

Outline Planning Application

Development of up to 65 homes, including open space provision, parking, landscaping, drainage and associated works, with all matters reserved (appearance, landscaping, layout and scale) except for access.

Planning Statement

Land West of Bloxham Road, Banbury

On behalf of Barwood Development Securities Ltd and Mr Mark Horgan.

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Author: KG/KF



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1. INTRODUCTION

1.1. This Planning Statement has been prepared by Pegasus Group on behalf of Barwood Development Securities Ltd and Mr Mark Horgan (the 'Applicant') and supports an outline planning application for the development of up to 65 homes, including open space provision, parking, landscaping, drainage and associated works, with all matters reserved (appearance, landscaping, layout and scale) except for access, to the land west of Bloxham Road, Banbury, (the 'Site').

1.2. The Applicant is seeking outline planning permission for:

'Outline Planning Application for the development of up to 65 homes, including open space provision, parking, landscaping, drainage and associated works, with all matters reserved (appearance, landscaping, layout and scale) except for access.'

1.3. The following sections of this Statement identify the relevant issues pertinent to the consideration of the application submission and include:

- A description of the application site and the surrounding area,
- A description of the application proposals;
- An overview of relevant planning policy; and,
- An assessment of the application proposals against the Development Plan, and relevant material considerations such as the National Planning Policy Framework (NPPF).

1.4. In accordance with statutory and Cherwell District Council local validation requirements, the following supporting material is submitted alongside this Planning Statement, which will enable a full assessment of the proposals to be undertaken by the Local Planning Authority (LPA). The documents listed below should be read in conjunction with this Planning Statement:

- Application Forms and Certificate, duly completed

Plans for approval

- Location Plan (Drawing No. 3831-05)
- Parameters Plan (Drawing No. 3931-03 Rev B)
- Landscape Strategy Plan (Drawing No. edp7153_d018a scale 1:1,250 @ A3)

Plans for illustration

- Illustrative Layout (Drawing No. SKO4B)



- Planning Statement (including Affordable Housing Statement and draft S106 HoT) produced by Pegasus Group (ref: P20-1958 – December 2022)
 - Energy Statement produced by Pegasus Group (P20-1958 – December 2022)
 - Transport Statement produced by ADC Infrastructure (ref: ADC3114-RP-B v3)
 - Travel Plan produced by ADC infrastructure (ref: ADC3114-RP-C v3)
 - Flood Risk Assessment and Drainage Strategy produced by ADC Infrastructure (ref: ADC3114-RP-A-V3)
 - Ecological Appraisal produced by EDP (ref: edp7153_r003a)
 - Landscape and Visual Appraisal produced by EDP (ref: edp7153_r001a)
 - Archaeological and Heritage Assessment produced by EDP (ref: edp7153_r005a)
 - Arboricultural Impact Assessment produced by EDP (ref: edp7153_r006a)
 - Phase 1 Site Appraisal (Desk Study) produced by KAB Geo-solutions Ltd (ref:22021/10-22/001-1)
- 1.5. The Site has been previously promoted by Pegasus Group on behalf of Barwood Development Securities Ltd through the Stage 1 Regulation 18 consultation, and associated Call for Sites Submission. Those representations were made in July 2020. Further representations were made by Pegasus Group on behalf of Barwood Development Securities Ltd in November 2021.
- 1.6. It is a requirement of the National Planning Policy Framework (July 2021) for all Local Planning Authorities to have an identified five year supply of housing land. The Council's latest published position is set out in the Annual Monitoring Report 2021 (AMR) which identifies a **3.8 year land supply (yIs) over the period 2021-26 and 3.5yIs over the period 2022-27.**
- 1.7. Barwood are a Midlands-based land promoter of residential development land, with a strong track record delivering schemes of various sizes, across the UK. This development will create a sustainable urban extension of Banbury that is well connected and integrated with the existing built form. The proposal will help the Council meet its need for housing over the next five years.
- 1.8. If the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, it is confirmed in paragraph 11 part d) footnote 8 of the NPPF that local policies for determining planning applications are deemed out-of-date, and therefore the presumption in favour of sustainable development applies. This requires planning permission to be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits.
- 1.9. This Planning Statement assesses in detail all the planning aspects associated with the application proposals, with reference to the above supporting information which forms the planning application. It will be shown that the proposals are in accordance with national and



local planning policy, overarching principles of the spatial strategy and detailed development with regard to the site's potential.

1.10. Accordingly, it is respectfully requested that planning permission be granted.

1.11. This Planning Statement is structured as follows:

- Section 1 – Introduction
- Section 2 – The Site and Site Context
- Section 3 – Proposed Development
- Section 4 – Planning Policy Context
- Section 5 – Technical Assessment
- Section 6 – Planning Assessment
- Section 7 – Planning Balance
- Section 8 – S106 / Draft Heads of Terns
- Section 9 – Summary and Conclusions

2. THE SITE & SITE CONTEXT

Site Location & Description

- 2.1. The Application Site ('the Site') is shown on the submitted Site Location Plan (Drawing No. 3831-05).
- 2.2. The Site is within the administrative boundary of Cherwell District Council and is located approximately 2km to the south of Banbury Town Centre.
- 2.3. The Site comprises a square shaped parcel of undeveloped grassland in the open countryside (arable field) extending to approximately 3.46ha and is located on the south western edge of the town of Banbury. There is an existing footpath along the site's northern boundary which provides access to the Bloxham Road (A361) to the east. The Bloxham Road (A361) is one of the main strategic routes into and out of Banbury, and provides connections to Daventry to the North, and Chipping Norton to the South. Vehicular access to the Site is proposed through the newly constructed residential development immediately to the north because that road has not yet been adopted, it is incorporated into the red line for this application.
- 2.4. The Site has a relatively level topography, with a very gradual south facing slope in the south eastern corner. There is a low point of approximately 133m AOD on the south-eastern boundary and a highpoint of approximately 136m AOD on the north-western boundary. The Site is bound by wooden fencing along the south, west and eastern borders with natural landscape features along the south and western boundaries, comprising established hedgerows and mature trees. This provides screening from the adjacent fields to the south and west. Adjacent to the eastern boundary, there is a large attenuation basin, with a circular pedestrian footpath around the perimeter. Beyond the extent of the site to the west and south is open countryside, used primarily for agricultural purposes.
- 2.5. There are no known Tree Preservation Orders on the site and no built structures.

Surrounding Area & Local Context

- 2.6. The site is well related to the existing settlement of Banbury, located to the south-west of the established built-up residential area. The development would form a sustainable extension to the existing built form directly to the north, which is primarily residential in nature.
- 2.7. There are a number of bus stops located along Bloxham Road including 'Parsons Piece' (c. 500m from the Site); the closest stop to the Site. Bus service 488 runs hourly services from 7am-7pm on Weekdays and 7am-6pm on Saturday and two-hourly services from 9am-6pm on Sunday between Banbury town centre and Milcombe, from which additional destinations can be reached to the North, such as Daventry. Bus service 489 runs two services a day on Weekdays (06:22, 06:57) and a single service on Saturday (06:22) and Sunday (08:07)



between Banbury town centre and Chipping Norton. From there additional destinations can be reached such as Witney and Oxford.

- 2.8. There are various facilities within a 2km walk catchment of the site which include post office, supermarket, health, employment, and educational facilities. These facilities can be accessed via street-lit footways on Bloxham Road and the surrounding residential roads. Additional local facilities are also expected to be provided as part of the Banbury 17 development, which will be a short walk to the east when delivered.
- 2.9. The Site is located approximately 3km (10 minute cycle ride) from Banbury train station. The closest bus stop to Banbury train station is 'Banbury Town Centre' (approximately a three-minute walk) which can be reached from the aforementioned services above. Chiltern railways provide connections to Birmingham Moor Street to the north and London Marylebone to the south. Cross Country services provide connections to Reading to the south, and Manchester Piccadilly to the North. Great Western services provide connections to Didcot Parkway.
- 2.10. Banbury town centre, which is accessible in c. 8 minutes by bicycle, provides a full range of shops and services to be expected of a high order centre and the largest town of the District. Facilities include a full suite of commercial, retail and leisure services. Food retail services include Sainsbury's, Aldi, Morrisons, Iceland, Waitrose and Tesco Express. Those closest supermarkets to the site include Co-operative Food (approximately 20-minute walk / 5 minute cycle from the Site) and Sainsbury's (approximately 27 minute walk / 8 minute cycle from the Site). Commercial and leisure services include Horton General Hospital, Banbury Tennis Club, as well as Castle Quay Shopping Centre and other various shops, bars and restaurants located in the town centre.
- 2.11. There are a number of schools in proximity of the Site. The closest primary schools to the Site are Queensway Primary, approximately 1.44km from the Site (18 minute walk), Little Harriers Day Nursery, approximately 1.77km from the Site (21 minute walk) and Orchard Fields Community Primary approximately 3.0 (38 minute walk). The closest secondary schools to the Site are Wykham Park Academy approximately 1.6km to the east of the Site, Tudor Hall Independent Day & Boarding School for Girls (secondary) approximately 600m to the south of the site, and Warriner Secondary School approximately 2km to the south of the Site. There
- 2.12. Residential development site 'Banbury 17' is expected to deliver a new on-site primary school, as well as seeking contributions towards the provision of secondary school places. Primary and secondary school contributions will also be expected from Banbury 16.
- 2.13. The Site is located within Flood Zone 1, defining it as land at a low probability of fluvial flooding. It is at a very low risk of surface water flooding which means that the site has a chance of flooding of less than 0.1% each year. The Site is largely flat and drains primarily to the south east.

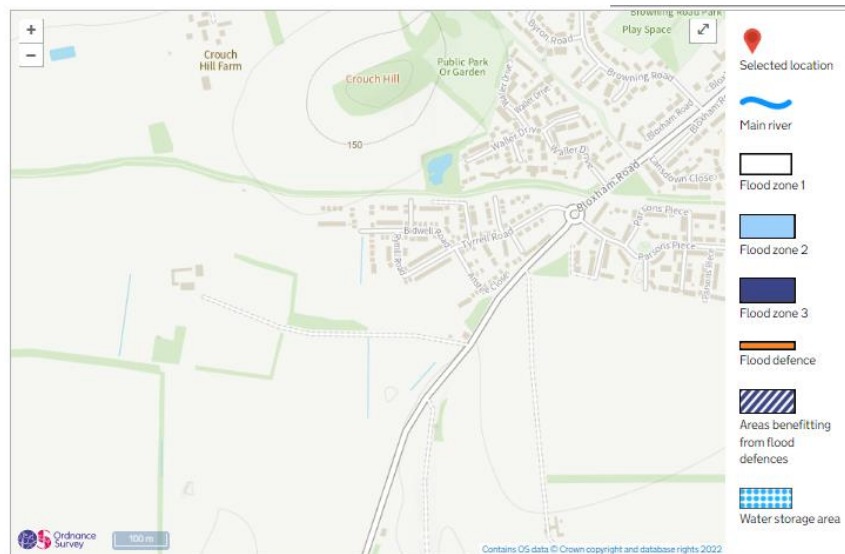


Figure 1: The Site, Land west of Bloxham Road, Banbury. Source: [Gov.uk](https://www.gov.uk)

- 2.1. The closest heritage asset to the Site is Crouch Farm (List UID: 1199211) and is located approximately 200m to the north west of the Site. There are no other heritage assets in the vicinity of the site whose setting or significance has the potential to be impacted by the proposal.

Planning History

- 2.1. A review of the public access system on the Cherwell District Council website has not identified any planning history for the principal part of the site, however the application red line includes the currently unadopted access road through the newly constructed residential estate to the north.
- 2.2. Whilst there is no relevant planning history for the Site itself, there has been considerable development in the immediate vicinity.
- 2.3. To the north-east of the site, outline planning permission (12/0080/OUT) for up to 145 dwellings was allowed at appeal in September 2013 (Ref: APP/C3105/A/12/2178521) on land east of Bloxham Road. This development has now been completed.
- 2.4. In line with the 'Banbury 17' allocation in the adopted Local Plan, outline planning permission was also granted in December 2019 for further major development to the east of Bloxham Road (14/01932/OUT) including c. 1,000 dwellings, a local centre, education, recreation and leisure facilities. Work is currently being undertaken to discharge the various planning conditions relating to this application.
- 2.5. Immediately to the north of the site, an outline planning application (14/01188/OUT) was granted in November 2015 for the development of up to 350 dwellings, associated public open space and infrastructure. Reserved matters (17/00669/REM) was subsequently



granted in 2017, for a total of 318 dwellings on the site. The Site is currently being developed by Redrow.

Other relevant planning history

- 2.6. Other relevant planning history outside of the site boundary includes application reference: 17/01617/F for the formation of a new track and access to Crouch Farmhouse from A361 Bloxham Road. This application was refused on 09/11/2017, but subsequently allowed at Appeal (APP/C3105/W/18/3194018) on 5th July 2018, it has since been constructed.

3. PROPOSED DEVELOPMENT

- 3.1. This application seeks outline planning permission for residential development with all matters reserved except for access. A full description of development is set out below:
- 3.2. *'Development of up to 65 homes, including open space provision, parking, landscaping, drainage and associated works, with all matters reserved (appearance, landscaping, layout and scale) except for access.'*
- 3.3. This application site area is 3.46ha. The principal site area relates to the main development area and comprises 3.15ha. The access road relates to the extension of the red line out to Bloxham Road along an existing but unadopted road, and comprises 0.31ha.
- 3.4. The proposed development of the Site is described in detail below and shown on the Parameters Plan (Drawing No. 3931-03 Rev B) and Illustrative Layout (Drawing No. SK04B). In summary it comprises:
- Up to 65 dwellings (including 30% affordable housing provision);
 - One vehicular access point from Bloxham Road, via Tyrell Road;
 - Pedestrian and cycle linkages into the adjacent Redrow development;
 - Local Area of Play (LAP) (100sqm);
 - Perimeter network of green space incorporating meadow and amenity grassland (1.26ha);
 - Biodiversity Net Gain at a minimum of 10%; (10.19% (habitat area units) and 48.19 (hedgerow linear units).
 - Provision of SUDs (attenuation pond located in the south east corner of the site); and,
 - Retention of mature trees and hedgerows on site boundaries as far as practical.

Housing and Housing Mix

- 3.5. The proposed residential development (Use Class C3) seeks approval for the provision of up to 65 new homes, at an assumed average density of 37 dwellings/ha, on a net developable area of 1.76ha, as shown on the accompanying parameters plan (Drawing No. 3931-03 Rev B).
- 3.6. The proposal is for 70% market housing and 30% affordable housing (policy compliant), of which 25% of the affordable homes would be First Homes. The precise housing mix will be determined at Reserved Matters stage although it is anticipated that a variety and range of dwelling types will be provided to include a mixture of two and two and a half storey dwellings, with the key frontage and focal building central to the site, in accordance with Local Plan policy BSC 4.

Access

- 3.7. Vehicular access to Bloxham Road is not a reserved matter. The principal vehicular access between the Site and Bloxham Road will be served through the Redrow Bloxham Vale development.
- 3.8. Vehicle access to the Bloxham Vale development is achieved via the Tyrrell Road arm of the Bloxham Road/Tyrrell Road/Parsons Piece roundabout, as indicated in **Appendix A** of the Transport Statement.
- 3.9. The Oxfordshire County Council (OCC) Street Design Guide identifies that up to 400 dwellings can be served by one access point. The guide also notes that developments of more than 150 dwellings with a single vehicle access will also require an emergency access. The Redrow development will be developed to provide a total of 318 houses served by one main access point and an emergency access (the original outline consented up to 350 homes). The proposed development will increase this to 383 houses which meets the standard.
- 3.10. The level of car parking and cycle parking provision will be determined at reserved matters stage. With regards to vehicle parking, OCC's standards are as follows:
- 1–2-bedroom dwelling - up to 1 space per dwelling to be provided within the development site
 - 3+ bedroom dwellings - up to 2 spaces per dwelling to be provided within the development site.
 - The development will also meet the required level of Electric vehicle charging points as set out in OCC guidance '*... with at least 25% (with a minimum of two) active charging points for all parking spaces*'.
- 3.11. The OCC parking guidance also identifies the minimum level of cycle parking:
- 1 bedroom – 2 spaces per bedroom
 - 2 bedrooms – 2 spaces per bedroom
 - 3 bedrooms – 2 spaces per bedroom
 - 4+ bedrooms – 2 spaces per bedroom.

Pedestrian and cycle access

- 3.12. Connectivity has been a major consideration in the development's design. A pedestrian/cycle link is proposed in the northeast corner of the site. This will create a connection to Salt Way (a restricted byway) and the residential roads and walkways to the northeast that lead directly to the green corridor that runs north to south through the



Bloxham Vale development. In addition, a further connection on the eastern boundary is proposed, linking to the existing walking routes by the attenuation basin on the Redrow development. Both these links provide enhanced connection to the bus stops on Bloxham Way and cycle routes to the town centre and train station,

- 3.13. A pedestrian path is provided around the perimeter of the development which links into the Redrow scheme to the north and east, thereby further enhancing walking opportunities for residents of both developments.

Design, Open Space & Landscaping

- 3.14. The Site comprises a square shaped parcel of undeveloped grassland in the open countryside (arable field) extending to approximately 3.15ha. The proposed residential development (Use Class C3) seeks approval for the provision of up to 65 new homes, at an assumed average density of 37 dwellings/ha, on a net developable area of 1.76ha, as shown on accompanying parameters plan (Drawing No. 3931-03 Rev B).
- 3.15. The proposed development has been carefully designed to make efficient use of the land and will form a sustainable extension to the new development directly to the north. The development will use sustainable design and construction and deliver energy efficient homes.
- 3.16. The Design and Access statement (DAS) sets out additional information on the key issues and design parameters which have informed the design of the proposed development.
- 3.17. As shown on the parameters plan (Drawing No. 3931-03 Rev B) there will be some 1.26ha of Green Infrastructure within the site, which will include 100sqm of land for children's play (LAP), along the site's eastern boundary, and a SUDs feature comprising a permanently wet area to provide additional surface water treatment (as per LLFA guidance).
- 3.18. The proposed layout will provide accessible public open space areas, including:
- A new recreational foot/cycle path
 - A local area for play (100sqm)
 - Perimeter network of green space incorporating meadow and amenity grassland (1.26ha)
 - Enhancement to existing boundary vegetation
 - Sustainable drainage basin (attenuation pond)
- 3.19. The landscape proposals as shown on the landscape strategy plan (Drawing No. edp7153_d018a) will deliver a holistic multi-functional green infrastructure network with a range of biodiversity and recreational benefits which will contribute positively to the wider landscape context.

- 3.20. Where possible the existing boundary vegetation will be retained, save for the partial removal of W6 (a small section of woodland) to allow for the construction of the site access road along the northern boundary.
- 3.21. Landscape features have been incorporated into the proposal such as native hedgerows, with the potential to feature semi mature trees where appropriate. Existing vegetation will be enhanced with new planting, such as areas of wildflower and flowering lawn creating both wildlife and amenity interest. Wetland meadow grassland will be implemented across the site with amenity grassland where necessary. Native planting would dominate with more ornamental species limited to within the development area only.
- 3.22. Street trees will line the circular walkway which will soften the development and enhance the site's overall appearance. The site's biodiversity minimum will increase overall as a result of the proposed landscape plantings (as demonstrated by the 10% net gain).

Drainage

- 3.23. The site's proposed drainage strategy has been selected due to spatial and topographical aspects of the site, its proposed layout, and the need to attenuate and convey onsite surface water runoff.
- 3.24. A drainage ditch along the site's southern boundary flows in an easterly direction; it is approximately 3m wide and 0.5m deep. There is an additional drainage ditch adjacent to the site's eastern boundary which is approximately 0.5m deep and 2.5m wide. This ditch flows north to south and forms a confluence with the southern drainage ditch.
- 3.25. Surface water on the site will be attenuated by a sustainable drainage system (attenuation pond) located towards the south-eastern corner, at the lowest point of the site. The attenuation pond will discharge surface water runoff into the exiting drainage ditches along the site's eastern and southern boundaries. The attenuation basin will feature species-rich wet grassland and marginal planting in order to soften the feature and contribute to achieving biodiversity net gains.
- 3.26. Foul waste water effluent on site will drain from the proposed dwellings via a gravity conveyor sewer system that will drain to a new pumping station which is located within the site's southern-eastern corner where the ground levels are the lowest.
- 3.27. The pumping station is responsible for transferring flows into the nearby foul sewage network. The connection point will be confirmed as the development progresses; however, Thames Water have confirmed that there is capacity in the existing off-site network to receive foul flows from the development (See Flood Risk Assessment and Drainage Strategy, paragraph 11.5).

4. PLANNING POLICY CONTEXT

Planning Policy

- 4.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act, applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

- 4.2. The Development Plan for the area material to this application comprises the:

- Saved Policies of the Cherwell Local Plan (adopted 1996)
- Cherwell Local Plan 2011 – 2031 (Part 1) (re-adopted 2016)

4.3. Material Considerations

- National Planning Policy Framework (July 2021)
- Planning Practice Guidance
- Cherwell Residential Design Guide SPD (July 2018)
- Cherwell Developer Contributions SPD (February 2018)
- Cherwell Housing Strategy 2019–2024
- Oxfordshire Council's Growth Needs Assessment (July 2021)
- The Oxfordshire Strategic Housing Market Assessment (SHMA) (April 2014)
- Annual Monitoring Report (2021)
- Cherwell Local Plan Review (2040)
- Legislative context: Planning (Listed Buildings and Conservation Areas) Act (1990)

- 4.4. There is no Neighbourhood Plan covering the Site.

The Development Plan

Saved policies from the Cherwell Local Plan (1996)

- 4.5. The Saved Policies of the Adopted Cherwell Local Plan 1996 remain part of the statutory Development Plan to which regard must be given in the determination of planning applications.

4.6. Saved Policy **H18 (New dwellings in the Countryside)** identifies that planning permission will only be granted for new dwellings beyond the built-up limits of settlements other than those identified in Policy H1 when:

i) It is essential for agriculture or other existing undertakings, or

ii) the proposal meets the criteria set out in policy H6 (within settlements in Oxford Green Belt, and

iii) the proposal would not conflict with other policies in this plan.

4.7. According to saved policy **TR1 (Transportation Funding)**, before permitting development, the Council must be satisfied that transport measures needed as a consequence of allowing the development to proceed will be delivered.

4.8. Saved policy **C14 (Trees and Landscaping)** provides support for countryside management projects where all important trees, woodland and hedgerows are retained; the ecological value of the site will not be reduced; and new tree and hedgerow planting using species native to the area is provided.

4.9. Saved policy **C28 (Layout, design and external appearance of new development)** requires standards of layout, design and external appearance of development that are sympathetic to the development's context.

4.10. Saved policy **C30 (Design of new residential development)** requires new housing development to be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity, and to provide acceptable standards of amenity and privacy.

4.11. Saved policy **C31 (Compatibility of proposals in residential areas)** confirms that any development in existing and proposed residential areas which is not compatible with the residential character of the area or would cause an unacceptable level of nuisance or visual intrusion, will not normally be permitted.

4.12. Saved policy **C32 (Provision of facilities for disabled people)** provides support for measures that provide, improve or extend access facilities for disabled people.

Cherwell Local Plan Part 1 (2011 – 2031) re-adopted 2016

4.13. The LP was initially adopted by the Council in July 2015 and re-adopted in 2016 (to address Bicester Policy 13). It provides for the District's growth until 2031. It was subject to a Regulation 10a review in January 2021, where it was concluded that the plan did not require updating and that the housing policies continued to provide a sustainable strategy for growth.

Housing Delivery across Cherwell District

4.14. Policy **BSC1 (District Wide Housing Distribution)** sets out the overall target for the delivery of housing across Cherwell District over the plan period April 2011 – March 2031. The Council

will seek to provide 22,840 additional dwellings across the Plan period. Between 2011 and 2014, there were 1,106 completions recorded, with 21,734 homes remaining to be provided between 2014 and 2031. Housing will be delivered in accordance with the requirements. For Banbury, the requirement is 7,319 dwellings demonstrating that a third of the housing is expected to be delivered in Banbury.

- 4.15. The long term strategic 'spatial vision' for Cherwell District is set out at paragraph A.10 (page 29 of the Adopted Local Plan). Across Cherwell District, between 1st April 2011 and 31 March 2031, 22,840 dwellings will be provided.
- 4.16. Policy **BSC 3 (Affordable Housing)** requires proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), to provide at least 30% of new housing as affordable homes on site.
- 4.17. Policy **BSC 4 (Housing Mix)** states that new residential development will be expected to provide a mix of homes to meet current and expected future requirements, with the mix to be negotiated having regard to the Council's most up-to-date evidence on housing need and available evidence from developers on local market conditions.

The Community & Health and Wellbeing

- 4.18. Policy **BSC 7 (Meeting Education Needs)** confirms the Council will work with partners to ensure the provision of facilities which provide for education and the development of skills.
- 4.19. Policy **BSC 9 (Public Services and Utilities)** provides support for proposals which involve new or improvements to public services/utilities if they are required to enable successful delivery of sites and where they accord with other relevant Development Plan policies. The policy confirms that all new developments will be expected to include provision for connection to superfast broadband.
- 4.20. Policy **BSC 10 (Open Space, Outdoor Sport and Recreation Provision)** encourages partnership working to secure the provision of convenient access to a sufficient quality and quantity of open space, recreation and sport provision. This is to be achieved through protecting existing sites, enhancing existing provision, improving access to existing facilities, securing new provision and ensuring new proposals contribute appropriately to open space, sport and recreation provision.
- 4.21. Policy **BSC 11 (Local Standards of Provision – Outdoor Recreation)** requires development proposals to contribute to the provision of open space, sport and recreation and to secure arrangements for its management and maintenance. Quantitative (Table 7) and qualitative (Table 8) standards for outdoor recreation provision are set out in the supporting text and the policy requires these to be met on site, or a financial contribution to be made towards suitable provision.
- 4.22. Policy **BSC 12 (Indoor Sport, Recreation and Community Facilities)** encourages the provision of community facilities and partnership working to ensure that built (indoor) sports

provision is maintained in accordance with local quantitative (Table 9) and qualitative (Table 10) standards. Development proposals are required to contribute to the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision.

- 4.23. **Policy SLE 4 (Improved Transport and Connections)** supports the delivery of development which facilitates the use of sustainable methods of travel (public transport, walking & cycling) in light of reducing greenhouse gas emissions and reducing congestion. New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

Climate Change and Sustainable Construction & Development

- 4.24. **Policy ESD 1 (Mitigating and Adapting to Climate Change)** commits the Council to taking action in mitigating the impact of development within the District on climate change through various measures. Including through distributing growth in sustainable locations, delivering development that aims to reduce the need for travel and encourages the use of sustainable travel options. Furthermore, development should be designed to use resources more efficiently through promoting the use of decentralised and renewable/low-carbon energy where appropriate, use sustainable drainage, implement the provision of green infrastructure and through other methods such as passive solar design.
- 4.25. **Policy ESD 2 (Energy Hierarchy and Allowable Solutions)** sets out the Council's energy hierarchy for seeking to achieve carbon emissions reductions. It seeks first to reduce energy use (particularly through sustainable design and construction); then to supply energy efficiently, prioritising decentralised supply; then to make use of renewable energy; and finally (lowest preference) to make use of allowable solutions (which secure carbon savings off site). The supporting text to policy ESD 2 advises an Energy Statement will be required for major residential development proposals.
- 4.26. **Policy ESD 3 (Sustainable Construction)** encourages all development proposals to reflect high quality design and high environmental standards, demonstrating sustainable construction methods. The Council will seek a water use limit of 110 litres/person/day. The element of the policy relating to zero carbon development has been superseded by changes to Government policy.
- 4.27. **Policy ESD 4 (Decentralised Energy Systems)** encourages the use of decentralised energy systems, providing either district heating ('DH') or combined heat and power ('CHP'), in all new developments. A feasibility assessment for DH/CHP, including consideration of biomass fuelled CHP, is advised for all residential developments for 100 dwellings or more. DH/CHP systems will be required as part of the development where they are shown to be deliverable and viable, unless an alternative solution would deliver the same or increased benefit.
- 4.28. **Policy ESD 6 (Sustainable Flood Risk Management)** sets out the Council's approach to reducing flood risk in the District, seeking first to locate vulnerable developments in areas at lower risk at flooding. The policy requires site specific flood risk assessments to accompany

all development proposals of 1ha or more. Proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere (including sewer flooding).

- 4.29. Policy **ESD 7 (Sustainable Drainage Systems)** requires all development to use sustainable drainage systems ('SuDS') for the management of surface water run-off. In addition to the requirements of policy ESD 6 for flood risk assessments, policy ESD 7 requires flood risk assessments to determine how SuDS can be used on particular sites and to design appropriate systems – taking into account the need to protect ground water quality. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide wildlife and wildlife benefits, and proposals must include an agreement on the future management, maintenance and replacement of SuDS features.
- 4.30. Policy **ESD 10 (Protection and Enhancement of Biodiversity and the Natural Environment)** seeks to protect and enhance the natural environment and biodiversity through achieving a net gain, encouraging the protection of trees and hedgerow. Development will be expected to incorporate features to enhance biodiversity and existing ecological networking should be identified and maintained. Development which would result in damage or loss to biodiversity should be avoided, unless it can be demonstrated that effects can be mitigated. Where significant harm cannot be avoided or mitigated, development should be avoided.
- 4.31. Policy **ESD 13 (Local Landscape Protection and Enhancement)** states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape cannot be avoided. Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, through restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones.
- 4.32. Policy **ESD 15 (The Character of the Built and Historic Environment)** states that all new development will be required to meet high design standards and will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. The policy lists a range of design considerations contributing to high-quality design. As well as elements relating to the detailed design of development, these include *inter alia* responding to local distinctiveness, integrating green infrastructure and biodiversity features, improving the way an area functions, and creating permeable, accessible, connected places that promote pedestrian movement and integrate different transport modes. These should be explained within a submitted DAS.
- 4.33. Policy **ESD 17 (Green Infrastructure)** sets out how the District's green infrastructure network will be maintained and enhanced. It requires that green infrastructure network considerations are integral to the planning of new development. Proposals should maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network of open space, providing opportunities for walking and cycling, and connecting the towns to the urban fringe and the wider countryside beyond.

Other Material Considerations

National Planning Policy Framework (July 2021)

- 4.34. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how they should be applied. It comprises of three main sections – Achieving Sustainable Development, Plan-Making and Decision-Taking. The Framework applies to both plan-making and development management. The Government published a revised NPPF in July 2021, which supersedes the previous iterations of the NPPF published in 2019 and 2012. The NPPF constitutes a material consideration.
- 4.35. **Section 2** of the NPPF defines three overarching objectives that the planning system should pursue in order to achieve sustainable development. This can be pursued in mutually supportive ways, such as economic, social and environmentally sustainable. This is fundamentally at the heart of the NPPF and encourages LPAs to take a positive approach towards approving development (Paragraphs 8, 11, 12).
- 4.36. **Paragraphs 7 and 8** identify that the main purpose of the planning system is to contribute to the achievement of sustainable development, with regards to three over-arching objectives, comprising of economic, social and environmental objectives.
- 4.37. **Paragraph 10** identifies that the presumption in favour of sustainable development is at the heart of the NPPF.
- 4.38. **Paragraph 11** sets out the presumption in favour of sustainable development which applies to both plan-making and decision-taking.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date Development Plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

- 4.39. If the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, it is confirmed in NPPF paragraph 11 part d), via footnote 8, that *“the policies which are most important for determining the application are out-of-date.”*
- 4.40. Sections 4 to 17 of the NPPF set out policies on how decisions should be made in the interests of sustainable development; the most relevant policies to this application are outlined below.

4.41. **Section 4** relates to decision-making. **Paragraph 38** is clear that LPAs should:

'...approach decisions on proposed development in a positive and creative way. [...] and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

4.42. **Paragraph 47** reaffirms the requirement that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

4.43. **Section 5** relates to the delivering a sufficient supply of homes. **Paragraph 60** states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay. **Paragraph 61** requires Local Planning Authorities to plan for a mix of housing based on future and current demographic trends. **Paragraph 69** recognises the important contribution small and medium sized sites can make to meeting short term housing needs.

4.44. In accordance with **Paragraph 74** of the NPPF,

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

4.45. As set out in **Section 8, paragraph 92**, planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe, healthy and accessible communities, and which enable and support healthy and safe lifestyles.

4.46. Transport policies have an important role to play in facilitating sustainable development, as set out in Section 9. As set out at **Paragraph 111** development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.47. **Section 11** relates to making effective use of land and achieving appropriate densities. **Paragraph 119** promotes an *'effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*.

4.48. **Paragraph 124** requires planning decisions to support development that makes efficient use of land taking into account:

'a) the identified need for housing; local market conditions and viability;

b) the availability and capacity of infrastructure and services;

c) the desirability of maintaining an area's prevailing character and setting; and

d) the importance of securing well-designed, attractive and healthy places.'

- 4.49. **Section 12** ensures good design is secured through the planning process. Local Plans should be clear regarding what is expected to achieve a high-quality design. **Paragraph 126** highlights that the creation of high-quality buildings and places is fundamental to the housing and development process. It states that good design is a key component of sustainable development. **Paragraph 130** states that planning decisions should aim to ensure that developments are sympathetic to and function well with the area, are visually attractive and maintain safe, inclusive and accessible places
- 4.50. **Section 14** relates to meeting the challenge of climate change flooding and coastal change. **Paragraph 152** states that the planning system should support the transition to a low carbon future in a changing climate. This involves shaping places in ways that contribute to radical reductions in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources, including the conversion of existing buildings; and supporting renewable and low carbon energy and associated infrastructure. **Paragraph 169** requires major developments to incorporate sustainable urban drainage systems (SuDS), unless evidence suggests that would be inappropriate.
- 4.51. **Section 15** relates to conserving and enhancing the natural environment. **Paragraph 174** requires development to contribute to, enhance and protect the natural and local environment, recognise the intrinsic character and beauty of the countryside, minimise the impacts on the natural landscaping, and provide net gains for biodiversity and preventing new and existing development from contributing to or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions.
- 4.52. **Section 16** relates to conserving and enhancing the historic environment. **Paragraph 194** states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Planning Practice Guidance (PPG)

- 4.53. The PPG is a material consideration under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), and supplements the guidance of the NPPF, on matters such as housing supply, good design and heritage

Supplementary Planning Documents

Cherwell Residential Design Guide Supplementary Planning Document (SPD)

- 4.54. The Cherwell Residential Design Guide was adopted by Cherwell District Council in July 2018 and provides guidance on the design of proposed residential developments to ensure high quality distinctive places which reinforce the existing character of the Cherwell District. The SPD is designed to provide a holistic design approach and supports the Council's initiative to significantly improve residential design standards and deliver sustainable Development. Through Policy ESD15 of the approved Cherwell Local Plan, the Council has committed to improve the design standard throughout the District (2011 – 2031).
- 4.55. Chapters 4, 5 and 8 are particularly relevant to the application; 4 – Establishing the Structuring Principles, 5 – Streets and Spaces, 8 – Innovation and Sustainability.
- 4.56. Although this SPD does not form part of the statutory Development Plan, consideration should be given to this SPD, in the determination of the application. Notwithstanding, the application is outline and detailed comprehensive design matters will be dealt with through Reserved Matters.

Cherwell Developer Contributions Supplementary Planning Document (SPD)

- 4.57. The Cherwell Developer Contributions Supplementary Planning Document (SPD) was adopted by Cherwell District Council in February 2018 and sets out the Council's approach to requesting Section 106 planning obligations.
- 4.58. This SPD gives guidance about the provision of infrastructure, community facilities, and services, including relevant requirements and thresholds for delivery, but it does not cover every potential contribution.
- 4.59. The SPD confirms that the Council will use planning obligations to: secure general planning requirements that are necessary to allow the development to be permitted (where this cannot be achieved by way of planning conditions); ensure there is a satisfactory infrastructure to allow the development to proceed and that the infrastructure will be maintained; and offset relevant adverse impacts, for example on the environment, education, social, recreational and community facilities and transport, that arise from the development where the development might otherwise have been refused because of those adverse impacts.
- 4.60. There is no Community Infrastructure Levy (CIL) Charging Schedule adopted.

Cherwell Housing Strategy 2019–2024

- 4.61. Cherwell District Council's Housing Strategy 2019–2024 sets out the Council's housing strategy priorities with regards to addressing the housing issues in the district.
- 4.62. The three key strategic priorities are:

- Increase the supply and diversity of affordable housing to ensure housing is delivered in the right places
- Improve the quality and sustainability of homes and build thriving healthy communities.
- Enhance opportunities for residents to access suitable homes and have a choice of housing.

Oxfordshire Council's Growth Needs Assessment – July 2021

4.63. The core objectives of the Oxfordshire Council's Growth Needs Assessment 2021 (OGNA) published in July 2021 are to:

- Identify a strategic level, long term and robust methodology for assessing Oxfordshire's housing needs up to 2050.
- Provide a detailed commentary on Oxfordshire's housing (and employment) market.
- Identify robust housing need scenarios for Oxfordshire.
- Establish an informed understanding of the sustainable housing growth in Oxfordshire and strategically significant.

4.64. The OGNA predicts an estimated need for almost 3,200 new affordable houses per year across Oxfordshire up to 2031. Paragraph 10.2 of the OGNA reiterates that the stock of affordable housing has declines across Oxfordshire as a whole, over the last decade.

Oxfordshire Housing and Growth Deal & Oxfordshire Plan 2050

4.65. Five Local Planning Authorities in Oxfordshire were working together towards a combined statutory spatial plan for Oxfordshire, known as the 'Oxfordshire Plan 2050'. This was pledged as part of the Oxfordshire Housing and Growth Deal with the government which was set to provide a foundation for the districts' future planning strategies to address a wide range of social, environmental, and economic challenges.

4.66. A Regulation 18 consultation was conducted in the summer of 2021, however, due to the Local Authorities not being able to reach agreement on the approach to planning for future housing needs within the framework of the Oxfordshire Plan, this Plan's progress has halted, and the local housing needs will now be addressed through individual Local Plans for each of the Districts.

4.67. A Written Ministerial Statement was issued on 25 March 2021, by the Minister of State for Housing, confirmed that the temporary three-year housing land supply would revert back to five years and Oxfordshire would now need to maintain a five year housing land supply. The withdrawal of the 3YLS flexibility followed Oxfordshire's failure to have the growth plan in place by 2021.

The Oxfordshire Strategic Housing Market Assessment (SHMA) – April 2014

- 4.68. The Oxfordshire Strategic Housing Market Assessment (SHMA) published in April 2014 section 6, sets out the approach to housing delivery, relating particularly to the number of homes to be developed in the future, the mix of homes and the housing needs within the population. The SHMA informs future development of planning and housing policies and provides an objective assessment to guide the need for market and affordable housing over the plan period to 2031.
- 4.69. The SHMA identifies an estimated level of housing need of 2,370 homes per year across the plan period up to 2031, of which 407 are to be delivered in Cherwell. The total supply of affordable housing across the County is estimated to be 1,494 per annum over the plan period to 2031, of which 280 per annum are to be supplied in Cherwell.

Annual Monitoring Report (2021)

- 4.70. The 2021 AMR (which is the most recent available) identified that Cherwell Council can only demonstrate a 3.5 year land supply for the period from 1st April 2022.

Cherwell Local Plan Review (2040)

- 4.71. The draft Cherwell Local Plan Review (2040) is due to be placed on Regulation 18 consultation early in 2023. Once the Plan has been adopted, it will replace the adopted Cherwell Local Plan 2015 and 'saved' policies in the Cherwell Local Plan (1996).

Legislative context: Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.72. As set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for *'development which affects a listed building or its setting, the local planning authority [are required to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*

5. TECHNICAL ASSESSMENT

- 5.1. This section of the Planning Statement provides a summary of the technical work undertaken to support the full planning application and an assessment against the relevant Local Plan policies.

Transport & Access

- 5.2. A Transport Statement ('TS') (ref: ADC3114-RP-B v3) and Travel Plan ('TP') (ref: ADC3114-RP-C v3) have been produced by ADC Infrastructure in support of the proposed development.
- 5.3. The TS confirms the Site is a sustainable location for residential development and that there is sufficient infrastructure in place to accommodate the person trips generated by the development. It demonstrates that the additional vehicles trips generated by the development proposal, will not result in an unacceptable impact on highway safety or adverse impact on the operation of the surrounding highway network. There is no reason why the development should be prevented or refused on highway grounds.
- 5.4. The TS identifies that the Site is well connected to the surrounding area, with good pedestrian and cycling infrastructure in the immediate vicinity of the site, which includes 3m wide footway/cycleways on either side of Bloxham Road. Banbury is served by a network of Public Rights of Way (PRoW) which includes the Salt Way Restricted Byway, and there are good cycle links from the site to the town centre facilities in Banbury. These routes connect the site to the town centre and the neighbouring areas in and around Banbury
- 5.5. There are public transport opportunities within reasonable walking distance of the Site including bus stops along Bloxham Road (c. 500m from the Site) which provide hourly services from 7am–7pm on Weekdays and 7am–6pm on Saturday and two-hourly services from 9am–6pm on Sunday between Banbury town centre and Milcombe, from which additional destinations can be reached to the North, such as Daventry. Bus service 489 runs two services a day on Weekdays and a single service on Saturday and Sunday between Banbury town centre and Chipping Norton. From there additional destinations can be reached such as Witney and Oxford.
- 5.6. The Site is located approximately 3km to the south west of Banbury train station, providing connections to Birmingham Moor Street to the north and London Marylebone to the south. Cross Country services provide connections to Reading to the south, and Manchester Piccadilly to the North. Great Western services provide connections to Didcot Parkway.
- 5.7. The Site is close to Banbury town centre and there are various facilities within a 2km walk catchment of the site which would be expected of a high order centre, which include a full suite of facilities related to food retail, education, health and employment.
- 5.8. Access will be achieved along the northern boundary of the site, via the Redrow Bloxham Vale development which is currently under construction. Vehicle access to the Bloxham Vale

development is achieved via the Tyrrell Road arm of the Bloxham Road/Tyrrell Road/Parsons Piece roundabout, as shown on the illustrative layout at Appendix A of the TS. The site will be served by the emergency access along Bloxham Road, being delivered by the forthcoming Redrow scheme to the north of the site. A further crossing point is provided adjacent to the emergency access point, which comprises dropped kerbs and tactile paving.

- 5.9. Development trip generation modelling concluded that the roundabout would have adequate capacity to accommodate the anticipated growth in traffic on Bloxham Road. The trip generation tables set out at page 18 of the Transport Statement predicts an additional 33 arrivals and 69 departures during the morning peak and 45 arrivals and 31 departures during the evening peak. At Tyrrell Road, the model predicts an additional 45 arrivals and 90 departures during the morning peak and 80 arrivals and 42 departures during the evening peak.
- 5.10. The TS concludes there are no discernible trends in location or accident type that indicate highway safety concerns, would be exacerbated by additional traffic as a result of the proposed development.
- 5.11. The Travel Plan provides an appropriate package of measures to increase awareness of sustainable modes of travel with the intention of encouraging the residents' use of sustainable transport methods and encourage the reliance upon single occupancy car trip. The TP is intended to be an evolving document and will be refined throughout the course of the development. The following measures will be funded and implemented by the developer during the construction process and prior to occupation, but the Travel Plan Co-ordinator will be responsible for the promotion and implementation of the Travel Plan and act as a point of contact for future residents. Proposed measures include:
- Welcome Packs to provide walking and cycling route maps and other relevant information on local walking and cycling routes, specifying distances to key services and facilities.
 - Sustainable travel methods: Residents will be provided with timetable, route and fare information for local bus and rail services, and cycle parking will be provided in accordance with the relevant standards.
 - Car Club schemes/ reduce reliance on vehicle use: the provision of information on publicly available car share schemes and their benefits, as well as personalised Journey/Travel advice to all residents at the proposed development.
 - Measures to promote walking and cycling: proposed pedestrian and cycle links will be provided between the development and the existing infrastructure.
 - Awareness raising and marketing: the preparation of publicity and marketing materials to promote sustainable transport uptake amongst new residents.

Design

- 5.12. The application is supported by a Design and Access Statement (DAS) (ref: December 2022) which has been prepared by BHB Architects.
- 5.13. The DAS describes how the proposed vision and illustrative layout respond to the key issues and the site context. The DAS provides a concise description of the key issues and also provides a summary of the key planning policies which have informed the approach to developing the illustrative masterplan.
- 5.14. Its design and layout has had specific reference to the general principles and requirements of **Policy C28 and C30**.

Landscape

- 5.15. This application is supported by a Landscape and Visual Appraisal (LVA) (ref: edp7153_r001a) and a Landscape Strategy Plan ref (Drawing No. edp7153_d018a).
- 5.16. The Landscape Strategy Plan identifies the key landscape features of the proposed development. These include:
- The site's vegetated boundary would be retained as per the baseline condition as part of the scheme (save for the access point).
 - Trees and areas of meadow grassland along the site's development boundary.
 - New native vegetation: the enhancement of the existing landscape framework through native hedgerows, semi mature trees where appropriate. Native planting would dominate with more ornamental species limited to within the development area only.
 - New planting, such as areas of wildflower, flowering lawn, wetland meadow grassland will be implemented across the site with amenity grassland where necessary.
 - Pedestrian links to the north and east to enhance connectivity with adjacent development and wider landscape.
 - Sustainable Drainage System: An attenuation basin with marginal planting and a species-rich wet grassland to soften the feature and promote biodiversity.
 - New Local Area of Play (LAP): the provision of 100sqm.
- 5.17. The LVA provides an assessment of the 'baseline' (existing) conditions in respect of the character of the site and its landscape context and considers the potential impact of the proposed development on both landscape character and visibility. The report confirms the landscape within which the site is situated is generally representative of the Upstanding Village Farmlands Landscape Type and it is concluded the landscape type has capacity to accommodate change within the site without extensive detrimental impact upon the

landscape type. There are no landscape designations for character covering the site and the site is assessed as being of good landscape quality with low/medium sensitivity.

- 5.18. The Site is well contained in views from its surroundings by the established boundary hedgerows and trees. Views from the new residential development to the north are likely to be largely filtered by the intervening woodland, however some views of the upper levels of built form may be possible from dwellings to the north-east.
- 5.19. As the proposed development would introduce built form on site, the character of the Site will inevitably undergo considerable change which will result in fundamental change to the visual and perceptual aspects of the site's character. The LVA indicates however, these effects would be mitigated to some degree, as the site sits adjacent to the newly constructed residential development currently being built out by Redrow Homes. The effects would also be mitigated by the substantial landscape enhancements and long-term management of the existing character landscape, which would result in a 10% net increase in biodiversity on the site.
- 5.20. The overall landscape planting proposals would greatly increase the biodiversity across the site (as demonstrated by the minimum 10% net gain) including within the areas of the site that contribute to the sustainable drainage strategy where new wet habitats would be created forming both wildlife and amenity interest.
- 5.21. The proposed development is generally considered to be in line with local planning policy. The proposed scheme would retain the existing site boundary (save for the construction of the access), which would be in accordance with policies **C14 and ESD 13**.
- 5.22. Overall, the LVA concludes the site has capacity for the development and that the proposed development will be well related to the newly constructed residential development to the north.

Ecology

- 5.23. The application is supported by an Ecological Appraisal (EA) (ref: edp7153_r003a) produced by EDP. EDP have undertaken baseline ecological investigations and detailed surveys, where appropriate, and undertaken an ecological appraisal to evaluate the ecological value of the site and its habitats and species and to determine the necessary ecological mitigation strategies to be incorporated into the design of the proposed development.
- 5.24. The ecology appraisal confirms that the site is of local ecological value, with the main features of interest/quality being the hedgerow boundaries and trees.

Habitat survey assessment

- 5.25. An initial Extended Phase 1 Habitat survey assessment was undertaken in April 2021 and was updated in October 2022. The majority of the Site was found to comprise of cattle-grazed,

improved grassland with small strips of poor semi-improved grassland towards the north of the Site. Both grasslands are of Site-level ecological importance.

- 5.26. Features of higher ecological importance are also present within the Site including a network of plantation woodland, hedgerows and broadleaved treelines which are of Local level importance.

Statutory and non-statutory designated sites

- 5.27. There are no statutory designated sites of international importance within 10km, nor of national importance within 2km of the Site.

- 5.28. With regard to non-statutory designated sites, the Designated Wildlife Sites and Conservation Target Areas within the potential zone of influence are considered to be spatially separated from the Site. Given their spatial separation from the Site in addition to the size and nature of the proposed development, no significant direct or indirect impacts are predicted.

Protected Species

- 5.29. In terms of protected species, the ecological appraisal concluded the site has the potential to provide opportunities for a number of protected species including:

- Roosting, foraging and commuting bats;
- Great crested newts;
- A single outlier badger sett; and
- Population of breeding birds typically associated with an urban edge.

- 5.30. Detailed assessments have been undertaken for these species groups between 2021 and 2022, this includes low levels of bat activity by a limited diversity of bat species. Other protected species have been addressed in confidential reports to the Council. There are no ecological or habitat constraints to the development.

Plant species

- 5.31. The development footprint has targeted the lower value grassland habitats wherever possible, with the locally valuable hedgerows and mature trees retained and buffered from development wherever possible.

Habitat and species enhancement

- 5.32. The proposed layout will also deliver significant habitat creation and enhancement through the green infrastructure network which includes new areas of Public Open Space. Habitat enhancements will include species-rich wildflower grassland, marshy grassland and SuDS

features with native species planting which will provide an uplift to the ecological value of the Site.

BNG Assessment

- 5.33. Table EDP A4.1 provides a summary of the Biodiversity Impact Assessment. The site will a biodiversity net gain of: 10.19% (habitat area units) and 48.19 (hedgerow linear units).
- 5.34. It is considered that with the incorporation of the recommended mitigation and enhancement measures within the Ecological Appraisal, the proposed development would exceed relevant planning policy requirements and is capable of delivering significant long-term ecology and wider ecosystem service benefits.

Flood Risk and Drainage

- 5.35. As required by Local Plan policies ESD 6 and ESD 7, the application is supported by a Flood Risk Assessment and Drainage Strategy ('FRA') (ref: ADC3114-RP-A-V3), which has been prepared by ADC Infrastructure.
- 5.36. As required by policy ESD 6, the FRA assesses all sources of flood risk. The report confirms the Site is located within Flood Zone 1, which is an area of low probability of fluvial flooding, at very low risk of pluvial flooding and outside both the 1 in 100 (1% Annual Exceedance Probability - AEP) and 1 in 1,000 (0.1% AEP) year flood events. The Site has a low risk of groundwater flooding, and Appendix E of the FRA confirms the site is not located within areas susceptible to groundwater flooding. It is recommended in the FRA that a phase 2 ground investigation is undertaken to confirm the underlying ground conditions on site which would provide more detailed information on the site's vulnerability to groundwater flooding. The Site has a low probability of flooding from sewer, and the Site is shown in Figure 7 of the FRA to be outside of areas considered to be at potential risk of reservoir flooding. Flood risk as a result of tidal and canal influences have been deemed as low, so no further mitigation is required.
- 5.37. Onsite surface water runoff is to drain from impermeable surfaces such as roofs and driveways via a gravity conveyed surface water sewer network, which will be attenuated by a pond located towards the south-eastern corner, at the lowest point of the site. The attenuation pond will discharge surface water runoff into the exiting drainage ditch which flows in an easterly direction along the site's southern boundary.
- 5.38. Foul waster effluent on site will drain from the proposed dwellings via a gravity conveyor sewer system that will drain to a new pumping station which is located within the Site's southern-eastern corner where the ground levels are the lowest.
- 5.39. The proposed drainage network will require consistent maintenance to ensure that the efficiency of the systems is sustained. The proposed drainage network will be entirely contained within the site and will be constructed to adoptable standards. It is expected that the proposed onsite drainage network will be adopted by Thames Water, from the point of adoption the maintenance of the proposed network will be the responsibility of Thames



Water. Prior to adoption the pond and associated pipework will be maintained by the landowner.

- 5.40. The onsite drainage system including the pond and associated inlets/outlets, headwalls and pipework will be subject to routine monitoring and maintenance, a record of this should be upheld.
- 5.41. The proposed onsite foul and surface water drainage networks will be designed to adoptable standards and offered for the adoption of Thames Water under Section 104 of the Water Industry Act (1991).

Tree Survey/Arboricultural Impact Assessment

- 5.42. An Arboricultural Impact Assessment ('AIA'), incorporating tree protection measures, has been produced by EDP, and is submitted in supported of the application (ref: edp7153_r006a). An Arboriculture Baseline Note ('ABN') is also appended to the AIA which assessed the trees suitable for retention to inform the AIA.
- 5.43. The ABN surveyed 3 groups of trees, 2 hedgerows and 1 woodland. It was concluded three have been categorised as B (of moderate quality) and three have been categorised as C (of low quality). The surveyed areas are set out in Annex EDP 1 of the ABN.
- 5.44. Table EDP 2.1 of the AIA confirms the retention of all trees where possible, save for the partial removal of tree group W6 to allow construction of the site access road along the northern boundary. The drainage basin in the south east corner of the site will not impact upon the root protection areas of G3 and H5 and these features will be retained.
- 5.45. The Tree Protection Plan (Plan EDP) identifies the existing trees to be retained and will continue to be managed in accordance with BS 5837:2012. The AIA recommends that should any trees be affected by the proposed development at the detailed design stage, these will be sensitively worked around to minimise any adverse effects. The proposal would be in keeping with Local plan policy C14 which seeks to retain all important trees, woodland and hedgerows and supports new tree and hedgerow planting using species native to the area is provided.
- 5.46. This can be achieved with the use of ground protection, no-dig technologies, hand digging and access facilitation pruning, where applicable. This level of detail will be assessed during the reserved matters stage.
- 5.47. As set out in the AIA, a suitably worded condition can secure any mitigation measures which would be required to minimise harm and ensure safe, long-term retention to trees.

Heritage and Archaeology

- 5.48. The application is supported by an Archaeology and Heritage Assessment ('AHA') (ref: edp7153_r005a) produced by EDP.

Designated Heritage Assets

- 5.49. The closest listed building to the site is the Grade II listed Crouch Farm, which is approximately 220m to the north-west. However, the AHA confirms that the proposed development will not result in an effect on the fabric of this building and that the Site makes no more than a negligible contribution to the significance of the listed building's setting, with only oblique views possible. These matters have been considered in the masterplanning process, with the vegetated western boundary of the Site retained and where necessary strengthened to filter views.
- 5.50. The AHA thereby concludes that the development of the Site would result in such a negligible level of change to the setting of this asset that would not translate into harm to its significance.
- 5.51. There are a further two groupings of Grade II listed buildings located circa 730m and 940m to the south comprising Wykham Park and associated gates, gate piers and walls; and Wykham Mill Farmhouse and its barn. However, the site is not identified as forming part of their setting or making any contribution to their significance and as such, the proposals will not result in any harm to these assets.

Non-Designated Heritage Asset

- 5.52. With regard to non-designated heritage assets, the Site is identified as having a low potential to contain archaeology from any period, other than 'negligible' value features related to medieval and later farming practices. Therefore, any further investigations could most appropriately be secured through a condition attached to the planning permission. The site is also considered to have low value, in terms of Historic Landscape Character.
- 5.53. The AHA concludes that the proposals accord with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant paragraphs of the NPPF and Policy ESD 15 of the Cherwell Local Plan 2011-2031.

Affordable Housing

- 5.54. A total of 19 affordable homes will be provided. Affordable rent and shared ownership tenure split will be confirmed at Reserved Matters stage.
- 5.55. Policy BSC 3 requires all development proposals in Banbury to provide at least 30% of new housing as affordable homes on site. The proposed Affordable Housing tenure split and mix and to standards that accord with the adopted Development Plan.

Energy Statement

- 5.56. An Energy Statement (ES) has been produced by Pegasus Group to support the application (ref: P20-1958 December 2022) which provides a review of the energy policies in the Cherwell Local Plan (2011 – 2031) Adopted 2015. The ES also provides a brief summary of some of the strategies which could be implemented, including Future Homes standard, Solar



Panels (PV), Air Source Heat Pumps, Carbon sequestering and sustainable transport initiatives.

- 5.57. There are a range of technologies and efficiencies that will allow developments to significantly reduce their carbon emissions and impacts for the future, to ensure renewable energy provision is deliverable and viable. The proposed development will therefore be delivered in accordance with **policies ESD1, ESD 2, ESD 3 and ESD 4.**

6. PLANNING ASSESSMENT

- 6.1. This section of the Planning Statement provides an assessment of the proposed development against relevant legislation, the Development Plan and other material considerations including that of the National Planning Policy Framework, as well as the application of the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF.

Principle of Development

- 6.2. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act, for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3. In this case, the site falls outside of the defined development boundary of Banbury, in the open countryside and is not allocated for development. There is, therefore, a *prima facie*, conflict with the Development Plan policy H18 regarding the principle of development.
- 6.4. However, as Section 38 (6) notes, there may be material considerations, which indicate that applications should be determined other than in accordance with the development plan. In this case, such material considerations do exist and provide a context of support for the application, notwithstanding the development plan conflict.
- 6.5. The key material consideration relates to the absence of a 5 year supply of housing land (YLS) within Cherwell District Council (3.5 YLS, at 01/04/22 source: CDC, AMR 2021). The lack of a demonstrable five year land supply means that policies which are most important for determining the application (i.e. housing supply policies) are out of date (NPPF para 11, footnote 8), and as such the presumption in favour of sustainable development as set out at NPPF 11d is engaged.
- 6.6. Paragraph 11 d) states that where, as here, such policies are out of date, then planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*
- 6.7. For the reasons set out further below, both the controlling criteria of para 11d are complied with in this case, and therefore the application of the presumption in favour of Sustainable Development is engaged and requires that planning permission be granted.
- 6.8. Notwithstanding the development plan conflict, the principle of development is acceptable in the terms established by the material considerations of the NPPF 'presumption' in favour

of sustainable development. Planning permission should therefore be forthcoming subject to compliance with normal development management criteria.

Site Assessment

- 6.9. As noted above, in order to apply the 'presumption' it is necessary to demonstrate compliance with NPPF paragraph 11d i) that the NPPF policies that '*protect areas or assets of particular importance*' do not provide a clear reason for refusal. In this case, they do not.
- 6.10. Taking the NPPF protection policies in the order in which they appear in the framework:

Section 5) Delivering a sufficient supply of homes

- 6.11. This application will bring forward significant housing benefits, including 45 market and 20 affordable homes. Within Cherwell, the AMR for the period 2022–2027 states, the Council can only demonstrate a **3.5 year** supply of housing.
- 6.12. There is therefore a shortfall against the Council's requirement to demonstrate a five year housing lands supply as required by **paragraph 74 of the NPPF**. Moreover, against the government objective of boosting the supply of homes (**NPPF para 60**) the application is consistent with the objectives of the Framework and does not conflict with its objectives of housing land supply.
- 6.13. The application is outline, with details of housing mix to be determined at Reserved Matters stage, however it is demonstrates that the site is capable of providing a mix compliant with Local Plan Policy BSC 4.

Affordable Housing Statement

- 6.14. Affordable housing is defined in the NPPF as housing for sale or rent, for those who needs are not met by the market.
- 6.15. This development will deliver 19 affordable homes (30% of 65) which will be an important contribution to and meets affordable housing needs of Cherwell's residents who are unable to access market housing. This represents accessible housing delivery for people in need of housing now. Furthermore, 25% of the affordable housing (in total 5no.) will be First Homes, with the balance provided in accordance with the Government's First Homes policy (PPG Reference ID: 70-012-20210524).
- 6.16. The annual affordable housing needs as set out at paragraph B.105 of the Cherwell Local Plan (2015), is identified at 407 affordable homes per year. The AMR (2021) confirms delivery at only 288 homes per year in the plan period. Therefore, there has been a shortfall in delivery of affordable housing, in the plan period to date of 1,191 affordable homes (4,070 need – 2,879 delivered). Against this shortfall, the delivery on the application site of affordable housing will carry very significant positive weight in the planning balance.

- 6.17. **Policy BSC 3** requires all development proposals in Banbury to provide at least 30% of new housing as affordable homes on site. The proposed Affordable Housing tenure split and mix will accord with the adopted Development Plan policy.

Section 8) Healthy & safe communities

- 6.18. **Paragraph 92** of the NPPF, promotes social interaction and healthy and accessible communities, which are attractive, well designed and incorporate pedestrian and cycle routes.
- 6.19. Connectivity has been a major consideration in the development's design and the site seeks to achieve social interaction. As per NPPF **paragraph 92 b)** a pedestrian/cycle link is proposed in the northeast corner of the site. This will create a safe and accessible connection to the newly constructed Redrow residential development immediately to the north. The development will provide a circular walk around the perimeter of the site and connecting into the wider path network, providing an opportunity for people to take convenient daily walks. This is in keeping with the healthy lifestyles aspirations of NPPF **paragraph 92 c)**. Furthermore, the Site is well located with accessible local facilities in reasonable walking and cycling distance to Banbury, as demonstrated by the 2km pedestrian catchment area (Figure 3 Transport Statement) and 5km cycle catchment area (Figure 5 Transport Statement). This is in keeping with the healthy lifestyles aspirations of NPPF **paragraph 92 c)**.
- 6.20. The proposed development is in accordance with NPPF **paragraph 98** and **Policy ESD 17** as the proposed development will deliver 1.26ha of green infrastructure incorporating meadow, amenity grassland, 100sqm of land for children's play (LAP) along the site's eastern boundary and a SUDs feature. Furthermore, the proposed layout will also deliver significant habitat creation and enhancement through the green infrastructure network, with a minimum 10% BNG, which is in keeping with **policies ESD 10, ESD 13** and is a matter to which some weight can be attached.

Section 9) Promoting sustainable transport

- 6.21. The Site is well connected to the surrounding area, with good pedestrian and cycling infrastructure in the immediate vicinity of the site. There are public transport opportunities within reasonable walking distance of the Site including bus stops along Bloxham Road and Banbury train station. Therefore, development of the site is compliant with national and local transport **policy SLE 4** and also in accordance with NPPF **paragraph 104** which promotes opportunities for walking, cycling and access to public transport.
- 6.22. The Transport Statement confirms, the Site is a sustainable location for residential development (ref: paragraph 5.5 Transport Statement) and confirms the additional vehicles trips generated by the development proposal, will not result in an unacceptable impact on highway safety or adverse impact on the operation of the surrounding highway network as per NPPF **paragraph 111**. Furthermore, the development trip generation modelling concluded that the roundabout has adequate capacity to accommodate 400 dwellings (318 coming

forward as part of the Redrow development to the north and this application for up to 65). There is no reason why the development should be prevented or refused on highway grounds.

- 6.23. Development of the Site will not result in a severe or unacceptable impact upon the operation or safety of the surrounding local highway network and as such there are no significant highways and transportation matters that would preclude the grant of planning permission on highways grounds. The development is therefore compliant with NPPF **paragraph 111** and local transport planning **policy TR1**.

Section 10) Supporting high quality communications

- 6.24. NPPF **paragraph 114** sets out that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being. Local Plan policy supports new **BSC 9 (Public Services and Utilities)** expects new development to include provision for connection to superfast broadband. The development will connect to the broadband infrastructure being brought forward as part of the new residential development to the north. It is expected that any grant of planning permission would include a condition to secure this. There is no conflict with the NPPF objectives.

Section 11) Effective use of land

- 6.25. This development acts as a third phase of the South of the Salt Way development (allocated Banbury 16 and Banbury 17 in the Cherwell Local Plan), albeit adjacent to the allocation broadly. That development has and will continue to deliver new infrastructure, including access to Bloxham Road, drainage infrastructure, significant community and educational facilities and a network of footpaths and open space. The Redrow development to the north will deliver 318 homes, and this application proposal is for up to a further 65 homes. It is efficient and sustainable for this development to maximise the use of that new infrastructure delivered as part of Phases 1 and 2 and the future Phases associated with Banbury 17. This is in accordance with NPPF **paragraph 119** which seeks to secure the effective use of land in meeting the need for homes.

Section 12) Achieving well designed places

- 6.26. Saved **policies C28, C30 and C31** state that development proposals should achieve a high high-quality design that is well-related within the development and sensitive to existing buildings and their surroundings. The development, whilst submitted in outline, can demonstrate successful integration with the newly constructed residential development to the north, will be designed with regard to the context of the surrounding area and will be in accordance with the Local Plan saved design policies. The proposed development of up to 65 new homes is at an assumed average density of 37 dwellings/ha, on a net developable area of 1.76ha, as shown on accompanying drawing ref. (Drawing No. 3931-03 Rev B). This

density will be in keeping with the newly constructed residential development to the north, and therefore in accordance with **policy C28** which seeks appropriate density.

- 6.27. Whilst the final design (appearance, landscape, layout, scale) will be approved through subsequent reserved matters application, the parameters set through the proposed development have been carefully considered and the illustrative layout indicates how the development can be delivered in a policy compliant manner. **Policy C32** provides support for measures that improve or extend access for disabled people. This is a matter that will be decided at Reserved Matters stage.
- 6.28. As set out within the Design and Access Statement, the design of the proposed built form has been driven by the vision to create a high-quality development which would enhance the local distinctiveness of the area and integrate successfully into the surrounding area. Design is therefore considered to accord with Policies **C28, C30 and C31** and NPPF **paragraph 126**.

Section 13) Green Belt

- 6.29. The Site does not involve the development of or extend to land in the Green Belt.

Section 14) Meeting the challenge of climate change, flooding and coastal change.

- 6.30. The development is supported by a Flood Risk Assessment and Drainage Strategy as required Local Plan **policies ESD 6 and ESD 7**. The Site is located within Flood Zone 1 which is assessed as having the lowest probability of fluvial flooding and at very low risk of pluvial flooding (outside both the 1 in 100 (1% Annual Exceedance Probability - AEP) and 1 in 1,000 (0.1% AEP) year flood events). The proposed development would incorporate a new sustainable drainage system (attenuation pond), located towards the south-eastern corner at the lowest point of the site. The attenuation pond will discharge surface water runoff into the exiting drainage ditch which flows in an easterly direction along the site's southern boundary. Foul water on site will drain from the proposed dwellings via a gravity conveyor sewer system that will drain to a new pumping station which is located within the sites southern-eastern corner where the ground levels are the lowest.
- 6.31. The proposed development is therefore considered to be acceptable with respect to flood risk and drainage and in accordance with **policies ESD 6 and ESD 7** and NPPF **paragraphs 153 and 154**.

Section 15) Conserving and Enhancing the Natural environment

- 6.32. Policy **ESD 10** of the Cherwell Local Plan sets out that development will be expected to incorporate features to enhance biodiversity and existing ecological networking should be identified and maintained. Development which would result in damage or loss to biodiversity should be avoided, unless it can be demonstrated that effects can be mitigated. **NPPF**

paragraph 174(d) sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

- 6.33. An initial Extended Phase 1 Habitat survey assessment was undertaken in April 2021 and was updated in October 2022.
- 6.34. The Assessment concluded that there are no statutory or non-statutory designated sites of international importance which would significantly directly or indirectly impact the Site. With regard to protected species, the site has the potential to provide opportunities for a number of protected species including Roosting, foraging and commuting bats, Great crested newts, and a population of breeding birds typically associated with an urban edge. Detailed assessments have been undertaken for these species' groups between 2021 and 2022 which identified inter alia, low levels of bat activity by a limited diversity of bat species.
- 6.35. As a result of the proposed development, significant green infrastructure will be incorporated into the scheme. The illustrative layout in Appendix EDP 8 of the Ecological Appraisal, provides details of the new habitats of ecological value within the public open space. In summary ecological enhancements proposed include:
- Native tree planting within the POS and along the proposed internal roads;
 - Amenity and species-rich wildflower meadow grassland within POS;
 - Provision of native semi-natural woodlands within the POS;
 - Provision of ornamental hedgerow planting within gardens;
 - A SUD and drainage network to include areas of marshy grassland.

Biodiversity Net Gain

- 6.36. Table EDP A4.1 of the Ecological Appraisal provides a summary of the Biodiversity Impact Assessment. The site will deliver a biodiversity net gain of: 10.19% (habitat area units) and 48.19% (hedgerow linear units).
- 6.37. NPPF **paragraph 180(d)** sets out that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. Whilst policy only requires the demonstration of biodiversity net gain, there will be a delivery of a minimum 10% biodiversity net gain which is a benefit of the scheme and will be in accordance with NPPF **paragraph 179 b)**. It is considered that with the incorporation of the recommended mitigation and enhancement measures, as set out in detail in the Ecological Appraisal, the proposed development is in accordance with local plan **policy ESD 10 and NPPF paragraph 174**.

Section 16) Conserving and enhancing the historic environment

- 6.38. An assessment of designated heritage assets in the wider area around the Site involved consideration of the Grade II listed Crouch Farm (119211), which was identified as the only asset that could potentially be affected by the development of the site.
- 6.39. However, it was identified that the development of the Site would result in such a negligible level of change to the setting of this asset that it would not translate into harm to its significance.
- 6.40. As such, the proposals accord with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant paragraphs of the NPPF and Policy ESD 15 of the Cherwell Local Plan 2011-2031
- 6.41. In terms of non-designated heritage assets, the Site has a low potential to contain archaeology from any period, other than 'negligible' value remains related to medieval and later farming practices. Therefore, any further investigations could most appropriately be secured through a condition attached to the planning permission.
- 6.42. Therefore, in terms of non-designated heritage assets, the planning proposals also comply with **NPPF paragraph 203** and **Policy ESD 15** of the Cherwell Local Plan 2011-2031.

Summary

- 6.43. It is demonstrable that there are no policies within NPPF that protect areas of particular importance that are breached through the application proposal and therefore the presumption in favour of sustainable development is fully engaged on these grounds. The test of NPPF paragraph 11 d) i is met.
- 6.44. Within this context it is then necessary to address paragraph 11 d) ii which is an assessment of planning balance.

7. PLANNING BALANCE

- 7.1. Having established paragraph 11d and presumption in favour of sustainable development applies, it has been demonstrated that test i) has been met. It is necessary to assess the merits of the application in terms of planning balance (i.e. NPPF paragraph 11 d ii)
- 7.2. It is notable that when the presumption in favour of sustainable development is engaged as it is here, then the assessment of the planning balance requires any adverse impacts to significantly and demonstrably outweigh the benefits when assessed against the development plan policies as a whole.
- 7.3. That is, the planning balance is engaged (tilted) at the outset in favour of the grant of permission. The balancing exercise is not a flat balance where benefit and harm have equal weighting, but it is positively tilted, such that it would be necessary for any adverse impacts, as there may be, to be significant and to demonstrably outweigh the benefits.
- 7.4. The potential for harm in this case is limited to:
- Limited impacts on landscape character and limited and localised effect on landscape visual impact, a limited negative weight.
 - Partial removal of W6 (small section of woodland habitat) to allow for the construction of the site access road along the northern boundary, a modest negative weight.
- 7.5. The proposed development will deliver numerous benefits which will include:
- Delivery of much needed market housing where there is a shortfall against 5YLS, to which **significant weight** should be attached.
 - Delivery of much needed affordable housing, to which **very significant weight** should be attached.
 - A minimum 10% net gain in biodiversity, a **material positive weight**.
 - Utilisation of existing modern infrastructure, recently developed on a site with locational sustainability in relation to the main centre of Banbury, to which **some positive weight** is attached.
 - Job creation during the construction period, and supply chain benefits; **some positive weight** is attached.
 - Spend from future residents providing local economic benefits to which **limited positive weight** is attached.



Summary on presumption in favour of sustainable development – NPPF Para 11d

- 7.6. The adverse impacts identified very clearly neither significantly nor demonstrably outweigh the benefits of the development of the Site. Therefore, with both the two clauses of NPPF paragraph 11 d) i and ii having been met, the 'presumption in favour of sustainable development' is fully engaged and planning permission should be granted.



8. S106 / DRAFT HOT

- 8.1. Cherwell District Council has not adopted a CIL Charging Schedule and so contributions towards infrastructure and facilities required to accommodate the development are to be provided through a S106 to be agreed with the Council and other relevant parties.
- 8.2. The Cherwell Developer Contributions SPD (Feb 2018) as summarised in Section 4 above, includes guidance and thresholds on the those matters of social and physical infrastructure, for which contributions are likely to be sought through a S106 agreement.
- 8.3. The developer is committed to making appropriate and proportionate contributions to infrastructure required to mitigate any impacts arising from their development (such as education as required by Policy BSC 7), and recreation policies BSC 10, 11 and 12. Contributions are also expected where there is evidence to demonstrate such contributions would meet the legal tests of CIL Regulation 122 and that the scheme viability is not undermined.
- 8.4. It is expected that the detail of any contributions will be agreed in negotiation with the Council during the determination of the planning application and having regard to requests received during the consultation period and a defined set of Heads of Terms agreed before any application is determined. The details of Barwood's solicitor for agreeing the wording of any S106 and providing evidence of title and the necessary cost undertaking can be provided upon request.

9. SUMMARY AND CONCLUSIONS

Summary

- 9.1. This Planning Statement has been prepared on behalf of Barwood Development Securities Ltd and Mr Mark Horgan to support an application for outline planning permission for Land west of Bloxham Road, Banbury.
- 9.2. The Applicant is seeking outline planning permission for:
- 'Outline Planning Application for the development of up to 65 homes, including open space provision, parking, landscaping, drainage and associated works, with all matters reserved (appearance, landscaping, layout and scale) except for access.'*
- 9.3. There is a clear housing need across the Cherwell District, where there is currently only a 3.5-year land supply as of 1st April 2022. The proposed development will deliver up to 46 market homes and 19 affordable homes which will make a material contribution to meeting the shortfall in supply.
- 9.4. The detailed design of the proposed development (except for vehicular access) is not submitted for approval at this time. This will be subject to a future reserved matters application detailing appearance, landscaping, layout, and scale.
- 9.5. The spatial strategy in the Cherwell Local Plan confirms that Bicester and Banbury should be the focus for 76% of the housing growth during the plan period. The site's location at Banbury is consistent with the spatial strategy of the adopted Cherwell Local Plan.
- 9.6. The supporting technical documents, which have been summarised within this Statement, establish that there are no technical constraints to delivery.
- 9.7. The proposed development represents a sustainable development in accordance with the NPPF and will deliver high quality homes. This Planning Statement and accompanying planning application documents and drawings demonstrate the benefits of the proposal for both the site itself and the wider area.

Conclusion

- 9.8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.9. In this case, in the absence of a demonstrable 5YLS, the presumption in favour of sustainable development is fully engaged and it has been demonstrated that in accordance with paragraph 11 of the NPPF, outline planning permission should be granted without delay.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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