very relevant to this consideration.
- 3.8 The proposed site lies in the open land between the edge of Banbury and Hanwell village, which have historically had a clear separation between the two settlements. There are concerns with the principle of developing so close to the historic settlement boundary could lead to coalescence between two distinct settlements and have a detrimental impact on the character of Hanwell Conservation Area.
- 3.9 The applicant’s Planning Statement refers to the NPPF embodying a pro-development stance. However, this development northwards of Banbury represents part of the supply of a large number of new homes and significant extensions to the town. As such CDC, in assessing suitable locations for such development, should: “consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.” (ref. NPPF para 73(e)). Whilst formal Green Belt designation may not be applicable, the continuing development of open countryside north of Banbury, warrants CDC consideration of whether a suitable equivalent designation is required to restrict development.

Design, Layout and Amenity

- 3.10 The proposed development does not contain additional community facilities. The previous provision of community buildings within the Hanwell Fields development was allocated at a

level to serve only that site, and not further development north of Dukes Meadow Drive. This is referenced in Policy R14.

Landscape and Character

- 3.11 The proposed development is in open countryside – beyond the built-up limit of Banbury. Local Plan Policy C8 will apply to all new development proposals beyond the built-up limits of settlements. Local Plan Policy C8 states “Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.”
- 3.12 With reference to Policy ESD13 ‘Local Landscape Protection and Enhancement’ the applicant is incorrect in concluding that the development site will “Avoid any harm to the setting of settlements, buildings, structures or other landmark features; and Avoid harm to the historic value of the landscape.” Visually, the site represents further development of open countryside and will be seen from Hanwell Village. More importantly, the development site is creating a precedent for further development north of Dukes Meadow Drive increasing the risk of coalescence of Banbury and Hanwell Village (reference Policy C15 Prevention of coalescence of settlements).
- 3.13 The proposed development will interrupt an important vista across open countryside and should be discouraged (ref. Policy C33).

Highways and Access

- 3.14 Although site has access to Dukes Meadow Drive, Policy TR7 (Development attracting traffic on minor roads) is relevant due to increasing traffic on minor roads north of Banbury. There is precedent of development north of Dukes Meadow Drive (seen at the Banbury 5 site) directly causing increase in traffic through Hanwell Village, towards a level not suitable for a minor residential road.

Trees

- 3.15 With reference to Policy C17 (Enhancement of the urban fringe through tree and woodland planting) the planning application does not enhance the edge of Banbury. It has insufficient woodland creation on land that should be protected for providing social and environmental benefits.

4. Conclusion

- 4.1 The application 22/03064/OUT should be refused because:
- it represents further development into the countryside beyond the built limits of Banbury towards neighbouring villages;
 - it rides roughshod over the current Cherwell Local Plan;
 - the publication of Regulation 18 draft Cherwell Local Plan 2040, prior to determination of this application, must be taken into account;
 - the emerging policies from the plan-making process, and evidence that updated information indicates adequate housing supply, must be given appropriate weight. Not refusing this application would itself be prejudicial to the plan-making process; and
 - the application is contrary to several Local Plan policies.