



**PLANNING STATEMENT**  
**(Incorporating Statement of Community Involvement)**

On Behalf of:

**Manor Oak Homes**

In Respect of:

**Outline application for up to 117 dwellings**

At:

**Land at Hanwell Fields, Banbury**

Date:

**October 2023**

Reference:

**03222/S0002**

## **CONTENTS**

- 1.0 INTRODUCTION**
- 2.0 SITE DESCRIPTION**
- 3.0 THE PROPOSALS**
- 4.0 STATEMENT OF COMMUNITY INVOLVEMENT**
- 5.0 PLANNING POLICY REVIEW**
- 6.0 PLANNING ASSESSMENT**
- 7.0 CONCLUSIONS**

## 1.0 INTRODUCTION

### Introduction

- 1.1 This Planning Statement has been prepared on behalf of Manor Oak Homes ("the applicant") in support of an outline planning application in respect of land north of Dukes Meadow Drive, Hanwell Fields, Banbury ("the application site"). The application seeks outline planning permission for up to 117 dwellings, with all matters apart from access reserved for future consideration ("the proposed development"). The proposal will represent the second phase of our client's proposed development at the site following Cherwell District Council's endorsement of the 78-dwelling first phase immediately to the south at Planning Committee on 7<sup>th</sup> April 2022 (application reference 21/03426/OUT).
- 1.2 This submission follows an initial 176-dwelling application intended to secure this second phase, made in September 2022 (application reference 22/3064/OUT), where issues were raised by officers in respect of scale, drainage, biodiversity, and landscape impact. These concerns were detailed in the putative reasons for refusal in addition to what officers considered to be the unjustified departure from the development plan. The key technical issues raised by the proposed reasons for refusal that are addressed in detail by this statement were (in the order presented in the committee report):
  - Impact on local character, prominence in the open countryside, and the threat of coalescence of Hanwell with Banbury (covered by reasons for refusal 1 and 5);
  - Insufficient information in respect of the design and function of the proposed drainage scheme; and
  - Insufficient information in respect of impact on ecology and the delivery of a 10% gain in biodiversity.
- 1.3 It was also proposed to include a standard reason for refusal in respect of the lack of a signed Section 106 agreement that would secure affordable housing and infrastructure contributions.
- 1.4 In recognising that there were concerns raised by the previous proposal that could be entirely rectified by a revisiting of the scheme and a revision to its design the decision was taken to withdraw the application on 14<sup>th</sup> June 2023 rather than submit an appeal against its likely refusal. This approach has been taken in good faith by the applicant and this resubmission is now made with the intention of recommencing discussions with officers and working positively towards the delivery of an entirely sustainable and appropriate development at the site.
- 1.5 Since this time the applicant has undertaken a review of the initial Phase 2 proposal (referred to throughout this statement as the 'withdrawn application' or the 'withdrawn scheme') and the comments provided in the officer report to allow the production of a scheme that overcomes each of these technical matters and now responds comprehensively to the constraints of the site. Principally this review has resulted in the reduction of the proposed number of dwellings to a maximum of 117 and the site area

from 8.6ha to 6.02ha.

- 1.6 In addition, we have undertaken a thorough assessment of the district's housing land supply position which is significantly deficient and in a far poorer state than that attested by the Council in its most recent position paper. We calculate that there is only approximately a 4-year supply (4.04 years to be precise) in the district compared to the Council's assertions of 5.4-years. In short, there is a compelling case for the application scheme to come forward swiftly. In any event and irrespective of the estimated supply position it is incumbent on the Council, as with all local planning authorities, to consistently respond to the requirement of the National Planning Policy Framework in ensuring that the supply of local homes across Cherwell is significantly boosted. Delivery of new homes should most appropriately take place adjacent to the largest and most sustainable settlements such as Banbury.
- 1.7 Specifically, the application proposal comprises the construction of a mixture of new homes at the site including a range of smaller dwellings, bungalows and family properties intended to help meet the needs of all sectors of the community. Of the maximum 117 dwellings proposed 36 of them (over 30%) will be affordable in tenure.
- 1.8 Accordingly, in considering this submission and bearing in mind what the applicant considers to be the continued deficit of new homes allied with the very similar physical characteristics of the site to the first phase land the Council's conclusions in respect of the initial consent remain relevant. Summarising the merits of the first phase proposal it was confirmed at paragraph 10.2 of the committee report that:

*"The proposed application site is located close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The proposal would have some limited impact on wider landscape views, but this harm would not outweigh the benefits of the proposal, especially when considered within the context of the Council being unable to demonstrate a 5-year housing land supply."*

### **The Application**

- 1.9 To demonstrate that the application site represents an entirely sustainable and unconstrained location for a new residential development of up to 117 dwellings this application is supported by a range of technical studies, as follows:
- Design and Access Statement, prepared by Thrive Architects;
  - Landscape and Visual Impact Assessment, prepared by Aspect Landscape Planning;
  - Ecological Appraisal, prepared by Aspect Ecology;
  - Arboricultural Impact Assessment, prepared by Aspect Arboriculture;
  - Transport Statement, prepared by MAC Consulting;
  - Framework Travel Plan, prepared by MAC Consulting;
  - Flood Risk Assessment and Drainage Strategy, prepared by MAC Consulting;

- Archaeology Desk Based Assessment, prepared by TVAS;
- Archaeological Evaluation, prepared by TVAS;
- Heritage Statement, prepared by Asset Heritage; and
- Sustainability Statement, prepared by Manor Oak Homes.

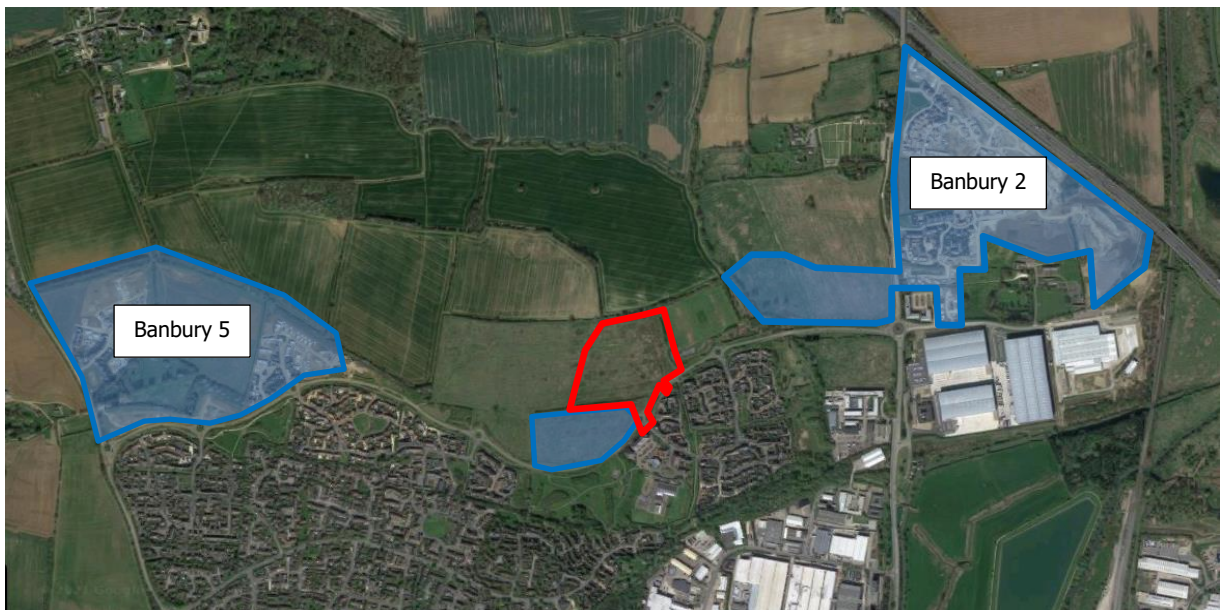
1.10 The Statement proceeds on the following basis: **Section 2** describes the application site and its context; **Section 3** summarises the development proposals; **Section 4** provides a summary of the pre-application engagement that was undertaken; **Section 5** reviews relevant planning policies at local and national level, **Section 6** provides a planning assessment of the proposals with a summary and conclusions provided at **Section 7**.

## 2.0 SITE DESCRIPTION AND PLANNING HISTORY

- 2.1 The 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, which will ultimately accommodate up to 78 new dwellings. It represents an approximate 45% portion of the larger field which comprises set aside agricultural land.
- 2.2 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 approximately 1/3 to 2/3). 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.
- 2.3 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.
- 2.4 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 approximate extent of the application site and its relationship with the first phase land (demarcated in blue) is shown on **Plan 1**. The relationship of both phases with the allocations referred to above is then shown on **Plan 2**:



**Plan 1: Site Location Plan**



**Plan 2: Site Context Plan (residential commitments shown in blue)**

2.5 The site almost entirely comprises rough grazing land. 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. The site does not comprise any ecological designations. Whilst the site rises from east to west it also slopes gently from north to south lending it a close visual relationship with the existing development at Hanwell Fields. In this respect it also shares almost identical characteristics with the first phase land.



- 2.6 In terms of access the site is well related to an existing three-spur roundabout affording access from Dukes Meadow Drive to the existing Hanwell Fields development to the south. A fourth spur of the roundabout will then be implemented pursuant to the approval of the first phase proposal which will also deliver a new bus stop and public footpath improvements.
- 2.7 The site is then in a highly accessible location in all respects offering walking and cycling links to a wide range of shops, amenities, and facilities as well as onward 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.
- 2.8 In considering the location of the first phase land and its relationship with these local services and facilities the committee report for application reference 21/03426/OUT 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."*

- 2.9 The application site is functionally related to the adjoining land to the south and would benefit from similar levels of accessibility. This was not disputed in the officer report relating to the withdrawn application.

### **Planning History**

- 2.10 As has already been referenced above this submission seeks to build on the principle of development established at this location to the north of Duke's Meadow Drive by the Phase 1 proposal. It then follows the withdrawal on 14<sup>th</sup> June 2023 of the only other application on the site itself, reference 22/03064/OUT, which sought outline approval for up to 176 dwellings.
- 2.11 It is important to consider that the withdrawn application represented a genuine proposal by the applicant to provide a vital contribution of new homes towards the district's housing land supply at a location that had already been adjudged to be sustainable by the Council in respect of the first phase of development. Submitted at a point when the Council by its own admission could only demonstrate a 3.5-year supply of homes, it was hoped that the submission would represent a basis for constructive discussions with officers to identify how the next phase of development could be shaped and delivered in a way that would respond positively to the constraints of the site.
- 2.12 Unfortunately, the extent of communication with both planning officers and statutory consultees over the course of the application was minimal and the applicant's ability to respond to the albeit limited number



of technical concerns raised in respect of the scheme was similarly restricted. It is recognised that the Council's decision to minimise engagement was likely influenced by the update of its housing land supply position during the application which sought to demonstrate a 5.4-year supply. Work was underway to provide additional information to the Lead Local Flood Authority to address the drainage objection and it was the applicant's understanding that additional comments were awaited from the Council's ecologist that would be addressed (if required) on receipt. It therefore came as a surprise to the applicant when notification was received that the application was to be taken to committee on 15<sup>th</sup> June 2023 with a recommendation of refusal. The decision was therefore taken to withdraw the application rather than lodge an appeal to enable a further opportunity for officers to engage with the applicant to work positively towards rectifying any outstanding concerns.

2.13 Prior to the withdrawal of the previous application the Council issued its officer report which recommended its refusal to the members of Cherwell's Planning Committee on five separate grounds. These were to be:

- Its location outside of the built-up limits of Banbury contrary to an up-to-date development plan, its visual prominence within the open countryside beyond, and its additional potential to threaten the coalescence of Banbury and the village of Hanwell to the north;
- Insufficient detail to demonstrate that sufficient surface water drainage can be provided at the site;
- Insufficient detail to demonstrate that the proposal would not harm flora and fauna and would secure a 10% biodiversity net gain;
- The absence of a completed legal agreement resulting in an inability to secure the necessary affordable housing and infrastructure required to make it acceptable in planning terms; and
- Complementary to the first reason for refusal, the general impact the proposal would have on the wider landscape.

2.14 As is described by this statement the applicant has undertaken a thorough review of the officer comments and the putative reasons for refusal and has provided the necessary amendments to the design and scale of the proposal, along with production of additional technical surveys, to demonstrate that each of these grounds for the Council's opposition to the previous application have been demonstrably overcome.

### 3.0 THE PROPOSAL

3.1 Planning permission is sought for the following:

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

3.2 As with the first phase of development it is the intention of the applicant to deliver a sensitively designed residential development that would respect the landscape setting of the site whilst forming a natural extension to the built-up area of Banbury. The proposal will serve as a natural extension to the 78-dwelling first phase and will present a similar form of development consisting of a variety of development parcels all accessible from a main spine road which would gently curve and climb with the contours.

3.3 This submission represents the second iteration of the Phase 2 proposals following the withdrawal of application reference 22/03064/OUT which proposed a larger scheme of 176 units. On review of the first scheme concerns were raised by the Council in respect of character, appearance, and the prevailing landscape in respect of scale and the relationship of the development with the countryside beyond. In addition, it was identified that a section of the site comprises Adder's Tongue Fern, a species of flora which should be retained wherever possible. Accordingly, the scale of the proposal has been reduced significantly, to only 117 units, with the built form drawn back from the northern boundary and the developable area reduced to allow the retention of the Adder's Tongue Fern in situ.

3.4 Then, the application proposals continue to take a similar and complementary approach to design as the first phase whilst drawing on the urban design principles established by both the Hanwell Fields development to the south and the emerging allocations to the east and west. Specifically, and as reference in the accompanying Design and Access Statement prepared by Thrive Architects, the application proposal draws cues from the approach taken on the southernmost parcel of allocation Banbury 5, currently being progressed by Davidson Developments.

3.5 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.

3.6 The proposals additionally seek to secure a 2.9ha area of land under the control of the applicant and within the same ownership immediately to the west of the site that will be used to provide the necessary 10% gain in biodiversity. This area is identified in the appendices of the accompanying Ecological Appraisal prepared by Aspect Ecology and comprises the northern and eastern fringes of the adjacent field.

3.7 A detailed analysis of the evolution of the application scheme can be found in the Design and Access Statement provided in support of this submission. It explains the positive approach taken by the applicant towards the revision of the 176-dwelling scheme critiqued by officers as part of the previous application at the site and how the revised scale, form, and layout has entirely overcome any valid concerns raised in respect of the previous proposal. This document also provides a description of the parking, refuse, and drainage strategies whilst similarly providing an overview of the way in which sustainable design and build techniques have and will be incorporated into the scheme.

3.8 Lastly, this submission explores the relationship of the proposal with the 78-dwelling first phase proposal and explains the way in which it would form a natural and proportionate extension to the Banbury urban area. Indeed, comparable to the 78-unit first phase of development the application proposal shares almost identical physical characteristics which will ensure it maintains a similar character and relationship with the urban area to the south, the open countryside, and Hanwell village furthest to the north. Indeed,

in respect of prominence in the landscape the highest dwelling (a bungalow) proposed as part of the application scheme is a whole 10m lower in the landscape (AOD) than the equivalent highest dwelling proposed as part of the first phase:

	<b>Phase 1 (resolution to grant)</b>	<b>Phase 2 (this application)</b>
Site Area	4ha	6.02ha
Unit Numbers	78	117
Density (gross)	19.5dph	20dph
Density (net)	30dph	30dph
Development / Open Space Ratio	60:40	65:35
Site gradient	1:10	1:10
Highest dwelling (AOD)	129m	119m
Maximum building height	4-storeys	3-storeys
Distance of nearest dwelling from Hanwell	1.35km	1.35km

- 3.8 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.
- 3.9 The application proposal then ultimately seeks to secure permission for up to 117 new dwellings in a district where the applicant is clear there is a continuing shortfall in housing supply. The proposed development can be delivered swiftly and in parallel with the first phase of development if a second developer acquires the site. This swift delivery could be assured through the application of bespoke conditions requiring submission of reserved matters within 18 months and a shortened implementation period thereafter.

## 4.0 STATEMENT OF COMMUNITY INVOLVEMENT

### Pre-Application Enquiry

- 4.1 Whilst this application was not preceded by any formal pre-application engagement with Cherwell District Council it has been influenced by the continuous engagement with officers in respect of the delivery of residential development to the north of Dukes Meadow Drive since July 2021. This began with an initial pre-application enquiry in respect of the applicant's first phase of development where officers made it clear that development in this specific direction on the northern edge of Banbury could be supported due to its unconstrained nature and high levels of accessibility.
- 4.2 At the point of the first phase application for 78 homes the delivery of residential development on land under the control of the applicant was a crucial source of new homes which would contribute towards the current shortfall of housing locally. Now, reflecting on our updated conclusions that the Council cannot demonstrate a sufficient supply of housing land the position must be the same.
- 4.3 The acceptability of growth at this location was then corroborated through a recommendation by officers to the Council's members that that the first phase of development be granted permission. This recommendation was supported to a positive officer report which outlined the merits of housing delivery to the north of Dukes Meadow Drive and the urgency to delivery new homes at sustainable locations across the district due to a deficit in housing land.
- 4.4 Then, the most recent submission at the application site, for a Phase 2 development of up to 178-dwellings, represented a similar opportunity to engage fully with both officers and key stakeholders to gain a more detailed understanding of the site and its constraints. While the applicant maintains that there was clear merit to the previous application the discussions held during its determination period allied with the extensive comments provided in the subsequent committee report provided a detailed insight into the revisions that should be made by the applicant to present a scheme that would be acceptable to officers. This application responds directly to the criticisms made within the report and the concerns raised by the five putative reasons for refusal.

### Public Consultation

- 4.5 Prior to the submission of the withdrawn 178-unit application the applicant issued a consultation leaflet to the 267 addresses within the vicinity of the site that were contacted prior to the first phase application. Notification was also sent to the Hanwell Fields Residents Group, Hanwell Parish Council, Banbury Town Council and the three Ward Councillors. This leaflet sought to raise local awareness of the applicant's intent to secure the second phase of development prior to the Council's own public consultation and provided means to contact the applicant directly with any comments that may shape the scheme.

- 4.6 Following this consultation a response was received from the Hanwell Fields Residents Group and Hanwell Parish Council. There were no public responses from individual recipients. The main points raised related to the pressure of additional homes on local shops, services and facilities at Hanwell Fields and impact on the intervening countryside between Hanwell and Banbury.
- 4.7 These points were all noted and referred to in the information accompanying the withdrawn application. Following the reduction of the scheme from up to 178 dwellings to a revised upper limit of 117 dwellings as part of this submission it is considered that this represents part of the same iterative process that will help further alleviate any concerns presented by the Residents Group and the Parish Council. Any pressure that may exist on local shops and services will be alleviated further as will any perceived landscape impact.
- 4.8 Then, the applicant has also acknowledged the full suite of responses from both the public and parish councils<sup>1</sup> towards the withdrawn application. Some of these comments contributed towards the putative reasons for refusal included by the Council as part of its committee report – in which case these concerns have been intrinsically addressed by this submission. In presenting this revised scheme the applicant is also keen to action any matters raised which, whilst not comprising a reason for refusal, are clearly of importance to the nearby communities.
- 4.9 The key concerns raised by the public and the parish councils along with the applicant's response can be summarised as follows (in the order raised by the committee report):
- Potential coalescence of Hanwell with Banbury: there is little evidence of any threat to either physical or visual coalescence due to the significant distance between the site and the nearest property at Hanwell (1.35km). Regardless, the revised proposals now include a significant landscape buffer along its northern fringe.
  - Impact on the character of Hanwell Conservation Area: similar to the above point there is little evidence that this is a genuine issue. Indeed, there is no intervisibility between the site and Hanwell. To demonstrate this conclusively, however, the applicant has commissioned a Heritage Statement assessing the setting of the village which is now included with this submission.
  - Increase in traffic: there will inevitably be an increase in traffic locally. However, it is clearly demonstrated by the accompanying Transport Assessment that there is sufficient capacity in the local road network to accommodate it. In any event no objection was received from highways towards the larger 178-unit withdrawn scheme.
  - Loss of agricultural land: the site currently comprises rough grassland on sloping fields, land which is unsuitable for arable crops.

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<sup>1</sup> Responses were received from Bourton and Hanwell Parish Councils as well as Banbury Town Council

- Limited capacity in local shops and services: in the event that permission is granted sufficient contributions will be made towards local infrastructure to ensure that the proposals do not have a detrimental impact in this regard.
- Conflict with the development plan: this matter is addressed comprehensively by this statement.
- Sufficient housing supply at Banbury and in the district: as is demonstrated by this statement neither statement is correct – there is a current deficiency in supply in Cherwell. In any event the prerogative of the Council placed upon it by national policy is to boost significantly the supply of new homes to tackle issues such as affordability.
- General landscape impact: this submission is accompanied by a comprehensive Landscape and Visual Impact Assessment which demonstrates the visibility of the proposal within the wider landscape would be limited. In any event, the development will also employ additional mitigation such as extra planting and the use of the contours of the site to shield the development from wider views.
- Preservation of the character of Banbury: as is considered at length in the accompanying Design and Access Statement the proposed development is entirely in keeping with the design and material present at the more modern northern fringe of Banbury and would directly complement the 78-unit first phase of development.



## 5.0 PLANNING POLICY REVIEW

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of Section 38(6) of the Act the development plan relevant to this application comprises the saved policies of the Cherwell Local Plan 1996, the Cherwell Local Plan 2011-2031 and, whilst only relevant at a strategic level in so far as it guides housing growth around the peripheries of Oxford, the Cherwell Local Plan 2011-2031 Partial Review.
- 5.2 Regulation 10A of the Town and Country Planning Act requires a review of Local Plan policies to be undertaken five years from the Plan's adoption date to ensure consistency with national policy. This does not result in plans becoming automatically out of date, but a review enables Local Planning Authorities to decide whether policies (whether one or more policies or the entire plan) require updating, and if so to update them as necessary. The Council undertook a review of the current Local Plan 2011-2031 in December 2020, a little over five years after its adoption in July 2015. The results of this review, which concluded that the plan remains consistent with the objectives of national policy, were agreed by the Council's Executive on 4<sup>th</sup> January 2021. To this end it was confirmed that the plan remains the starting point for decision making and, importantly in the context of this application, continues to present an up-to-date housing requirement against which the district's supply must be assessed.
- 5.3 In addition the Council is currently undertaking a full review of the Local Plan. This will in time seek to roll forward housing and employment requirements for the period until 2040. An initial Call for Sites and issues consultation took place in Summer 2020 towards which the applicant submitted details of its land north of Duke's Meadow Drive (the application site plus the adjoining land). The plan has moved slowly since this point: an updated Local Development Scheme charting the next steps of the plan and associated timescales was published in September 2021 which identified that the Council was proposing the publication of the first draft (Regulation 18) of the Local Plan Review in June 2022. This draft has now only just been published for consultation in September 2023. Based on the timescales provided by the most recent Local Development Scheme, which was published alongside the draft plan, its adoption is now not anticipated until December 2025. The plan therefore remains at an early stage in its production and carries minimal weight in decision making.

### **National Planning Policy**

- 5.4 National planning policy is provided for by the National Planning Policy Framework (NPPF), published in September 2023, as well as the Planning Practice Guidance (PPG) which was launched in March 2014 and has been continually updated since. The NPPF exemplifies the Government's push towards efficiency in

the planning system and embodies a pro-development stance in order to achieve the overall aim of boosting significantly the supply of housing to meet local needs and achieve sustainable development.

5.5 One of the key priorities of the NPPF is to ensure that local planning authorities (LPAs) maintain a strong and consistent supply of housing with paragraph 60 of the Framework confirming the Government's objective of *"significantly boosting the supply of homes"*. Specifically, paragraph 74 requires LPAs to *"identify and update annually a supply of specific deliverable housing sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies"*. It then directs that the Government's own local housing need figure may be used in instances where a plan is over five years old unless, such as in the instance of Cherwell, it has been reviewed and found not to require updating.

5.6 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 (the current supply position is only 3.5 years), paragraph 11(d) of the NPPF directs that this would render the most important policies for determining the application as out-of-date. In this instance planning permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies (of the Framework) as a whole"*.

5.7 Also of relevance to this application are the following sections of the NPPF:

- Section 2. Achieving sustainable development
- Section 4. Decision-taking
- Section 5. Delivering a sufficient supply of homes
- Section 9. Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change; and
- Section 15. Conserving and enhancing the natural environment.

### **Development Plan Policy**

5.8 The following saved policies are of relevance to the consideration of this application:

#### ***Cherwell Local Plan 1995 (Saved Policies)***

- Policy H18: New dwellings in the countryside
- Policy C28: Layout, design and external appearance of new development
- Policy C30: Design control

***Cherwell Local Plan 2011-2031***

- Policy SLE4: Improved transport connections
- Policy BSC1: District wide housing distribution
- Policy BSC2: The effective and efficient use of land, brownfield land and housing density
- Policy BSC3: Affordable housing
- Policy BSC4: Housing mix
- Policy BSC10: Open space, outdoor sport and recreation provision
- Policy BSC11: Local standards of provision – outdoor recreation
- Policy BSC12: Indoor sport, recreation and community facilities
- Policy ESD1: Mitigating and adapting to climate change
- Policy ESD2: Energy hierarchy and allowable solutions
- Policy ESD3: Sustainable construction
- Policy ESD4: Decentralised energy systems
- Policy ESD6: Sustainable flood risk management
- Policy ESD7: Sustainable Drainage Systems (SuDS)
- Policy ESD10: Protection and enhancement of biodiversity and the natural environment
- Policy ESD13: Local landscape protection and enhancement
- Policy ESD15: The character of the built and historic environment

**Supplementary Planning Guidance**

5.9 The following adopted supplementary guidance is also of relevance to this application:

- Residential Design Guides (July 2018)
- Developer Contributions (February 2018)

## 6.0 PLANNING ASSESSMENT

- 6.1 Principally this statement, and indeed this submission, seeks to address the main concerns raised by the Council in respect of the withdrawn 178-unit scheme. It is the position of the applicant that it does so comprehensively and results in a scheme which must now be considered sustainable in every respect.
- 6.2 The proposed reasons for refusal raised concerns in respect of the following:
- The principle of development and the conflict of the proposals with the development plan;
  - Lack of information in respect of the design and function of the proposed drainage scheme;
  - The requirement for a strategy which demonstrates no harm to existing flora and fauna and a 10% net gain in biodiversity; and
  - Landscape impact by virtue of the sloping nature of the site and its relationship with the landscape beyond the built-up extent of Banbury.
- 6.3 There was also an additional proposed reason for refusal relating to the lack of a Section 106 agreement, a document which will be prepared in partnership with the Council as this resubmitted application progresses.
- 6.4 This submission now addresses all these issues principally through the adoption of the following approach:
- An extensive review of the housing land supply position across the district which demonstrates that there remains a clear and pressing need for new homes, a benefit that would outweigh any narrow conflict with the spatial strategy of the development plan;
  - The provision of a comprehensive drainage scheme which responds fully to the outstanding concerns raised by the LLFA in respect of the withdrawn application;
  - The reduction of the developable area of the site to avoid the loss of the most important flora and fauna identified by the Wildlife Trust;
  - The demonstration of a clear strategy for the provision of at least 10% biodiversity net gain as part of the proposals; and
  - A design approach which comprises the reduction of the amount of development proposed at the site and amendments to the layout to result in a scheme which pays greater attention to its relationship with the open countryside, works more effectively with the site's contours and relief, and forms a more natural extension to the 78-dwelling first phase.
- 6.5 At the same time this submission also demonstrates the way in which the revised proposals are sustainable in all other respects. Importantly it must be considered that no objection was received towards the withdrawn application in respect of any issue other than those captured by the putative reasons for

refusal. Accordingly, this section presents a summary of the applicant's position in respect of each of the following topics in order:

- **Principle of Development**
- **Housing Need and Mix**
- **Design, Layout and Amenity**
- **Landscape and Character**
- **Ecology**
- **Highways and Access**
- **Flooding and Drainage**
- **Trees**
- **Heritage**
- **Archaeology**
- **Sustainability**
- **Planning Balance**

#### **Principle of Development**

6.6 As with the first phase of the development the principle of the application proposal is largely established through a combination of its adherence with the broader development strategy of the district, which seeks to direct new homes to the most sustainable locations such as the application site, allied with the pressing need for new housing to meet what the applicant considers to be a significant shortfall in supply. The council's current claimed housing land supply position, as confirmed by its most recent Housing Land Supply Statement (published in January 2023) is 5.4 years for the 2022-2027 period. Even if this position were robust it would only represent a 349 dwelling surplus. In fact, our more detailed analysis of the Council's trajectory is sufficient to demonstrate that this supply position is significantly overstated. It is our estimation that the Council can only demonstrate an approximate **4.04-year supply**, a position that we estimate will worsen further to closer to 3.5-years for the period 2023-2028.

6.7 This submission then seeks to build upon the Council's endorsement for the first phase of our client's development at Hanwell Fields, for up to 78 dwellings on the parcel immediately to the south which secured a resolution to grant permission at Planning Committee on 10<sup>th</sup> April 2022 subject to the completion of a Section 106 agreement. On this basis it shares the location and indeed most of the environmental attributes of the approved first phase land – indeed, the outline proposals subject of this application have been designed to represent a natural extension of the same development. In considering the sustainable location of the site, its lack of overriding environmental constraints and a similar deficit in housing land supply, paragraphs 9.7 and 9.8 of the committee report prepared in support of the first phase neatly concluded as follows:

*"In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly. Socially, the development would provide needed market and affordable housing on the edge of a sustainable main settlement and immediately alongside a wide range of local community facilities that are served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of habitats available for wildlife and the setting of the site. The site is well contained by natural topography and established hedgerows and relates reasonably well to the existing built form. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and can be considered to be sustainable."*

- 6.8 We suggest that any conclusion reached in respect of the current application site must be near-on identical and certainly positive in respect of the eventual outcome of the application. As will be demonstrated by the remainder of this section, which starts with a summary of our analysis in respect of housing land supply, then considers the spatial strategy more broadly, to then conclude that there would in fact be no adverse impacts caused by the development that would outweigh its significant benefits, it should be determined that when considered against the NPPF as a whole the application proposal is in fact sustainable in every respect.

### ***Housing Land Supply***

- 6.9 It should firstly be noted that the first phase application (reference 21/03426/OUT) for 78 dwellings on land immediately to the south of the application site received a resolution to grant planning permission at Cherwell's April 2022 Planning Committee as it was conceded by the Council that it was unable to demonstrate a sufficient 5-year supply of housing land – the Council's most up-to-date Annual Monitoring Report at the time concluded a 3.8-year supply. It was on this basis, and that the location of the proposed development was sustainable in every respect, that members agreed with the officer recommendation that permission should be granted.
- 6.10 Since this time the Council undertook a Regulation 10A Review of its Local Plan in January 2023 which found its housing requirement Policy BSC1 is out of date. On this basis the Council agreed to revert to the use of the Government's Local Housing Need (LHN) figure. By virtue of the annual requirement dropping from the Local Plan figure of 1,142 dwellings to the LHN figure of 742 dwellings this immediately allowed the Council to demonstrate a supply of 5.4-years, dated February 2023. This improved position was not achieved due to an increase in supply but instead a drop in the base requirement.
- 6.11 In any event we consider that even against this lowered annual requirement the Council's position is still significantly overstated. The position is now also over 8 months old and many of the assumptions in the trajectory have fared poorly over time. On this basis we have tested this position through our own up-to-date review of the full range of sites and the trajectory, many of the findings of which we note are seconded by the concerns raised by other site promoters with current applications and appeals in the district. Our findings are set out below.

Review of Delivery and Supply

- 6.12 Firstly, it is important to confirm that at this moment in time, and considering only a high-level review of the preamble to the housing supply paper, we consider the Council's general methodology in respect of its final calculations to be robust. Based on past delivery rates it is agreed that only a 5% buffer need be applied. We do, however, reserve the right to review this position pending a more detailed analysis of the Council's approach.
- 6.13 It is the Council's claimed supply and trajectory that presents the central weakness to its stated position. Firstly, there are several sites (mostly smaller sites which would be considered as 'Category A' sites, as defined by the Glossary of the NPPF) where there are clear issues in respect of whether they can even be considered developable. Where there are clear signs that there is an overriding impediment on them coming forward, irrespective of whether they have detailed consent or otherwise, they should be removed from the trajectory.
- 6.14 Secondly, there is a heavy reliance on 'Category B' sites, as defined in the Glossary of the NPPF. These are large sites with either an allocation or outline permission that should only be included in the trajectory if there is "*clear evidence*" that delivery is moving at a sufficient pace to allow a conclusion to be reached that housing completions will begin within five years. Many of the sites in the trajectory lack anything other than hopeful commentary that reserved matters will progress smoothly or that outstanding constraints will be overcome.
- 6.15 Then, thirdly, there are a number of sites which whilst likely deliverable are highly unlikely to come forward at the rate envisaged by the Council. Where adjustment is required, it would mostly involve the reduction in the annual delivery rate reflecting the slow-down of anticipated sales rate of units post-Help to Buy. Savills' recent research report 'A New Normal for Housebuilding?' (March 2023) presents thorough analysis of the way in which this new marketplace will impact on delivery. It is anticipated that on average and for the foreseeable future sales rates will likely drop to approximately 0.6 units per outlet per week. This will in turn influence the rate at which volume developers build out sites. To quote the report "*housing delivery in England is underpinned by sales of new homes to owner occupiers*". Unless there are site-specific reasons to consider otherwise, we have assumed a built rate per outlet of 50dpa maximum across our analysis, reflective of Savills' expert conclusions. Where is likely to be more than one outlet on site this has been further reduced to 35dpa to reflect market demand for a specific location.
- 6.16 To support the Savills analysis, we are also aware of several housebuilders that have issued profit warnings since April 2023, Crest Nicholson the most recent and most prominent. This suggests a slow-down in housebuilding by volume developers on larger sites. Shares of Barratt, Persimmon, and Taylor Wimpey have fallen in value by between 2.3% and 4% over the summer. Crest Nicholson itself, which in June reported a more than 60% slump in half-year profit, has confirmed that weekly sales per outlet for



the seven weeks to 18<sup>th</sup> August 2023 stood at 0.25 units, half the 0.50 homes it had forecast for the second-half period.

6.17 Additionally, we consider that the Council's approach to windfall delivery is optimistic when assessing historic trends. We also provide brief analysis of the adjustments that should be made to this element of supply.

6.18 On review of the up-to-date position of each site in the trajectory (as of October 2023) we are clear that as a minimum the following adjustments must be made:

- **Banbury 7, North of Hanwell Fields:** The commentary states that "*outline permission for up to 46 homes was secured on 18 March 2020. 6 (5 net) homes remain as commitments under this Outline permission*". By the Council's own admission these 5 dwellings do not have detailed consent and are not currently deliverable. This represents the **loss of 5 homes** from the Council's supply.
- **Banbury 17, Land at Salt Way:** this represents an LP allocation for 1,000 homes with outline permission. Reserved Matters (RMs) were approved 20<sup>th</sup> April 2023. First delivery is anticipated by the trajectory as being in year 3 – this would amount to 50 dwellings. Following grant of RMs for 237 homes this timescale on first delivery is now likely realistic. However, the 350 dwellings included in the trajectory do not all have detailed permission – 113 units still do not have consent, or even the benefit of a live application, following the grant of the RMs. We also understand that the site is under the control of Persimmon and will be developed entirely by them under their main flag and that of subsidiary Charles Church. Currently each outlet is expected to deliver 50 units a year for the entirety of the site's trajectory. We consider this to be unrealistic based on the market analysis set out above – an adjustment to approximately 35dpa per outlet would be appropriate, so 70dpa across the site. Based on a half year of delivery in 2024/25 and two full years following this would result in the completion of 175 units on site. At the very least 113 homes should be removed from the trajectory due to the lack of any permission for this element of the proposal. However, reflecting on the reduced delivery rate we conclude that in fact only half of the estimated total of 350 dwellings would be delivered during the 5-year period resulting in the loss of **175 homes** from the overall trajectory.
- **Banbury 18, Drayton Lodge Farm:** another LP allocation, this time for 320 dwellings with outline permission. Housebuilder Vistry are involved so we do not contest that the site will be delivered – indeed RMs are now approved with most conditions discharged (as of May 2023). It will also be delivered via two outlets under the Vistry brand, Bovis and Linden. In which case consistent with our analysis of Banbury 17 we are clear that an estimate of 70 dwellings could be delivered on site in a full year. This market-adjusted rate does, however, mean a reduction of delivery of approximately 15

dwellings in Year 3 and then 30 dwellings per annum in Years 4 and 5. This reduction would see the **loss of 75 homes** from the Council's supply.

- **Land to the rear of 7 and 7A High Street, Banbury:** this represents planning permission for a 14-dwelling scheme. However, by admission of the Council's own commentary the developer has indicated that they do not intend to build the site out due to viability. In any event the permission lapsed on 20<sup>th</sup> March 2023 with no outstanding discharge of conditions applications. This results in the **loss of 14 homes** from the trajectory.
- **Bicester 1, NW Bicester: LP allocation for 500 dwellings:** this site has outline permission and although RMs were submitted in 2021 they have since been withdrawn due to technical complications relating to payment for infrastructure (so it appears). There is no current RM application, so the Council considers the site to be 'developable' rather than 'deliverable'. Nevertheless, it still includes 20 dwellings in Year 5. This is unjustified and should result in a **loss of 20 homes** from the supply.
- **Bicester 2, Graven Hill:** this represents another allocation with 1,095 homes remaining to be built. The site is split into four separate entries in the trajectory, the first of which simply seems to be a 'slush fund' of the remainder of the outline permission – essentially plots that are not subject of any permitted or undetermined RMs, discharge of condition applications, or developers attributed to them. Regardless, it anticipates 50 houses per annum from this entry from years 3 to 5, presumably on the anticipation that permissions will be secured in due course. However, this is contrary to the requirements for including a Category B site where "*clear evidence*" is required. This should result in the **loss of 150 homes** from the trajectory.
- **Bicester 2, Graven Hill (self build):** the second entry for this site is for 276 self-build dwellings subject of a Local Development Order which appears to be continually renewed. Last refreshed in 2020 the current LDO expires December 2023. This would facilitate delivery in Years 1 and 2 but years 3 to 5 (150 dwellings) would need to be subject of a fresh order – essentially the dwellings expected in the latter 3 years do not have any sort of permission. Then, it is anticipated that the 65 dwellings for Year 1 and 50 for Year 2 would be delivered by a single bespoke housebuilder. These figures appear high for self-build as construction of bespoke properties tends to take approximately 30% longer to deliver than volume-built houses – not so much because of the construction time as they are fabricated at the factory but because of design and specification. There is then a limited market so sales are traditionally slower. In any event, of the 276 consented and secured since 2017 the 5YHLS report confirms that only "*several*" are under construction. Our suggested build rate for these years would be 35pa as an absolute maximum. This would result in the loss of a further 45 dwellings. In total the adjustments to this site should result in the **loss of 195 homes**.

- **SW Bicester (Phase 2):** this represents an entry of 60 dwellings in the trajectory that benefit from outline consent but are not subject to RMs. On this basis clear evidence of progress on site is lacking and their deliverability cannot be secured, resulting in the **loss of 60 homes** from the trajectory.
- **Bicester Gateway Business Park:** This site has outline consent for a mixed-use scheme including 273 dwellings that will lapse on 1<sup>st</sup> April 2024 in the absence of a RM submission. However, more recently an RM submission has been submitted and approved pursuant to a previous commercial outline permission for a knowledge hub which suggests that the site promoters are now pursuing 100% employment uses. On this basis the delivery of the mixed-use scheme, particularly in the absence of a subsequent RM submission, cannot be demonstrated resulting in the **loss of 80 homes** on site.
- **SE Bicester (Wretchwick Green):** Outline permission has been granted for 1,500 dwellings as part of the SE Bicester SUE. However, no detailed RMs have yet to be submitted let alone determined. Based on lack of evidence of deliverability within the 5-year period this should result in the **loss of 50 homes** from the trajectory.
- **Land at Cascade Road, Hook Norton:** Full planning permission for 12 dwellings secured by Hook Norton Community Trust. However, currently issues with the S106 due to discrepancies with the title. Presumed unimplementable without resolution of this detail. This would result in the **loss of 12 homes** from the trajectory.
- **Former RAF Upper Heyford (Villages 5):** An outline application has recently been granted permission on this site for 31 dwellings. However, currently there is no detailed RM submission. Due to lack of compelling evidence of delivery within the 5-year period this should result in the **loss of 31 homes** from the trajectory.
- **Small Sites:** Currently the Council has 318 permissions on small sites across the District. These have been profiled over the first three years of the trajectory without a lapse rate. In the absence of locally specific evidence, it is suggested that an industry standard lapse rate of 10% be applied which would result in the **loss of 32 homes** from the trajectory.
- **Windfall Sites:** Then, for years 4 and 5 it is assumed that 100 dwellings will be secured via windfall sites. This assumed increase in windfall delivery is not justified bearing in mind historic trends – indeed the 5YHLS paper includes no evidence demonstrating how this figure has been reached. In the period between 2011 and 2022 (11 years) there were 817 completions on windfall sites – 74 per year. Based on current consents and factoring in the 10% lapse rate this figure will likely drop over the next 3 years to approximately 56 dwellings per year. On this basis a more realistic annual windfall figure for years 4 and 5 would be approximately 65 dwellings per year (the mid-point between historic delivery

and projected delivery for years 1 to 3). This is the position we expect the Council to reach during the Ranier appeal. However, currently due to the lack of any evidence justifying the inclusion of a windfall allowance it is proper based on NPPF and PPG guidance to factor in a **loss of all 200 homes** from the trajectory.

Revised 5YHLS Position

- 6.19 The deductions above total **1,099 dwellings** which should be removed from the trajectory.
- 6.20 Based on the current LHN figure of 742 units per annum the updated position as per this paper would be as follows:

**Annual Requirement (LHN):** 742 dwellings

**5 Year Period Requirement:** 3,710 dwellings

**Plus 5% Buffer:** 3,896 dwellings

**Revised Annual Requirement:** 779 dwellings

**Deliverable Supply:** 4,244 (current supply) – 1,099 = 3,145

**Revised 5YHLS:** 3,145 / 779 = 4.04 years

Looking Ahead

- 6.21 It is also considered important to look briefly at the anticipated supply for Year 6 considering we are now halfway through the current monitoring period. Upon the update Year 1 of the current supply (unchallenged by us and yielding 1,023 dwellings so the most productive year of the supply period) would fall away. Currently the Council estimates the delivery of 1,217 dwellings in Year 6 which would supplement the headline supply by almost an additional 200 dwellings compared to Year 1. However, similar deductions should be applied to the Year 6 estimate in line with our analysis set out above. At the very anticipate the Council should apply the following deductions from the 1,217 figure:

- **Banbury 17:** It is realistic to expect that the entirety of the remaining 62 dwellings covered by the current consent would be delivered in Year 6. However, assessed against the estimated delivery figure of 200 dwellings for this year this would result in the removal of **138 dwellings** from the future trajectory;
- **Banbury 18:** Due to the adjusted delivery rate we advise the removal of a further **30 dwellings**;
- **NW Bicester:** Due to the developable rather than deliverable nature of the site due to an absence of consent there is insufficient evidence to suggest that it should provide any dwellings towards the Council's supply. This would support the removal of a further **80 dwellings**;
- **Bicester Gateway Business Park:** Due to the likely implementation of a 100% commercial development this would result in the loss of **80 dwellings** from the trajectory;

- **Bicester 2 Graven Hill:** Due to the speculative nature of the supply without consent, a further **100 dwellings** should be removed from the trajectory;
- **Bicester 2 Graven Hill (self build):** In the absence of a fresh LDO, a further **11 dwellings** should be removed from the trajectory;
- **SE Bicester (Wretchwick Green):** In the absence of evidence demonstrating deliverability a further **100 dwellings** should be removed from the trajectory;
- **Windfalls:** Lastly, following our suggested adjustment to the windfall allowances a **35-dwelling** deduction should be made from the small sites figure along with the removal of the unjustified **100-dwelling** 'large site' windfall total which would inevitably represent double counting.

6.22 This would result in a revised total for Year 6 of  $1,217 - 674 = 543$  dwellings. A rough calculation of the forthcoming 5YHLS position would therefore represent the following (based on an updated 2023-based LHN):

**Annual Requirement (LHN):** 710 dwellings

**5 Year Period Requirement:** 3,550

**Plus 5% Buffer:** 3,728

**Revised Annual Requirement:** 746

**Deliverable Supply:** 4,438 (current Years 2-6 supply) – (Y2-5 deductions (1,099) and Y6 deduction (674)) = 2,665

**Revised 5YHLS:**  $2,665 / 746 = 3.57$  years

### ***The Spatial Strategy***

6.23 Our analysis above has demonstrated that there is a clear need for additional housing permissions to be secured across Cherwell. This is not just a challenge for just now but indeed one that will become even more pressing moving into 2024 when the Council's supply position will likely deteriorate further. There are clear implications of this deficient housing land supply in respect of the Council's decision making. Firstly, the 'tilted balance' described by Paragraph 12(d) of the NPPF is triggered which presents a strong presumption towards the grant of permission for residential development. Then, accordingly the weight to be given to housing delivery in the planning balance is greatly enhanced whilst the weight to be attributed to any conflict with the development plan must be decreased accordingly.

6.24 In any event, and on review of the development plan strategy as a whole, it is then noted that the framework of policies does not seek to present any outright presumption against unallocated land in sustainable locations in the district from coming forward for development (i.e. edge of settlement as opposed to within the built-up area).

6.25 Paragraph A11 of the Plan, in describing the construction of its spatial strategy states that *"most of the growth in the District will be directed to locations within or immediately adjoining the main towns of Banbury and Bicester"* confirming that the application site is adjacent to one of the principle growth points. The Plan then goes on to describe Banbury and its role as a focus for growth in the district thus:

*"Paragraph C.4: We are taking a conscious decision to concentrate growth at Bicester and to a lesser degree at Banbury, to secure economic benefits, especially in their retail, commercial and manufacturing roles. The two towns (Banbury and Bicester) are the most sustainable locations for growth in the District and are the right places to meet the economic and social needs of the District whilst minimising environmental impacts.*

*Paragraph C.108 Banbury is the District's largest town with its own sub-region. It is a focus for major retail developments, employment, housing and cultural and community uses that attract large numbers of people."*

6.26 Importantly, when seeking to guide development at the town, it is then noted that Banbury does not have a defined settlement limit. Instead, the plan seeks to take a more holistic approach with a focus on matters such as accessibility and protection of the natural environment to ensure that proposals do not contravene the overall sustainability objectives of the district. Whilst delivery of new development at Banbury is further guided by the town's Masterplan SPD (adopted in 2016) this document does not introduce any additional spatial requirements or restrictions and instead principally sets a framework within which the strategic allocations at the town should be delivered.

6.27 This relatively loose function of the plan's spatial strategy was described best in the committee report relating to application reference 22/02101/OUT for 250 dwellings on land at Withycombe Farm, Stratford Road, Banbury, where the Council's planning committee agreed with a resolution to grant planning permission for 250 houses on an unallocated site on the edge of Banbury. In doing so it agreed with the following interpretation of the function of the Local Plan described by officers:

*"The site is not an allocated housing site within the CLP 2015 however, it is well related to such allocations and other consents. As referenced at paragraph 9.5 above, the recently published agenda papers for the Council's Executive on the 6 th February 2023 relating to the Council's Annual Monitoring Report and Housing Land Supply Statement sets out that the Council would have a 5.4-year housing land supply (excluding the partial review area) for the period 2022-2027 (commencing 1 April 2022) calculated in accordance with the Standard Method. Should this be approved by the Executive, then the Council would be able to demonstrate a five-year housing land supply. Nevertheless, the District's spatial strategy is to focus most of the growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester, which this proposal would be. It would represent a natural continuum."*

- 6.28 Reflecting on this, the corollary is that if all of the site-specific constraints relating to the application site can be overcome by this submission then its similar relationship with Banbury allied with its high level of accessibility to local amenities should result in similar support from the Council.
- 6.29 Turning to address the specific policies, **Policy BSC1** firstly sets out the proposed distribution of housing across the district. In total, it is anticipated that 22,840 new dwellings will be delivered in Cherwell between 2011 and 2035. Tellingly, almost exactly a third of these are to be delivered at Banbury – 7,319 dwellings. This policy clearly presents the central role the town has in meeting the housing needs of the district.
- 6.30 In respect of the location of housing development specifically **Policy BSC2** 'The Effective and Efficient Use of Land – Brownfield Land and Housing Density' states that housing development in Cherwell will be expected to make efficient and effective use of land with an aspirational target of at least 30dph across all sites unless a lower density is justified by character constraints. Whilst it states that 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. In which case the application site is presented to the Council as a compelling opportunity to secure a self-contained and swiftly deliverable housing development in a highly sustainable location. Importantly this is done at a time when there is an accepted shortage of housing land across the district. In which case, as will be demonstrated in the remainder of this statement the reuse of the site for a sensitively designed new residential development at a density of approximately 30dph adjacent to the district's largest town would represent the effective and efficient use of the site.
- 6.31 Whilst saved **Policy H18** of the Cherwell Local Plan 1995 does describe only a narrow range of instances where housing would be allowed on land classed as countryside (that is falling outside defined settlement limits) we would contend that the force of this policy must be reduced due to the flexibilities introduced by the Local Plan 2011-2031 which include the removal of settlement boundaries and the clear promotion of land in sustainable locations adjacent to the district's larger settlements. In any event, if it is concluded that there is conflict with the significantly dated Policy H18 this should be assessed in the context of the further reduction in the weight to be attributed to it due to the Council's deficient housing land supply.
- 6.32 Accordingly, and taking all of the above into account a number of matters are clear:
- The Council cannot demonstrate a sufficient supply of housing land and the presumption in favour of sustainable development described by paragraph 11(d) of the NPPF must apply;
  - As with the successful first phase application the site is located next to one of the district's principal growth points presenting it as a preferred location for new growth;



- Similar to the council's consideration of the first phase application it is clear that where any potential conflict with the development plan can be identified (anticipated to once again be in respect of landscape impact only) it is minor and narrow in nature;
- In any event, and as directed by the NPPF, this conflict must then be weighed against the benefits of the proposal including its contribution to the district's housing land supply. As correctly concluded by the council in respect of the first phase application, planning permission should then be granted unless any adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.33 The remainder of this section now assesses both the benefits of the proposal and the way in which it seeks to address the limited number of site constraints, drawing on the suite of technical information provided in support of the application where necessary. Where relevant it clearly highlights the changes that have been made to the scheme, an additional information provided, in light of the Council's putative reasons for the refusal of application reference 22/03064/OUT. It then concludes with the overall planning balance, factoring in all of the economic, social and environmental benefits and weighing them against the limited harm resultant of conflict with the out-of-date policies of the development plan. This exercise concludes with a strong presumption in favour of the development.

#### **Housing Need and Mix**

- 6.34 No objection was raised to the previous application in respect of the mix of new homes to be provided in respect of size, type, or tenure. As such a similar approach has been taken in specifying mix this time around which is in direct accordance with the advice of the Council's Housing Strategy team's advice dated 10<sup>th</sup> January 2023.
- 6.35 Fundamentally this application is designed to contribute towards meeting both the quantitative and qualitative housing needs of both Banbury and Cherwell as a whole. Whilst its principal aim is to help overcome the shortfall in housing supply across the district, which by our estimates likely amounts to approximately 735 dwellings (so just under one whole year's worth of need) it similarly seeks to deliver a housing mix that is entirely in line with local needs through reference to both the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 in respect of both the market housing and affordable housing.
- 6.36 In line with the HSDT's requirements the proposal will provide just over 30% of all dwellings as affordable housing featuring a tenure split in favour of affordable rented properties. The breakdown in respect of the intermediate tenure types is then guided by the requirements of national policy to secure a specific level of product relating to affordable home ownership. It is noted that paragraph 65 of the NPPF requires 10% of the total number of homes on the site to be made available for affordable home ownership as part of the overall affordable contribution on the site. This would require 12 properties to be delivered as affordable ownership products (rounded up), to be counted towards the overall affordable housing

element of 36 units (rounded up). As per the council's own 'First Homes Interim Policy Note' there is then a requirement for 25% of all affordable housing to be provided as 'First Homes'. In which case 9 of the 12 affordable ownership properties would fall within the 'First Homes' typology.

6.37 We are, however, also aware that the split of 70:30 in favour of social rent requested by the HSDT would itself then require 28 properties (rounded up) to be delivered as affordable rented housing. The 12 affordable ownership and 28 affordable rental properties combined (12 + 28 = 40) would exceed the 36 affordable units in total required by **Policy BSC3**. Paragraph 65 of the NPPF states that the 10% element of affordable ownership should be provided unless it would "*significantly prejudice the ability to meet the identified affordable housing needs of specific groups*". It is contended that a shortfall of only four social rented units, with 24 provided, would not result in significant prejudice in respect of meeting need – therefore the required 10% element of affordable home ownership properties is proposed which would result in a ratio of 66:34 in favour of social rented properties. This would result in an overall affordable housing mix (by typology) of:

- 66% affordable rent;
- 25% First Homes; and
- 9% other affordable home ownership products

6.38 Based on this tenure split and taking into account the advice provided by the Council's Housing Strategy team towards the withdrawn application it is proposed to provide the following detailed mix on-site which can be secured as part of the Section 106 agreement:

PRIVATE				
House Type	No of Bedrooms	SqFt (GIA)	No	Total SqFt
1B Flat	1	625	3	1875
1B Fog	1	625	1	625
2B Maisonette	2	755	4	3020
2B House	2	850	22	18700
3B.1	3	1200	21	25200
3B.2	3	1350	1	1350
3B.3	3	1050	8	8400
3b Bungalow	3	1025	6	6150
4B.2	4	1475	10	14750
4B.3	4	1675	5	8375
<b>TOTALS</b>			81	88445

AFFORDABLE RENTED / SHARED OWNERSHIP				
House Type	No of Bedrooms	SqFt (GIA)	No	Total SqFt
1B Maisonette	1	625	2	1250
1B flat	1	625	6	3750
2b Maisonette	2	755	2	1510
2b Flat	2	755	8	6040
2B House	2	850	4	3400
3B House	3	1001	11	11011
4B House	4	1242	3	3726
<b>TOTALS</b>			<b>36</b>	<b>30687</b>

6.39 In respect of affordable housing need across the district it is noted that Cherwell has performed well in delivering against its annual requirement of 190 dwellings over the plan period of the current Local Plan, that is 2011-2031. This figure has been exceeded in each of the last 7 completed monitoring years up to 2020/21 (the last published monitoring report is dated December 2021). That said, affordability is still problematic in the district with the most recent Office for National Statistic update showing that the affordability ratio (median house price to median gross annual workplace-based earnings) is 9.55 as of 2022. This comfortably exceeds the average for England of 8.3. Set in the context of a deficient housing supply for the following five-year period the ability to secure an additional development site at Banbury which yields a policy and SHMA compliant mix of new affordable properties will help ensure that the strong supply of such properties in Cherwell does not falter.

6.40 Based on the proposed proportion of affordable dwellings at the site (just over 30%) and the proposed mix which would be broadly in line with the SHMA the application proposal would accord fully with **Policies BSC3** and **BSC4** of the Local Plan 2011-2031.

### **Design, Layout, and Open Space**

6.41 This application is supported by a Design and Access Statement, prepared by Thrive Architects, which explains the rationale behind the parameter plan which is offered as a drawing for approval as part of the application submission. There was no objection to the design of the withdrawn scheme. However, the scale and siting of the proposal inevitably will have a bearing on the level of visual impact caused by the proposal. As such it has been reviewed considering the Council's concerns in respect of landscape and character impact.

6.42 Fundamentally the design approach to the site mirrors that of the first phase of development and once again seeks to respond positively to its principal constraints, these being the urban fringe character of the parcel and its sloping relief. It also features a number of amendments which seek to directly respond to the Council's comments in respect of context and setting included in the previous committee report.

- 6.43 Importantly, whilst the committee report relating to the withdrawn application cited concerns in respect of design they did not amount to a putative reason for refusal. Indeed it is noted that most of the Council's concerns raised in respect of the previous withdrawn scheme relate more to the extent of the contextual analysis of the site provided the Design and Access Statement than the design itself. Specifically, paragraphs 9.37 to 9.39 of the committee report require greater assessment of the character of the northern edge of Banbury in justifying the design approach along with further consideration of the change of levels across the site from an engineering perspective. Nevertheless, and irrespective of the lack of a proposed reason for refusal, we are now pleased to provide the additional clarity sought by the Council in respect of the design rationale as part of this submission. Accordingly, the Design and Access Statement now includes additional analysis of local context as well and the implications of the relief of the site. These steps have aided the production of additional materials comprising an illustrative urban design framework and sectional analysis of the level drop from both west to east and north to south.
- 6.44 Following this depth of analysis, allied with what is by now their extensive understanding of the site and its context, we are pleased to confirm that the framework developed by Thrive Architects will ensure the delivery of a development that responds fully to the character and topographical constraints of the site and one which is carefully zoned in respect of building heights and orientation. The Design and Access Statement also confirms that it will incorporate a palette of design and materials which responds positively to the transition on the site from the modern urban development to its south (including the first phase of up to 78 dwellings) through to the expanse of open countryside to its north and west.
- 6.45 The layout and form of the proposed development is largely constraint-led and seeks to locate the built form away from the northern boundary of the site to rule out any prominence in the landscape or excessive encroachment to the north. Compared to the withdrawn scheme it is then located more towards the eastern extent of the site to avoid the loss of any ecologically important flora and to ensure that a net gain in biodiversity can be secured.
- 6.46 The proposed design, massing, and scale of the properties on site will work positively with the contours, which rise by approximately 18m from the position of the lowest property at the eastern end of the site to the most elevated property to the west (an identical gradation of built form to that secured as part of the first phase). A series of sections demonstrating the site levels are included as part of this submission. These demonstrate that there will be a limited requirement for retaining walls with the garden land reprofiled to incorporate a gentle slope with the greater change in gradient occurring within the intervening landscape breaks.
- 6.47 It is then proposed that the storey heights of the buildings naturally decrease from the 2-storey properties at the eastern end of the site to single storey bungalows at its upper western extent. Whilst some 3-storey buildings are proposed they will only be located immediately at the entrance to the site and either

side of the access road to help create a gateway feature. Similarly, the proposed densities on site respond to the topography, with medium to high density development on the lower slopes to the east reducing to low density on the upper slopes at the western end.

- 6.48 This design approach, which seeks to use the levels of the site to guide both the height, massing, and density of development was adopted by the first phase proposals which also included a 4-storey 'landmark' block closest to the roundabout. This block will continue to be the most prominent building across both of the two phases. As illustrated by the Design and Access Statement the design of the properties will then utilise a range of materials which will provide a more modern aesthetic at the gateway of the site, in keeping with the properties at Hanwell Fields to the south, transitioning into more traditional design at the edges of the site closest to the open countryside.
- 6.49 Based upon the illustrative design approach for the site described above and to be guided by the parameter plan included as part of this submission the application scheme would accord fully with saved **Policies C28** and **C30** of the Cherwell Local Plan 1995 and **Policies BSC10** and **BCS11** of the Cherwell Local Plan 2011-2031.
- 6.50 The landscaping strategy for the site seeks to retain all the existing hedgerows and trees around its perimeter whilst introducing additional verges along the northern and western boundaries which will accommodate a new circular footpath link around the perimeter of the site along with complementary areas of both formal (a NEAP will be included at the western end of the site closest to the first phase) and informal public open space. The delivery of this green fringe to the site will then be further complemented by the provision of an extensive landscaped corridor running east to west through the heart of the development. Once again this will include public open space (including a LAP) with a public footpath dissecting the corridor and providing an additional walking link to the entrance of the site.
- 6.51 In total approximately 35% of the site will be provided as open space across a range of typologies. This comprises the provision of 2.05ha of natural and semi-natural open space around the periphery of the development, forming a significant buffer between the build form and the countryside beyond, as well as 660m<sup>2</sup> of formal play space. The remainder of the open space and landscaping comprises amenity green space within the development parcels, tree breaks, and the SUDS basins. These facilities will complement the Local Area of Play (LEAP) to be provided as part of the first phase. In total, this level of provision significantly exceeds the requirements of **Policy BCS11** of approximately 0.65ha<sup>2</sup> (rounded) across the general open space and play space typologies, the amount expected based on the amount required per 1,000 people.

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<sup>2</sup> Based on an average household size of 2.4 people so a maximum of 423 new residents in total set against the 'up to' figure of 176 units

### Landscape and Character

6.52 The previous withdrawn application was due to be refused on the grounds that the 176-unit scheme would *"due to the topography and open, elevated position of the site within the landscape, beyond the built-up limits of Banbury and in open countryside...result in an unduly prominent development causing significant visual harm and landscape impact, which will breach Banbury's countryside environmental setting and erode landscape features that define Banbury as a historic market town"*. Accordingly, the applicant acknowledges that one of the key constraints at the site is its relief and the way in which any development can work with its sloping nature to deliver an attractive urban-edge scheme. On this basis, and as before, the application proposal has been substantially led by the site's setting and topography.

6.53 Paragraph C.110 of the adopted Local Plan describes the setting of the site, and Banbury more widely, as follows:

*"Banbury faces topographic and historic landscape constraints important to the setting of the town including the River Cherwell valley to the east, a steep sided valley and villages to the west, rising landform and village conservation areas to the north and an open aspect and village to the south beyond the Salt Way. These are all barriers to growth that have shaped how the town has grown and which will affect its growth in the future."*

6.54 At the outset, however, we consider it important to place the site in more accurate and localised context. The putative reason for refusal refers principally to the character of Banbury as a *"historic market town"* – this description is not disputed. However, over time the town has grown significantly beyond its traditional core with its northern extent, and the immediate setting of the site, now characterised by extensive modern residential development along the southern side of Dukes Meadow Drive as well as at the emerging strategic development sites of Banbury 2 and 5 to the east and west. It is these developments that largely comprise the local receiving environment, albeit the character of the landscape to the north is similarly noted.

6.55 Reflecting on this the land, albeit as part of a far larger parcel comprising the higher and more prominent land to its immediate west which lies above the 127m contour, was previously assessed by the Council's 2014 SHLAA and 2018 HELAA which each concluded the following:

*"Development would be prominent on the landscape, particularly when viewed from the east, on one of the highest points in the vicinity..."*

6.56 The application site, like the first phase land, represents the lower slopes of the larger extent of land considered by the two studies referenced above. As referenced above it then visually lies in the context of the urbanised corridor of Dukes Meadow Drive, the significant built-up area of Banbury and importantly the 78 dwellings that will be delivered as part of the first phase (it is of this development that the application proposal will form a natural extension). Whilst it will be subject of views from the east, most

frequently received by drivers and pedestrians approaching the site along Dukes Meadow Drive, any new development will inevitably be read in the context of the existing residential and commercial buildings on the southern side of the road and the first phase which extends along the northern edge of Dukes Meadow Drive and when complete will represent a more urbanising feature on the northern edge of the road corridor.

- 6.57 Due to the siting of the proposed development – to be contained on the lower contours of the land under the applicant’s control and sandwiched between a combination of the first phase of development, the highway verge, and the existing field boundary to the north – it will be both visually but also physically well-related to the existing Banbury urban area. Compared to the withdrawn application this visual relationship with the town rather than countryside will be further secured by the reduction of the site area, drawing development further back from the higher land to the west, and through the introduction of a more significant landscape buffer along the northern boundary. Then, a combination of undulations in the landscape and the visually contained nature of the site will ensure that it does not result in any harmful visual encroachment into the open countryside and, through the careful siting of the taller buildings on the lowest land adjacent to the Dukes Meadow Drive corridor, will remove the possibility of any intervisibility with Hanwell Conservation Area to the north.
- 6.58 In any event the LVIA notes that there are already several available views of the northern urban edge of Banbury from the Conservation Area including the large commercial sheds at Noral Way. As is demonstrated by the viewpoint analysis included in the LVIA there is then no possibility of any of the new dwellings being perceptible from even short-range views from the public footpath due to the contours of the land and the strengthened landscape break that will now fringe the northern edge of the site.
- 6.59 Whilst it is accepted that longer range views of the site will be available the LVIA considers that it resides within a changing environment, illustrated through the establishment of Hanwell Fields, the more recent Banbury 5 development parcel to the west and of course the first phase of development to its immediate south. It is also notable that further development has been approved within the Banbury 2 development parcel to the east which will further establish the presence of built form beyond the northern edge of Dukes Meadow Drive and indeed the northern edge of Banbury as a key direction of growth.
- 6.60 Based on this limited visibility allied with the urban context of the site the LVIA concludes that the site’s immediate and localised visual environment has capacity in visual terms to integrate a sensitive, high quality, residential development. Accordingly, it is concluded that any significant landscape harm would be avoided and any perception of the change of the site character from an existing field to a new residential development would be received in close context with the urban area of Banbury and the first phase of development.



6.61 Concerns in respect of the coalescence of Banbury with Hanwell village were raised by the Parish Council in respect of the first phase and withdrawn second phase applications. This matter was also referenced in the Council's first putative reason for refusal. However, the closest dwelling on the site (at the northwest corner) would lie some 1.35km from the southernmost property at Hanwell – the exact same separation distance as the closest property on the first phase. In any event the properties at Bismore Road, to the west of the application site, already lie far closer to Hanwell at around 400m from the southern edge of the village. The significant distance between the application site and the village allied with the absence of any intervisibility between Hanwell and the proposed dwellings means that there should be no concern whatsoever around and increased level of either physical or perceived coalescence.

6.62 On the basis of the above it is considered that the development of the enquiry site would accord directly with the criteria and purpose of **Policy ESD13** 'Local Landscape Protection and Enhancement' in that it would:

- Avoid any undue visual intrusion into the open countryside;
- Avoid undue harm to important natural landscape features and topography;
- Be consistent with local character, the form and scale of both the Hanwell Fields development to the south of the site and the emerging development at Sites Banbury 2 and Banbury 5 in particular;
- Avoid impact on areas judged to have a high level of tranquillity due to its close relationship with the highway network and adjacent built form;
- Avoid any harm to the setting of settlements, buildings, structures or other landmark features; and
- Avoid harm to the historic value of the landscape.

### **Ecology**

6.63 One of the principal concerns raised by the Council in the draft committee report relating to the withdrawn application was the lack of information provided in respect of how any impact on on-site biodiversity would be minimised and a sufficient net gain achieved overall. This resulted in the inclusion of the third putative reason for refusal. It should be noted that this information was in preparation at the point of recommendation and would have been provided in the fullness of time. In any event, this submission now provides a comprehensive suite of evidence which demonstrates how the redesigned scheme avoids harm to existing flora and fauna whilst securing a minimum 10% net gain in biodiversity.

6.64 Specifically, an Ecological Appraisal of the site, prepared by Aspect Ecology, is included in support of this submission along with a completed Biodiversity Net Gain matrix which identified the level of provision required off-site to offset any potential losses. The Ecological Appraisal confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.

- 6.65 The site itself is not subject to any statutory or non-statutory ecological designations. No identified statutory ecological designations are located within 5km of the site. The nearest non-statutory designation is Fishponds Wood, Hanwell Local Wildlife Site (LWS), which is located approximately 0.7km north west of the current site boundary. All of the ecological designations in the surrounding area are physically well separated from the site and are therefore unlikely to be adversely affected by the proposals. Neithrop Fields Cutting Site of Special Scientific Interest (SSSI), is located approximately 0.9km south west of the site. However, it is designated for geological reasons and is therefore not of ecological relevance, albeit in any event it is similarly well-removed from the site.
- 6.66 The site forms the eastern part of a semi-improved grassland field, with other habitats including boundary hedgerows and scattered scrub. Features of ecological importance include the hedgerows and associated trees, which are to be retained under the proposals and will be protected during construction, with only small sections removed to facilitate access. This will be compensated by new hedgerow planting which will link with the existing / retained hedgerows. Further, substantial new native planting and wildlife habitats are proposed (including enhancement of additional offsite land), to ensure biodiversity net gains as calculated using the Defra metric calculator. Concerns were raised in respect of the presence of Adder's Tongue Fern on site in respect of the withdrawn application. Accordingly, the both the site area and extent of development have been reduced to ensure that the areas covered by the fern remain untouched.
- 6.67 Resultantly, the internal areas of the site generally offer limited opportunities for protected species, albeit on the basis of the survey work undertaken, potential opportunities or confirmed use of the site by badger, bats and common nesting birds have been recorded. A number of recommendations and measures are set out in in the Ecological Appraisal with regard to these species in order to ensure they are fully considered and safeguarded under the proposals. Long-term nesting opportunities will be maintained, if not enhanced, under the proposals through new landscape planting and favourable management of habitats and provision of nest boxes.
- 6.68 The proposals then present the opportunity to secure several biodiversity net gains on-site, including additional native tree planting, new roosting opportunities for bats, and more diverse nesting habitats for birds. The proposals have been considered using the Metric 4.0 calculator, which demonstrates that in combination with offsetting/offsite provision including a set-aside area of 2.9ha immediately to the west of the site, the development can achieve a substantial calculated net gain in area habitat and hedgerow units resulting in a greater than 10% gain overall.
- 6.69 Generally the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. This is now demonstrated fully through the provision of a comprehensive suite of ecology information which also responds to the request for further information

submitted by the Buckinghamshire, Berkshire and Oxfordshire Wildlife Trust towards the withdrawn application. On this basis the application is in direct accordance with the relevant parts of **Policies ESD10 and ESD17** of the adopted Local Plan.

### Highways and Access

- 6.70 No objection was raised towards the withdrawn application in respect of access and highways impact. Like the withdrawn scheme this resubmission once again seeks to utilise the access from Duke's Meadow Drive which has already been agreed in principle as part of the first phase of development. Accordingly, the application proposal will be accessed via an upgrading of the existing agricultural access to form a fourth arm off the Dukes Meadow Drive / Lapsley Drive roundabout. The design of the access as it joins the roundabout will remain unchanged in that it will comprise a segregated entrance / exit either side of a central refuge bound by a 3m wide shared footway / cycleway to link into the existing footway / cycleway provision on the southern / eastern side of Dukes Meadow Drive.
- 6.71 Within the site the 5.5m wide road will be bound by two 2m wide footways. The only change to the access approved as part of the first phase of development is that the priority will alter within the site. The access to the first phase will now comprise a left turn junction as motorists enter the site. It is worth reiterating that the proposed site access arrangements and footpath connections from the site to the highway were reviewed and agreed in-principle with the Local Highway Authority as part of pre-application discussions preceding the first phase application.
- 6.72 The proposed development (based on the upper figure of 117 dwellings) is predicted to generate 110 vehicle trips in the morning peak and 99 trips in the evening peak. It is considered that this number of vehicles even in combination with the trip rates generated by the first phase of development will not result in a significant adverse impact which will result in detrimental harm to the highway network. The number of vehicle trips generated by more sustainable forms of transport is acceptable considering the existing sustainable transport infrastructure. Indeed, the previous withdrawn application which sought permission for a greater level of development (up to 178 units) was supported by the Local Highway Authority with paragraph 9.52 of the committee report concluding that *"it is agreed by OCC that subject to the improvements to public services and active travel infrastructure identified, the proposed development would not result in a detrimental impact to the highway network"*. We can confirm that the applicant is once again happy to agree to any reasonable and proportionate contributions towards public transport services and the local cycling and walking networks.
- 6.73 An emergency access will be provided from the southeast corner of the site directly on to Duke's Meadow Drive in response to the Local Highways Authority's previous request for a secondary entrance to the site. This will comprise a 3m wide single-track surfaced access. Whilst not offered for approval at this stage,

with the precise location likely dependent on the final site layout, an indicative design is appended to the accompanying Transport Assessment.

- 6.74 Parking within the development will be provided in line with current Oxfordshire County Council's Residential Road Design Guide for new development for urban areas in Cherwell as referenced in the Supplementary Planning Document, Cherwell Residential Design Guide, adopted in July 2018. Cycle parking will be provided at a level of at least one space per one bed dwellings and at least two spaces per dwelling of two or more bedrooms. The final level of provision in respect of car and cycle parking will be confirmed at reserved matters stage upon the finalisation of both the number of new homes to be provided and the eventual mix.
- 6.75 Lastly, this application is accompanied by a draft Residential Travel Plan which provides for several measures to secure the greatest level of uptake of sustainable forms of transport. As part of this plan it is proposed that each household will be provided with a Travel Welcome Pack. The pack will contain a high-quality map of the area, showing cycle, walking and public transport routes, and up-to-date timetables for local bus and connecting train services. The key role of the Travel Welcome Pack will be to raise awareness of these sustainable initiatives.
- 6.76 On the basis of all of the above it is considered that the application proposal complies with **Policies SLE4, ESD1 and ESD15** of the Cherwell Local Plan 2011-2031.

#### **Flooding and Drainage**

- 6.77 This application is accompanied by a Flood Risk Assessment (FRA) including a drainage strategy for the site, prepared by MAC Consulting, which responds to the outstanding matters raised by the Lead Local Flood Authority (LLFA) towards the withdrawn application and therefore overcomes the related reason for refusal raised on the grounds of insufficient information demonstrating the deliverability of a satisfactory scheme of drainage.
- 6.78 The accompanying FRA firstly demonstrates that the site lies in the Environment Agency's Flood Zone 1, that is in a location at the lowest risk of tidal or river flooding. In response to the requirements of paragraph 160 of the recently updated NPPF the FRA also assesses the potential impact of all other sources of flooding on the site, concluding that it is not at risk from surface water, canal and reservoir, ground water or sewer flooding.
- 6.79 Then it provides the detail sought by the LLFA that was lacking from the withdrawn submission. The FRA and drainage strategy now includes:

- Full details of the scheme of infiltration testing, including the survey points, which are provided as Appendix G of the FRA;
- Discharge rates as part of the overall drainage strategy plan; and
- Confirmation of the outfall to the local ditch network along Duke's Meadow Drive to the south of the site which has been facilitated by an amendment to the red line location plan.

6.80 In addition, the drainage strategy is no longer reliant on the delivery of the first phase of development in tandem due to the segregation of the respective attenuation basins. Concerns were raised in respect of the withdrawn application and the sloping nature of the site. However, it should be recognised that the amended red line now encompasses land of an almost identical rise and gradient as that of the first phase of development to the south, a proposal which did not draw any objection from the LLFA.

6.81 In respect of the function of the drainage scheme, surface water will discharge from the proposed development into the local ditch network via a scheme of above ground attenuation. The surface water discharge rate from the site will then once again be restricted to greenfield equivalent run-off rates to ensure that the rate of surface water run-off from the site does not increase as a result of the proposed development. The proposed drainage strategy will comprise the following components:

- A piped network;
- Hydrobrake flow control;
- A Detention Basin; and
- Tanked permeable paving to private drives

6.82 The drainage will be designed in line with Building Regulations, Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England as well as local SUDS guidance to ensure compliance with best practice guidance, thus minimising the maintenance requirements. A full maintenance plan for the site will be developed at the detailed design stage.

6.83 Otherwise, foul water drainage will utilise the existing Severn Trent system present at Hanwell Fields to the south.

6.84 The lack of any flood risk at the site allied with the potential to deliver a sustainable drainage system in line with the drainage hierarchy ensures that the proposal would comply with **Policies ESD6** and **ESD7** of the Local Plan 2011-2031.

### Trees

- 6.85 This application is supported by a full Arboricultural Impact Assessment conducted by Aspect Arboriculture. No objection was received by the Council's Tree Officer towards the withdrawn application and once again it is not anticipated that there will be any impact. The survey identifies that there are no trees within the proposed developable area of the site with the only vegetation comprising the hedgerows around its perimeter, all of which will be retained other than a short section which will have to be removed to accommodate the vehicular and pedestrian access point. Otherwise, there will be no impact on any established trees and planting ensuring that the proposed development accords with **Policy ESD10** of the Local Plan 2011-2031.

### Heritage

- 6.86 Whilst it has been concluded unequivocally by the accompanying LVIA that there will be no intervisibility between the site and Hanwell village, including its conservation area, the applicant has commissioned a complementary Heritage Statement, prepared by Asset Heritage, to ensure that a comprehensive assessment has been undertaken of any potential impact on the setting of heritage assets.
- 6.87 In short, the Heritage Statement reiterates the findings of the LVIA. The appraisal has concluded that the application site does not contribute to the character and appearance or significance generally of the Hanwell Conservation Area, and neither does it have any significant role to play as part of its physical setting. The factors influencing this conclusion are the distance between the site and conservation area, the form of the natural topography between them (and the hedges and trees that provide screening within that space) and the resultant very limited intervisibility of the two areas, all of which are corroborated by Aspect Landscape's LVIA.
- 6.88 Views from the conservation area towards the site are only available from limited points along its southern and eastern boundaries, with no intervisibility between the site and the heart of the conservation area or any buildings within it. Views from the western part of the northern boundary of the application site reveal the conservation area as a well-defined wooded belt or 'island,' distinct from a surrounding landscape of large arable fields.
- 6.89 Based on this appraisal it is evident that the development of the site as proposed will have no effect, either positive or negative, on the significance of the conservation area as a designated heritage asset, either directly or on any significant aspect of its wider physical setting. On this basis the proposals accord with **Policy ESD15** of the Local Plan and the guidance of the NPPF.

### Archaeology

- 6.90 A geophysical survey of the site was undertaken by TVAS in August 2022 which demonstrated that the site shows few signs of archaeological importance. Trial trenching was then undertaken on site, in Winter

2022, which confirmed these initial conclusions. Whilst the survey showed several anomalies across the site the majority of these appear to be a continuation of the medieval and post-Medieval ridge and furrow found to the south of the site. Otherwise, there is a large curving positive linear anomaly may indicate the presence of some form of land division. No other anomalies of archaeological interest were recorded. It is clear that the proposed development will have no implications for below ground heritage and would accord with **Policy ESD15** of the Local Plan 2011-2031.

### **Sustainability**

6.91 This application is supported by a Sustainability Statement prepared by Manor Oak Homes. This document is provided specifically with a view to demonstrating how the proposals seek to address **Policies ESD1, ESD2, ESD3, ESD4 and ESD5** of the Local Plan 2011-2031 whilst further illustrating the way in which they would accord with **Policies ESD6, ESD7 and ESD8**, all of which combined relate to energy and water efficiency measures.

6.92 Whilst the application proposal is in outline only at this stage, with any precise measures proposed to tackle climate change and ensure the energy efficiency of the eventual development to be specified at reserved matters stage, the Sustainability Statement demonstrates that it would be capable of accommodating the following:

- The development will incorporate a range of measures to reduce carbon emissions, mitigating the effects of climate change, and adaptation measures to ensure the long-term resilience of the development to the effects of climate change. These would include passive solar gain, natural ventilation, good access to services via sustainable modes of transport, water efficiency measures and effective insulation;
- Through a range of design measures the development will ensure the homes will minimise carbon emissions and achieve a high standard of energy efficiency. These would include the adoption of a fabric first approach and opportunities to either built in or retrofit renewable sources of energy;
- The development will support resource efficiency and use low embodied carbon materials where possible. Measures may include use of sustainable and locally sourced building materials along with a strategy to ensure that site waste is minimised; and
- Through a range of design measures the development would aim to protect and enhance the local environment, including incorporation of biodiversity enhancements and measures to reduce pollution both during build phase and once the development is fully occupied.

### **Planning Balance**

6.93 Following a review of the way in which the proposed development responds to the various policy requirements and constraints relevant to the site and addresses the putative reasons for refusal included as part of the committee report relating to the withdrawn application it must be concluded that it would

not result in any residual economic, social, or environmental harm. In fact, it would present a wide range of benefits that would significantly and demonstrably outweigh the limited harm afforded to the narrow conflict with the spatial policies of the development plan and the localised level of landscape impact. Then, taking into account the deficient housing land supply position across the district, the balance would be tipped undeniably in the favour of the proposal. A summary of the merits of the scheme, which must be weighed using the 'tilted balance' applicable due to the out-of-date nature of the policies most relevant for the determination of the application, is set out below.

### ***Economic Sustainability***

6.94 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. It is therefore considered that the application furthers the NPPF's objective of economic sustainability.

### ***Social Sustainability***

6.95 The proposed development would further the social objectives of the NPPF. Specifically:

- 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; and
- Specifically the affordable housing provision on the site, to be split 66:34 in favour of affordable rented accommodation, is of notable importance in a district where the affordability ratio is above the national average at 9.55.

### ***Environmental Sustainability***

6.96 Lastly, in terms of environmental sustainability a significant level of technical work has been undertaken to ensure the development respects and wherever possible enhances the local environment. The approach taken by the applicant can be summarised as follows:

- This application is supported by a Landscape Visual Impact Assessment prepared by Aspect Landscape Planning which demonstrates that the proposed development is capable of being delivered within the contours of the site of a form and layout which would minimise any impact on the landscape through the reduction of distant views from the north. On this basis the proposal would almost entirely be



viewed in the context of the extensive urban area of Banbury to the south, which will now include the first phase of the development;

- 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.
- A comprehensive ecological survey of the site has been undertaken by Aspect Ecology. It demonstrates that the grassland comprising the main body of the site and its previous use for grazing results in having limited ecological value. The richest habitats on the site comprise the hedgerows around its fringe, all of which will be either retained, replaced, or enhanced. The more valuable habitats identified during the course of the withdrawn application have now been excluded from the red line boundary. The applicant then commits to providing a net gain in biodiversity of greater than 10% through a combination of on-site and off-site improvements to be secured as part of the Section 106;
- The highways impact of the proposed development will be minimal with additional peak traffic flows 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; and
- The information provided in support of this application demonstrates that the site is both in an area at the lowest risk of flooding and in turn can accommodate a sustainable drainage system which will ensure that run-off is maintained at green field rates.

6.97 Balancing all of the above it is clear that the significant benefits presented by the delivery of both market and affordable homes comprising a SHMA and policy compliant mix of unit sizes and types on its own represents an overriding benefit in favour of the proposal in a district which is currently subject of a deficient sub-5-year housing land supply. Once the additional benefits of the sustainable location of the site, the positive impact on the local economy and a net increase in on-site biodiversity are considered these would outweigh the limited harm caused because of the limited breach of the spatial policies of the development plan and the minor level of localised landscape impact identified within Aspect Landscape's assessment.

## 7.0 SUMMARY AND CONCLUSIONS

- 7.1 This statement, along with the substantial suite of supporting information provided as part of this application, has been prepared to comprehensively respond to the concerns raised by the Council in respect of the withdrawn 178-unit scheme. The applicant is hopeful that these revisions will provide the basis of constructive engagement with the Council as part of the application process to enable the delivery of up to 117 units at the site which will contribute towards what we consider to be the deficient housing land supply across the district.
- 7.2 Read as a whole, the documents comprising this application demonstrate that the proposed development on a site well related to the urban area of the district's largest town, Banbury, would be sustainable in every respect. This application does so by firstly responding to the concerns raised by officers in response to the first withdrawn second phase application and then providing additional information to confirm the sustainability and deliverability of the site. It must then be concluded that the proposals would represent a natural second phase of the applicant's previous application for 78 dwellings to the south which has a resolution to grant permission subject to the imminent completion of the Section 106 agreement.
- 7.3 Critically the application proposal represents a fresh opportunity for Cherwell District Council to secure much needed new homes at a time where it is unable to demonstrate a sufficient 5-year supply of housing land – our calculations show that the current position is only slightly greater than 4-years and is due to deteriorate further into 2024. It would do this in a way that accords with the broad distribution of growth set out in the adopted Local Plan 2011-2031. The current housing land supply position which we conclude only comprises 4.04 years' worth of supply represents a shortfall of 751 homes prior to 2028.
- 7.4 The application proposal would deliver a varied supply of much needed new homes, including a policy compliant requirement of 30% affordable housing whilst providing them at a location served by an excellent level of nearby shops, facilities, amenities and public transport links. In addition, it would do so in a way that is physically and visually well related to the existing Hanwell Fields neighbourhood and the applicant's own first phase of development allowing future residents of the site to fit seamlessly into an already established and now growing community.
- 7.5 Whilst it is recognised that the site lies on the urban edge of Banbury and does not comprise an allocation or previously developed land it is similarly identified within this statement that the policies of the adopted development plan do not necessarily present an outright presumption against development of this nature coming forward where the land would be used efficiently and effectively. In any event, and in appreciating the deficient housing land supply position, 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.

- 7.6 These points, allied with a lack of significant harm to any aspect of the local environment due to the proposed delivery of new homes on a largely unconstrained site, must result in the Council concluding that the benefits of the proposal are not significantly and demonstrably outweighed by any harm, thus affording this application the presumption in favour of sustainable development described by paragraph 11(d) of the NPPF.
- 7.7 On the basis of the above it is our clear view that the application scheme represents development that is sustainable in every respect and should therefore be approved without delay.