



The Non-Statutory Cherwell Local Plan 2011

December 2004

Cherwell
DISTRICT COUNCIL
North Oxfordshire

STATUS OF THIS DOCUMENT

THIS NOTE SHOULD BE READ BEFORE USING THIS DOCUMENT

This document has been re-titled as **“the Non-Statutory Cherwell Local Plan 2011”** from its previous title “the Cherwell Local Plan 2011”. The reasons for this are explained in the following paragraphs.

On 13 December 2004 the Council decided to discontinue work on the draft Cherwell Local Plan 2011 and withdraw it from the statutory Local Plan process as there was no realistic prospect of it being adopted prior to Government changes to the planning system coming into force that could prevent its subsequent adoption. The Council is now preparing a Local Development Framework (LDF) under the new planning system.

In order to avoid a policy void while the LDF is being prepared, the Council also decided on 13 December 2004 to approve the draft Cherwell Local Plan 2011, from then on to be known as the Non-Statutory Cherwell Local Plan 2011, as interim planning policy for development control purposes. The text of this Plan, the Proposals Map and the Inset Maps have been updated since the production of the Revised Deposit draft September 2002 to reflect the Pre-inquiry Changes made to the Revised Deposit draft Plan, and the decisions made by the Council following consideration of the representations to the Pre-inquiry Changes. Its contents are up to date as of the 13 December 2004.

On 13 December 2004, following the consideration of all representations received to the proposed Pre-Inquiry Changes to the draft Cherwell Local Plan 2011, and the approval of further changes, Cherwell District Council resolved:

- that all work necessary to proceed towards the statutory adoption of the draft Cherwell Local Plan 2011 be discontinued and,
- that the draft Cherwell Local Plan 2011 be approved as Interim Policy for development control purposes and
- that work begins at the earliest practicable opportunity on the preparation of Development Plan Documents pursuant to Part Two of the Planning and Compulsory Purchase Act 2004 and meeting in full the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004.

The reasons why the decision to discontinue work towards the statutory adoption of the Draft Cherwell Local Plan 2011 was made are as follows:

- To avoid the commitment of resources to the remaining stages of a process that could end with a failure to adopt the draft Cherwell Local Plan 2011 as the local plan

for legal reasons due to timescales imposed by the Environmental Assessment of Plans and Programmes Regulations 2004;

- If the Draft Cherwell Local Plan 2011 were to be adopted as the local plan, by the date of the intended adoption in 2006 it would be substantially out of date, having been overtaken by the approval of the Oxfordshire Structure Plan 2016.

A detailed explanation of this decision is contained within a report to the Executive of 1 November 2004 which is available for inspection at the Council's offices at Bodicote House, Banbury Oxfordshire OX15 4AA or on the Council's website at <http://www.cherwell-dc.gov.uk>

This decision means that a public local inquiry into objections made to the draft Cherwell Local Plan 2011 will no longer take place. The policies and proposals in the draft Cherwell Local Plan 2011 have not been the subject of all of the statutory local plan preparation procedures, including the public local inquiry, and they do not therefore have statutory development plan status. However, they will be an important material consideration amongst all other relevant considerations in deciding planning applications. As stated above the draft Cherwell Local Plan 2011 has now been re-titled as "the Non-Statutory Cherwell Local Plan 2011".

The adopted Cherwell Local Plan (adopted November 1996) remains part of the statutory Development Plan for the area. Its policies will be 'saved' (i.e. they will continue to operate), except where deleted by the Local Development Scheme (LDS) (see below) or the Council's Annual Monitoring Report, until September 2007. The Secretary of State may extend the life of the saved policies beyond that date.

Since December 2004 the Council has started work on a Local Development Framework (LDF) under the Planning and Compulsory Purchase Act 2004. A Local Development Scheme (LDS) (which is part of the Local Development Framework) was produced in draft form and sent to the Government Office by the required deadline in March 2005. It sets out the Council's programme for the preparation of Local Development Documents (LDD'S), including Development Plan Documents (DPD's). The LDS is currently (June 2005) being finalised thorough discussion with the Government Office. The LDS will be amended in future, when necessary, in consultation with the Government Office.

LOCATION OF NEW HOUSING

H1a PROPOSALS FOR NEW HOUSING DEVELOPMENT WILL BE CONSIDERED AGAINST THE FOLLOWING CRITERIA:

(i) THE AVAILABILITY OF PREVIOUSLY-DEVELOPED SITES AND EMPTY OR UNDER-USED BUILDINGS AND THEIR SUITABILITY FOR HOUSING USE;

(ii) THE LOCATION AND ACCESSIBILITY OF THE PROPOSAL TO JOBS, SHOPS AND SERVICES BY MODES OTHER THAN THE CAR, AND THE POTENTIAL FOR IMPROVING SUCH ACCESSIBILITY;

(iii) THE CAPACITY OF EXISTING AND POTENTIAL INFRASTRUCTURE, INCLUDING PUBLIC TRANSPORT, WATER AND SEWERAGE, OTHER UTILITIES AND SOCIAL FACILITIES (SUCH AS SCHOOLS AND HEALTHCARE FACILITIES) TO ABSORB FURTHER DEVELOPMENT AND THE COST OF ADDING FURTHER INFRASTRUCTURE;

(iv) THE ABILITY TO BUILD COMMUNITIES TO SUPPORT NEW PHYSICAL AND SOCIAL INFRASTRUCTURE AND TO PROVIDE SUFFICIENT DEMAND TO SUSTAIN APPROPRIATE LOCAL SERVICES AND FACILITIES;

(v) THE PHYSICAL AND ENVIRONMENTAL CONSTRAINTS ON DEVELOPMENT OF LAND, INCLUDING, FOR EXAMPLE, THE LEVEL OF CONTAMINATION, STABILITY AND FLOOD RISK, TAKING INTO ACCOUNT THAT SUCH RISK MAY INCREASE AS A RESULT OF CLIMATE CHANGE; AND

IN THE CASE OF PROPOSALS IN CATEGORY 1 AND 2 VILLAGES (SEE POLICY H15 AND H16)

(vi) WHETHER IT WOULD MEET AN IDENTIFIED LOCAL HOUSING NEED

3.7 The locations for new housing provision at Banbury, Bicester and in the rural areas have been decided after taking into account the Structure Plan and central government guidance which seeks to make best use of previously developed land and buildings and to reduce the need to travel, particularly by private car. The first five criteria in policy H1a reflect those in paragraphs 31 and 32 of PPG3 and have been used as the basis for selecting the location of the housing sites within the Plan and will be used to assess windfall proposals. In addition, criterion (vi), which reflects guidance in paragraph 70 of PPG3, was also taken into account in assessing the location of the allocated rural sites and will be used to help determine applications on windfall sites in the Category 1 and 2 villages (see Policy H15 and H16). In applying criterion (vi) the Council will take account of the practicality and reasonableness of this consideration to the scheme in question, and it is recognised that the consideration may not be applicable to some smaller schemes that come forward. Similarly consideration under criterion (vi) will not override the restrictions on residential development in category 1 and 2 villages contained in Policies H15 and H16. It is not considered appropriate for criterion (vi) to apply to category 3 villages as Policy H17 restricts residential development in those locations to conversions of suitable buildings and dwellings required for agriculture or other existing undertaking. "Local housing need" referred to in criterion (vi) does not just mean affordable housing but could also apply to a wide range of needs for different types, sizes and tenures of housing. This could include the need of specific groups such as those listed in paragraph 13 of PPG3.

3.8 In practice, this has meant assessing the opportunities that exist on previously used land within the urban areas for residential or mixed-use development in the first instance, before considering land on the edge of the towns for the provision of urban extensions. It has also meant making adequate allowance for previously used windfall sites in all parts of the District. The Council has

carried out a study of previously developed land across the District as part of the *National Land Use Database*. This provided the starting point for the preparation of an *Urban Housing Capacity Study*, which is available from the Council as a separate document. The definition of previously developed land which is being used by the Council is that provided in Annex C of PPG3.

3.8.1 Policy H1a was used as the basis for formulating the policies elsewhere in the chapter which consider housing development on windfall sites. Windfall proposals at Banbury and Bicester will be considered against policies H9 and H11 respectively, whilst in the rural areas policies H15 to H17 will apply.

3.9 The Government has set out a national target in PPG 3 (Paragraph 23) that requires 60% of additional housing by 2008 to be provided on previously developed land and through the conversion of buildings. Policy H5 of the *Regional Planning Guidance for the South East (March 2001)* also seeks to achieve the provision of at least 60% of all new housing in the region on such sites. However, the Government also acknowledges in PPG3 (Paragraph 6) that in some regions or sub-regions there may be concentrations of previously developed land within one authority and a lack of it in neighbouring authorities.

3.10 The Plan sets out a realistic estimate, based on the likely impact of the policies and proposals, of the percentage of housing which is likely to be provided on previously used land in the District. The percentage reflects the rural nature of the District and the character of the two towns of Banbury and Bicester. These are market towns of modest size whose size and function have changed markedly since the Second World War. They do not have large areas of derelict land or industrial obsolescence and therefore redevelopment opportunities are limited.

3.11 It has been assumed that of the 11,250 new dwellings proposed by the Structure Plan for Cherwell District between 1996 and 2011, about 5,650 (50%) will be built on previously developed land. Much of this provision relates to existing commitments that were decided before the publication of PPG3. From 1996 to 2001, 33% of dwellings were built on previously developed land. Between 2001 and 2011, the Plan provides for about 3,344 dwellings to be built on previously developed land out of the total provision of 8,259 dwellings yet to be built, which equates to 40%. Policies in the plan will encourage further provision from previously developed land where the circumstances are appropriate, in line with government guidance.

3.12 The restricted opportunities to provide new dwellings on previously developed land means that some greenfield development will be necessary in order to maintain conformity with the Structure Plan. A comparative assessment of the alternative locations for development against the criteria listed in policy H1a above led to the selection of the proposed urban extensions indicated on the Proposals Map. Matters included in the assessment were public opinion, scale and type of development, transport, scope to use previously-developed land/buildings, ability to integrate into the structure of the town, any positive benefits to the rest of the town, ability to create locally distinct neighbourhoods, opportunities for sustainability / mixed use, social considerations, drainage and surface infrastructure, landscape, ecology, agricultural land quality and archaeology.

3.12.1 In accordance with the advice in paragraph 71 of PPG3, a number of sites have been allocated in appropriate villages in the rural areas to help meet the needs of local people. Some of these are also on previously developed land.

3.13 Integrated Land Use and Transport Studies for Banbury and Bicester were carried out jointly with Oxfordshire County Council between 1998 and 2000. The studies have ensured that the land use and transport policies and proposals in this plan are properly integrated and support the strategic aims of the Oxfordshire Local Transport Plan.

H1b RESIDENTIAL DEVELOPMENT WILL BE PERMITTED ON THE SITES WHICH ARE LISTED BELOW AND ARE SHOWN ON THE PROPOSALS MAP TO ENABLE, TOGETHER WITH WINDFALLS, 11,250 DWELLINGS TO BE BUILT BETWEEN 1996 AND 2011. THE NUMBER OF DWELLINGS THAT THE COUNCIL EXPECTS TO BE BUILT ON THESE SITES AND ON WINDFALLS SITES DURING EACH OF THE THREE PHASES OF THE PLAN IS LISTED BELOW. APPLICATIONS FOR PLANNING PERMISSION FOR THE DEVELOPMENT OF A SITE ON PREVIOUSLY DEVELOPED LAND IDENTIFIED IN THE FOLLOWING TABLE IN ADVANCE OF THE PHASE SHOWN WILL BE APPROVED. PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT ON THE GREENFIELD ALLOCATED SITES BEFORE THE PHASE OF THE PLAN TO WHICH THEY HAVE BEEN ASSIGNED UNLESS THE PHASE HAS BEEN ALTERED THROUGH THE USE OF SUPPLEMENTARY PLANNING GUIDANCE. (SEE POLICY H2)

PHASE 1: 2001 – 2005

BANBURY

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|--|------------------------------|----------------------------------|--|-------------------------|
| Former Cattle Market and adjoining land | 410 | 123 | Previously developed land | YES |
| South of Warwick Road & west of North Bar | 80 | 23 | Previously developed land | |
| Land north of Castle Street & east of Southam Road | 100 | 30 | Previously developed land | |
| Former Hartwell Ford Motors, Warwick Road | 60 | 18 | Previously developed land | |
| Hanwell Fields | 750 (900) | 180 | Greenfield land | YES |
| Manor Farm (remainder to be built on former allocated site) | 16 | 5 | Greenfield land | |
| Windfalls | 188 (470) | Unknown | Previously developed land | |

BICESTER

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|--|------------------------------|----------------------------------|--|-------------------------|
| Oxfordshire County Council Highways Depot | 30 | 9 | Previously developed land | |
| West of Chapel Street & Bryan House | 20 | 20 | Previously developed land | |
| Remaining to be built on allocations at Slade Farm & Bicester Fields Farm | 925 | Being provided | Greenfield land | Yes |
| Windfalls | 102 (255) | Unknown | Previously developed land | |

RURAL AREAS

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|--------------------------------------|------------------------------|----------------------------------|--|-------------------------|
| Tom Griffins, Adderbury | 23 | 0 | Previously developed land | |
| Former MOD Housing Estate, Ambrosden | 50 | 41 | Previously developed land/greenfield land | |
| Market Square, Kidlington | 16 | 5 | Previously developed land | |
| Windfalls | 150 (600) | Unknown | Previously developed land | |
| Windfalls (committed) | 165 | Unknown | Greenfield land | |

PHASE 1 TOTAL 3,085

PHASE 2: 2005 – 2008

BANBURY

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|----------------------------|------------------------------|----------------------------------|--|-------------------------|
| Land west of Rail Station | 75 (165) | 20 (50) | Previously developed land | YES |
| Grimsbury Local Centre | 40 | 12 | Previously developed land | |
| Hanwell Fields (continued) | 150 (900) | | Greenfield land | |
| Land at Bankside | 350 (950) | 105 (285) | Greenfield land | YES |
| Land rear of Hightown Road | 10 | 3 | Greenfield land | |
| Windfalls | 141 (470) | Unknown | Previously developed land | |

BICESTER

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|----------------------------|------------------------------|----------------------------------|--|-------------------------|
| Bicester Town Rail Station | 130 | 39 | Previously developed land | |
| Land south of Church Lane | 15 | 15 | Previously developed land | |
| South West Bicester | 700 (1585) | 210 (475) | Greenfield land | YES |
| Windfalls | 77 | Unknown | Previously developed land | |

RURAL AREAS

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|-------------------------------------|------------------------------|----------------------------------|--|-------------------------|
| Land south of Aynho Road, Adderbury | 10 | 3 | Greenfield land | |
| West of west Hawthorn, | 15 | 5 | Greenfield land/ Previously developed land | |

| | | | | |
|---|------------------|----------------|----------------------------------|--|
| Ambrosden | | | | |
| South of Buchanan Road, Arncott | 15 | 5 | Greenfield land | |
| South of Greenfields, Arncott | 15 | 5 | Greenfield land | |
| North of Milton Road, Bloxham | 40 | 12 | Greenfield land | |
| Land off Banbury Road, at Ells Lane, Bloxham | 10 | 3 | Greenfield land | |
| North of Crutchmore Crescent, Kirtlington | 15 | 5 | Greenfield land | |
| Oak Farm, Milcombe | 15 | 5 | Greenfield land | |
| North of Cassington Road, Yarnton | 100 (135) | 30 (41) | Greenfield land | |
| Windfalls | 225 (600) | Unknown | Previously developed land | |

UPPER HEYFORD

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|---------------------------------|------------------------------|----------------------------------|--|-------------------------|
| Former RAF Upper Heyford | 350 (700) | 52 (105) | Previously developed land | |

PHASE 2 TOTAL 2,498

PHASE 3: 2008 – 2011

BANBURY

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|--|------------------------------|----------------------------------|--|-------------------------|
| Land west of Rail Station (continued) | 90 (165) | 30 (50) | Previously developed land | YES |
| Land at Bankside (continued) | 600 (950) | 180 (285) | Greenfield land | YES |
| Bretch Hill Farm | 70 | 21 | Greenfield land | |
| Windfalls | 141 | Unknown | Previously developed land | |

BICESTER

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|--|------------------------------|----------------------------------|--|-------------------------|
| Transco depot, Launton Road | 25 | 8 | Previously developed land | |
| Bessemer Close / Launton Road | 70 | 21 | Previously developed land | |
| South West Bicester (continued) | 885 (1585) | 265 (475) | Greenfield land | YES |
| Cattle Market | 40 | 12 | Previously developed land | |

| | | | | |
|------------------|-----------------|----------------|----------------------------------|--|
| Windfalls | 76 (255) | Unknown | Previously developed land | |
|------------------|-----------------|----------------|----------------------------------|--|

RURAL AREAS

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|--|------------------------------|----------------------------------|--|-------------------------|
| North of Cassington Road, Yarnton | 35 (135) | 11 (41) | Greenfield land | |
| Thames Valley Police HQ, Kidlington | 70 | 21 | Previously developed land | |
| Windfalls | 225 (600) | Unknown | Previously developed land | |

UPPER HEYFORD

| <i>SITE</i> | <i>Housing Number</i> | <i>Affordable Housing</i> | <i>Previously developed land / greenfield</i> | <i>Strategic</i> |
|---|------------------------------|----------------------------------|--|-------------------------|
| Former RAF Upper Heyford (continued) | 350 (700) | 53 (105) | Previously developed land | |

PHASE 3 TOTAL 2,677

(Note: The figures in brackets are the total approximate number of dwellings for a site. Where a site spans more than one phase, the number of dwellings indicated for a particular phase is only an estimate of what is likely to be achievable in practice and does not limit the level of development within the first phase. The housing numbers are net additional dwellings when housing already exists on a site. The estimated level of affordable housing will change if the capacity of the site changes.)

3.14 The Proposals Map indicates the intended boundaries of the sites allocated for residential development. In addition to these sites, the Proposals Map allocates areas for mixed use development of which residential development will be a major component. The location of development has been determined in the light of the criteria in policy H1a above and the search sequence in paragraph 30 of PPG3, which means starting with the "re-use of previously developed land and buildings within urban areas identified by the urban housing capacity study, then urban extensions and finally new development around nodes in good public transport corridors". The phases to which sites have been assigned have been determined having regard to the presumption in PPG3 that previously developed sites should be developed before greenfield sites, the overall strategy of the Oxfordshire Structure Plan and the need to meet its overall district-wide housing provision, and the other policies and proposals in this Plan. Subject to the proposal complying with other policies in the Plan, development on previously developed land can be granted permission in advance of the phase to which it has been assigned.

3.14.1 Some of the allocated sites have been labelled as "strategic" in line with advice in the Government's Good Practice Guide on the Managed Release of Sites. This means that their provision is important in meeting the overall objectives of the Plan in terms of:

- (i) providing the housing required to meet the overall Structure Plan provision, and/or
- (ii) the provision of infrastructure to be provided by the development which plays an important role in the planning of the settlement and meeting key objectives of the Plan.

So far as the proposed new settlement at former RAF Upper Heyford is concerned, the development is strategic only in the sense that it is proposed as the means of enabling environmental improvement of an area of landscape scarred by military intrusion and as the lasting arrangement for that site.

3.14.2 The presumption would be that such sites would not be affected by a review of the phasing of development, unless there was a very significant difference in the number of dwellings available on previously developed land than that predicted in the Plan. The strategic sites listed above all contain specific policies in chapters 3 and 5 of the Plan, which indicate the contribution that the sites make to the objectives of the Structure Plan. The monitoring process which includes a review of the phasing set out in policy H1b is considered under policy H2.

3.14.3 The above tables also indicate the number of windfalls it is expected will be built on previously developed land in the different parts of the district and during different phases. These assumptions were derived through a review of the Urban Housing Capacity Study and will be taken into account as part of the monitoring process which is considered under policy H2 below.

3.14.4 Where appropriate, the Council will seek agreement with land owners/developers and/or between land owners/developers and other statutory bodies, water and sewerage undertakers, to secure infrastructure, facilities and services, and an element of "affordable housing", housing suitable for people with disabilities, landscaping and any other necessary measures that are required to serve the development or mitigate its impact.

PLAN, MONITOR AND MANAGE

H2 THE COUNCIL WILL MONITOR HOUSING COMPLETIONS AND PLANNING PERMISSIONS ON A YEARLY BASIS, AND BEFORE THE END OF EACH PHASE OF THE PLAN WILL CONSIDER THE IMPLICATIONS OF THE MONITORING RESULTS ON THE ASSUMPTIONS LISTED IN POLICY H1b. THIS ASSESSMENT WILL DETERMINE THE SCALE OF ANY DIFFERENCE BETWEEN THE HOUSING PROVISION IN POLICY H1b AND THE ACTUAL DELIVERY OF SITES. THIS IN TURN WILL INFORM A REVIEW OF THE ASSUMPTIONS IN POLICY H1b.

A SIGNIFICANT DIFFERENCE AT A LOCAL LEVEL WHICH WOULD REQUIRE THE RE-ASSIGNMENT OF SITES TO DIFFERENT PHASES OF THE PLAN WILL BE INTRODUCED THROUGH SUPPLEMENTARY PLANNING GUIDANCE.

A SIGNIFICANT DIFFERENCE AT A DISTRICT-WIDE LEVEL WHICH WOULD REQUIRE THE ALLOCATION OF FURTHER LAND OR REQUIRE SITES TO BE DELAYED BEYOND THE PLAN PERIOD WILL REQUIRE A FORMAL ALTERATION OR REPLACEMENT OF THE PLAN.

Plan Alteration or Replacement

3.14.5 As a result of monitoring the delivery of sites, it may be necessary to commence an early review or alteration of the Plan, especially if further housing is required as a result of a review of the Structure Plan. This is only likely to occur at the end of the first phase (2004/5), as it is anticipated that by the end of the second phase (2007/8) a review of the Plan will already be underway. The circumstances which would result in new sites needing to be identified or sites being delayed beyond the Plan period are likely to occur where the difference between the anticipated rate of development in policy H1b and the monitoring results are large enough to have a significant impact on the District-wide Structure Plan provision. This difference will need to take account of both planning permissions and completions and will generally need to apply to a number of large sites across the different areas of the district.

Re-assigning Sites to different phases of the Plan

3.14.6 The above policy also provides the mechanism for re-assigning the development proposed in policy H1b to a different phase of the Plan. This could be either forwards or backwards in time. For example, a site originally assigned to phase 2 could be moved back to phase 3 where windfall developments were higher than expected or could be brought forward where windfalls were not materialising as expected. This process will need to be based on regular housing monitoring information which would form the basis of a more full assessment to be reported before the end of each phase of the Plan. This report would form supplementary planning guidance (SPG) and would be adopted by the Council following consultation with key interested parties.

3.14.7 Re-assignment is likely to be the Council's preferred response to a small difference between the anticipated rate of development in policy H1b and the monitoring results. This could occur, for example, when the provision of housing in one area of the Plan only, such as Banbury, was significantly affected, but could be rectified through changes to the timing of development. An example of this in practice is if a large site were to be built for housing development which the Urban Housing Capacity Study identified as not likely to be built within the Plan period. This could mean re-assigning a greenfield site to a later phase. In practice, however, in some locations there is likely to be limited flexibility due to the strategic nature of many of the greenfield sites. The decision about whether to re-assign a site to a different phase of the Plan will be set out in the SPG and will be based on:

- (i) a review of the assumptions that are made in policy H1b and the scale of the difference between these assumptions and the monitoring results,
- (ii) whether the site has been labelled as strategic,
- (iii) the presumption that previously developed land will be developed before greenfield land, and
- (iv) the need for the Plan to convey certainty.

3.15 To ensure that the objectives in PPG3 are given priority, the Council will aim to avoid delay in permitting development that would provide housing on previously developed land in accordance with this Plan. Provided that such proposals accord with the principles set out in the PPG and in policy G1 of the Structure Plan and meet all other relevant planning requirements, there is no reason why the release of such sites for development should await the adoption of this Plan.

The emergence of unidentified greenfield sites within the built-up limits of settlements and the availability of Previously developed land

3.15.1 The Plan seeks to prevent unnecessary greenfield development on unidentified sites, which may result in an over-provision of housing and could delay the emergence of previously developed sites. In line with government advice in paragraphs 35 and 36 in PPG3, no allowance has been made for such sites in the housing assumptions in policy H1b, with the exception of those dwellings which are under construction or are likely to be built prior to planning permission expiring.

3.15.2 Applications are likely to be submitted to the Council on greenfield sites which are not identified in the Plan but which are within the built-up limits of settlements. These applications will be considered against policies H9 for Banbury and H11 for Bicester, policies H15 and H16 for the villages in the rural areas and policy GB1a for villages within the Green Belt. In the rural areas development on unidentified greenfield sites has been granted consent in the past without considering the availability of previously developed land. Such sites often make efficient use of land within the built-up limits of settlements and are often better able to fit in with the existing character and fabric of a village than allocations outside the existing built-up limits. Policies in Chapter 7 seek to protect open space.

3.15.3 At the time of writing the Plan, the allocation of land, together with the expected emergence of "windfall" sites on previously developed land, will be sufficient to meet the scale of housing

provision required by the Structure Plan over the period to 2011. If through monitoring there is found to be a significant shortfall in the availability of previously developed sites this will be rectified through the monitoring process listed above which is likely to mean the re-assignment of sites to earlier phases or more occasionally the allocation of a further site or sites.

3.15.4 Proposals for residential development of 6 or more dwellings on unidentified greenfield sites, will be considered against the following:

- (i) the amount of development anticipated in the three phases of the plan and the overall structure plan requirement as set out in policy H1b,
- (ii) the amount of housing land available, including previously developed land, across the district as a whole and in the particular settlement,
- (iii) the need to maintain a supply of housing provision in the different parts of the plan area,
- (iv) the scale of the proposal,
- (v) whether, in the case of proposals in Category 1 and 2 villages (see Policy H15 and H16), it would help to meet a local housing need.

3.15.5 The “availability” of a site will be taken to mean that it has been identified in the Plan in policy H1b or where it is unidentified it will need to have been granted planning consent. This assessment will not use a specific land supply requirement, e.g. the next 5 years, as this requirement no longer forms part of the government guidance in PPG3. However, as part of the monitoring process an assessment will have regard to clause (ii) above. The availability of previously developed land will in the main be judged on a district-wide basis, although regard will be had to the amount of previously developed land available within the particular settlement. This will be particularly relevant in the rural areas where some sites may be needed to meet a local housing need in line with policy H1a. The extent and proven nature of the need and the existence of other available previously developed land within the village will need to be taken into account. “Local housing need” referred to in criterion (v) does not just mean affordable housing but could also apply to a wide range of needs for different types, sizes and tenures of housing.

3.15.6 The threshold for the assessment described above has been set at 6 dwellings. This is because it is not considered practical or realistic to make a judgement about whether unidentified greenfield sites of less than 6 dwellings should be permitted, based on strategic considerations such as providing for the Structure Plan requirement or the availability of previously developed land. The setting of this threshold at 6 dwellings and the affect that it has had on the percentage of housing built on previously developed land will be reviewed as part of the monitoring process.

3.16 (deleted in the Revised Deposit Draft Plan)

3.17 (deleted in the Revised Deposit Draft Plan)

MAKING EFFICIENT USE OF LAND

H3 IN ORDER TO MAKE EFFICIENT USE OF LAND THE COUNCIL WILL REQUIRE NEW RESIDENTIAL DEVELOPMENT TO BE BUILT AT AN AVERAGE NET DENSITY OF NOT LESS THAN 30 DWELLINGS PER HECTARE.

3.18 PPG3 seeks to make efficient use of land by avoiding low density development (less than 30 dwellings per hectare) as this will increase the loss of greenfield land and is less likely to sustain local services or public transport. The density of development proposals will need to have regard to its proximity to facilities and public transport, although the Council will generally seek higher densities than has been achieved within the District in the past. Supplementary Planning Guidance will be prepared by the Council for many of the sites in the plan, which will advise on the

appropriate densities and types of housing that will be acceptable relative to the location and characteristics of each site.

3.19 At some sites within the towns, close to their centres and/or frequent public transport routes, higher average densities (above 50 dwellings per hectare net) are likely to be appropriate and encouraged, provided the development is of a high quality design and would not harm residential amenities or the character of the surrounding area. However, there may be locations where new development at densities of 30 dwellings per hectare or above would not be appropriate, e.g. where the established character of the area is defined by its very low density or in some rural locations, where there is a need to preserve the character of the settlement and local distinctiveness.

3.20 For the purposes of estimating the land take for the urban extensions proposed in this plan, an overall net average density of 35 dwellings per hectare has been assumed at Banbury (Land South of Bankside) and at the south west Bicester urban extension. Higher densities will be expected in some parts of these developments, for example adjacent to public transport corridors and neighbourhood facilities. The average figure also allows for other areas, perhaps environmentally sensitive or visible peripheral areas that would need to incorporate screen planting within the net housing area. The figure has been arrived at following an analysis of densities that have been achieved within the developments allocated in the Cherwell Local Plan 1996. Whilst it represents an increase in average net density, it is nevertheless considered to be a commercially achievable and environmentally acceptable level.

3.21 At the former RAF Upper Heyford airbase, the proposed new village is to be conceived as a complete functional entity and is to enable a lasting arrangement for the entire site. The Council will bring forward a revision of the Comprehensive Planning Brief that will seek to ensure that the design of the new village is inspired by an understanding of local distinctiveness with particular regard to the choice of construction materials and to the manner in which rural settlements in the locality sit in the landscape. In pursuit of the latter and to ensure that proposals remain consistent with the advice on minimum net residential densities in paragraph 58 of PPG3, the approach to the design of the new village should incorporate built form dominated development within the village core and landscape dominated development at the village edges.

TYPES OF HOUSING

H4 THE COUNCIL WILL SEEK A VARIETY OF DWELLINGS IN TERMS OF THEIR SIZE, TYPE AND AFFORDABILITY IN ORDER TO MEET THE HOUSING REQUIREMENTS OF THE WHOLE COMMUNITY. LARGE AREAS OF HOUSING OF SIMILAR CHARACTERISTICS WILL NOT BE ACCEPTABLE.

3.22 PPG3 states that planning authorities should provide wider housing opportunity and choice and a better mix in size, type and location of housing than is currently available, and seek to create mixed communities. The Council will plan to meet the housing requirements of the whole community. The aim of the policy is to ensure that there is provision for a mix of housing for different needs and to respond to the changing composition of households in the District. There will be an increasing proportion of one and two person households and households with older people than at present and the housing provision will need to reflect this. The different localities and characteristics of the allocations in Policy H1 are capable of providing a variety of dwelling types in their own right. However, it is important that within allocations or large windfall sites, the needs of different types of household are provided for in order to create mixed and inclusive communities. Regard will also be had to the character and type of the existing housing stock in the locality of the proposal. Other policies in the plan address the needs of specific groups in more detail, such as affordable housing and people with disabilities.

3.23 Another way of helping to improve the housing choice and opportunities within the District is to bring empty homes back into use. The Council's Housing Strategy aims to bring as many empty

homes, both Council owned and private, back into use as is practically possible and to identify opportunities for conversion.

H7 WHERE THERE IS A DEMONSTRABLE LACK OF AFFORDABLE HOUSING TO MEET LOCAL NEEDS, THE COUNCIL WILL NEGOTIATE WITH DEVELOPERS TO SECURE AN ELEMENT OF AFFORDABLE HOUSING IN RESIDENTIAL DEVELOPMENT SCHEMES. THE COUNCIL WILL NEED TO BE SATISFIED THAT SUCH AFFORDABLE HOUSING:

(i) IS ECONOMICALLY VIABLE TO THOSE IN NEED OF AFFORDABLE HOUSING IN TERMS OF ITS ABILITY TO MEET THE NEED IDENTIFIED

(ii) WILL BE AVAILABLE TO MEET LOCAL NEEDS THROUGH SECURE ARRANGEMENTS BEING MADE TO RESTRICT THE OCCUPANCY OF THE DEVELOPMENT

3.30 A *Housing Need Survey* prepared for the Council by Fordham Research Limited in the Autumn of 1999 shows that over the next five years an additional 3,425 affordable homes will be required in the District and that a substantial level of need occurs throughout the District. Copies of the survey and a summary are available from the Council's Head of Housing Services. The Housing Needs Survey was updated by Fordham Research in July 2001. Their estimate of affordable housing need in the District for the next five years rose to 4,075. A further update in 2003 estimated that for the next five years there would be a shortfall of affordable housing in the District of around 790 affordable homes per year (ie around 3,950 over the five years). A Housing Market Study prepared for the Council by Fordham Research and published in July 2004 showed an annual affordable housing need in the district of 686 dwellings.

3.31 The policy is intended to secure affordable housing through negotiation. It is designed to be flexible to accommodate changes in the need for affordable housing which may occur during the plan period. Further guidance on how the Council intends to implement its policy is available as supplementary planning guidance in a *Code of Practice on affordable housing*.

3.32 Affordable housing need occurs across the whole of the District and although most opportunities to provide affordable housing is provided in Banbury and Bicester it is also important that affordable housing is provided in the rural areas including Kidlington and the proposed new village at the former RAF Upper Heyford. It will be used both on sites that are allocated for housing in the plan and other unidentified housing proposals that comply with the other policies in the plan. (A separate policy for rural exception sites has been included later in this section of the plan).

3.33 In Banbury, Bicester and Kidlington, following the guidance in Circular 6/98, sites would need to be either suitable for 25 or more dwellings or be of 1 hectare or more.

3.34 All the remaining villages in the District have populations of less than 3,000 and *Circular 6/98* says that for such villages thresholds may be adopted based on assessments which include local needs and the available supply of land for housing. Given the needs identified in the Housing Needs Survey and the small size of sites that are expected to be developed in the rural areas of the District, it is considered that the threshold should be sites that are suitable for 6 or more dwellings.

3.35 In view of the scale of affordable housing need in the District identified in the *Housing Needs Survey*, the Council will seek an affordable housing provision of 30% of the total housing on such sites. The number of affordable houses that will be sought on each of the sites that are allocated in the plan is set out in the table attached to Policy H1b. above.

3.36 If the planning process is to help make housing affordable in the District, it must seek to secure a discount on the cost of providing housing. Consequently, the Council will seek fully serviced land for the affordable housing to be provided at nil cost to the provider. Except where the

affordable is provided for outright sale, the Council will expect the provider to be a registered social landlord, a term that includes housing associations.

3.37 The definition of what constitutes "affordable housing" is dependent on factors such as local housing market conditions, which may vary during the plan period. However affordable housing will generally be regarded as being housing, whether it be for the outright sale, rent, shared equity or staircasing to full ownership (ie purchasing the property in stages), within the financial means of households that are otherwise unable to secure private sector housing for purchase or rent in prevailing economic circumstances. This is what is meant by the words "economically viable" in Policy H7(i). At the time the plan was prepared, it was considered that the need was, and was likely to continue to be, primarily for housing for rent but the Council will normally accept some of the provision being made for sale if this will meet local affordable housing needs. For instance, dwellings could be sold outright where the types and sizes would meet a particularly local need that wasn't being met by the private sector and financial assistance could be sought from the developer in the form of a discount on the initial purchase price. Shared ownership with a registered social landlord could also be considered and this would provide the occupier with the opportunity to staircase to full ownership. Resale covenants are a type of shared ownership that will be encouraged where the land can be provided free or at a substantial discount. Staircasing to full ownership is possible in this type of scheme but there is little incentive for the homeowner to buy the land as this is usually provided rent-free. The homeowner can, however, sell the house and benefit from any increase in its value and the registered social landlord, by retaining ownership of the land, can ensure that the house can be made available to those in housing need in future. Affordable housing provided by Policy H7 may include that for key workers ie nurses, police, teachers and fire-workers. Provision will normally be focussed on the urban areas of the district where key workers are likely to be employed. It will also normally be for key workers in the public sector whose needs are likely to be particularly acute because of problems of staff recruitment and retention and because of controls on pay. The provision of accommodation near major public sector employers, such as hospitals, is likely to be particularly convenient for staff and is likely to reduce travel. The need for affordable housing for key workers in the public sector is referred to further in Policy H7a below.

3.38 The Council will wish to ensure that most of the affordable housing that is provided continues to meet local need in perpetuity subject to any rights to acquire that tenants may have. This is likely to involve management by a housing association or charitable trust. The Council will seek to secure the affordable housing by means of a legal agreement.

3.39 Throughout negotiations with developers, the Council will seek to play an active part in assisting both developers and housing associations in achieving the satisfactory provision of affordable housing. The Council recognises the key role of housing associations in the provision of affordable housing and believes that they should be registered with the Housing Corporation so as to ensure that good standards of practice are maintained and so that they are able to receive full grant aid. The Council has a group of preferred housing associations with whom it would wish to work in partnership.

3.40 In accordance with PPG 3, decisions about the amount and types of affordable housing to be provided in individual proposals will reflect local housing need and individual site suitability and be a matter for agreement between the parties. The Council will also have regard to the need to realise other planning objectives that need to be given priority in development of the site, the development economics of provision, such as whether there will be particular costs associated with development of the site, and the need to achieve a successful housing development. However, also in accordance with PPG 3, where the Council considers that an element of affordable housing should be provided in the development of a site, there will be a presumption that such housing should be provided as part of the proposed scheme. Failure to apply this policy could justify the refusal of planning permission.

3.41 The Council will expect affordable housing to be provided on-site, in suitable locations where there is ready access to facilities and to public transport services where these are likely to be available. The Council will also expect it to be mixed with other housing. Proposals that seek to

concentrate the affordable housing or locate it in the least suitable parts of a site will not be acceptable.

3.42 Exceptionally, the Council may conclude that, in cases where affordable housing should be provided in accordance with the policies in the Plan, affordable housing objectives would be best achieved by a developer making an off-site provision and in those circumstance it will consider other arrangements. These could include the funding of another suitable affordable housing project provided this was consistent with the other policies in this plan and government guidance on planning obligations. For instance, this situation might occur where a suitable scheme that was in the same general location and a suitable participant who would use the funding in the near future had both been clearly identified. Such opportunities are likely to occur only rarely. The Council will not allow its affordable housing policy to be used for other purposes or to grant planning permission for unacceptable development because of unnecessary or unrelated benefits offered by the applicant. Nor will the Council allow this paragraph to be used by a developer as a device to avoid making the proper provision of affordable housing.

THE CATEGORY 1 VILLAGES

H15 RESIDENTIAL DEVELOPMENT WITHIN THE VILLAGES OF ADDERBURY, AMBROSDEN, BLOXHAM, BODICOTE, CROPREDY, DEDDINGTON, HOOK NORTON, KIDLINGTON, KIRTLINGTON, LAUNTON, STEEPLE ASTON AND YARNTON, WILL BE RESTRICTED TO:

(i) INFILLING;

(ii) MINOR DEVELOPMENT COMPRISING SMALL GROUPS OF DWELLINGS ON SITES WITHIN THE BUILT-UP AREA OF THE VILLAGE;

(iii) THE CONVERSION OF NON-RESIDENTIAL BUILDINGS IN ACCORDANCE WITH POLICY H22.

3.138 The category 1 villages are so classified because they have a good range of services and facilities together with good public transport links, and/or are located close to a large town centre. This makes them the most sustainable locations to accommodate limited extra housing growth. These villages will generally have at least a primary school, a sub-post office and a food shop.

3.139 Infilling will be regarded as being the development of a small gap in an otherwise continuous built-up frontage suitable for residential development. Not all infill gaps will, however be suitable for development. Many spaces in village streets are important and cannot be filled without detriment to their character. Such gaps may afford views out into the landscape or help to impart a spacious rural atmosphere to the village. This is particularly important in a loose-knit village pattern where the spaces may be as important as the buildings.

3.140 The appropriate form of development will vary depending on the character of the village and the development in the immediate locality. For example, a small terrace of cottages is likely to be appropriate in some locations. The assessment of whether a particular proposal is acceptable will have regard to supplementary planning guidance, including Conservation Area Character Appraisals, the Council's Countryside Design Summary and the environmental policies in the Plan, including the policies in Chapter Nine.

3.141 The interpretation of 'minor development' will have regard to the size of the village and the general location of the site within the village structure. Although the scope for new residential development within Kidlington is limited, it is possible that somewhat larger sites where there is potential for rather more dwellings to be provided than is envisaged in the policy, come forward for redevelopment. Such proposals will not be ruled out provided they otherwise comply with the

policies of the plan, as Kidlington is considered to be the most sustainable location for development outside of Banbury and Bicester. This is because of its range of services and facilities and its good bus links to Oxford.

3.142 The principles outlined in Paragraphs 3.138 & 3.139 will also apply to Clause (ii) of Policy H15. Small-scale development that will secure significant environmental improvement within these villages will be assessed against Policies EN4, EN46 and other relevant policies in the plan. The Council will also have regard to whether the site is previously developed land as defined in government guidance in PPG3. This does not mean, however, that residential development will be allowed to replace local services and facilities and employment uses. These uses add to the sustainability of these villages and they are protected by other policies in the plan. Any schemes for 6 dwellings or more on unidentified greenfield land will be considered against paragraphs 3.15.4 to 3.15.6 which includes an assessment of the availability of previously developed land. The monitoring process described under policy H2 will form the basis of this assessment. All windfall proposals will also be considered against Policy H1a

NEW DWELLINGS IN THE COUNTRYSIDE

H19 PLANNING PERMISSION WILL ONLY BE GRANTED FOR THE CONSTRUCTION OF NEW DWELLINGS BEYOND THE BUILT-UP LIMITS OF SETTLEMENTS OTHER THAN THOSE IDENTIFIED UNDER POLICY H1b WHEN:

(i) IT IS ESSENTIAL FOR AGRICULTURE OR OTHER EXISTING UNDERTAKINGS IN ACCORDANCE WITH POLICY H20; OR

(ii) THE PROPOSAL MEETS THE CRITERIA SET OUT IN POLICY H8 (AFFORDABLE HOUSING)

3.149 This reflects a long standing government policy that states that the countryside should be safeguarded for its own sake and that away from existing villages new house building should be strictly controlled. It also reflects some of the aims of sustainable development, including the need to limit greenfield development and to ensure that new housing has access to local services and facilities so as to reduce the need to travel.

3.150 Policy H19 will also apply to locations where there are already a few scattered buildings.

GENERAL POLICIES

TRANSPORT AND DEVELOPMENT

TR1 ALL TRAFFIC GENERATING DEVELOPMENT MUST CONTRIBUTE TO ACHIEVING THE OBJECTIVES OF THE LOCAL TRANSPORT PLAN.

6.12 The Transport Vision for Oxfordshire (source: Oxfordshire Local Transport Plan 2001-2006) is set out in full in the introduction to this chapter. The County Council's transport objectives are clearly set out in the Local Transport Plan. Development likely to prejudice achieving the stated objectives will be resisted.

TRANSPORT ASSESSMENTS AND TRAVEL PLANS

TR3 A TRANSPORT ASSESSMENT AND TRAVEL PLAN MUST ACCOMPANY DEVELOPMENT PROPOSALS LIKELY TO GENERATE SIGNIFICANT LEVELS OF TRAFFIC.

6.14 PPG13 advises when a Transport Assessment (TA) will be required. There will be instances when a TA will be required for development below the threshold in PPG13, particularly where development will generate further traffic onto a saturated network. A Travel Plan will also be required where there is a need to further supplement other physical mitigation measures associated with proposed development. The matters to be included within the Travel Plan will be subject to agreement with the Council.

ROAD SAFETY

TR5 BEFORE PROPOSALS FOR DEVELOPMENT ARE PERMITTED THE COUNCIL WILL NEED TO BE SATISFIED THAT:

(i) CONFLICT BETWEEN VEHICLES AND PEDESTRIANS, CYCLISTS AND PEOPLE WITH SENSORY AND MOBILITY IMPAIRMENTS IS MINIMISED BY SECURING SEGREGATED PROVISION, CONTROLLED CROSSINGS OR OTHER MEASURES AS APPROPRIATE, AND;

(ii) THE DEVELOPMENT DOES NOT COMPROMISE THE SAFE MOVEMENT AND FREE FLOW OF TRAFFIC OR THE SAFE USE OF ROADS BY OTHERS.

PROPOSALS THAT DO NOT COMPLY WITH RELEVANT STANDARDS OF ROAD SAFETY WILL NOT BE PERMITTED.

6.16 Traffic management plays a vital part in improving highway safety. It also helps to reduce congestion and can improve the quality of the environment and reduce pollution. The responsibility for traffic management normally rests with the County Council, but the District Council will play an active part in monitoring potential improvements and taking the initiative in bringing them to the attention of the County Council.

6.17 Road safety is an issue of fundamental importance not only in Banbury and Bicester but also in the villages and the rural areas generally and it should take a higher priority amongst other highway considerations. The County Council's aim is to reduce road accident casualties in line with the targets set out in the *National Road Safety Strategy*.

6.18 (deleted in Revised Deposit Draft Plan)

TR9 ALL NEW DEVELOPMENT SHALL PROVIDE CYCLE PARKING TO OXFORDSHIRE COUNTY COUNCIL STANDARDS.

6.28 Cycle parking will be provided according to standards set out in the Local Transport Plan.

RAIL TRANSPORT

6.29 The District Council will continue to support improvements to rail infrastructure, services and facilities across the District. Of particular importance are improvements to infrastructure, services and stations, and the provision of new services and stations, that assist in reducing the reliance on

the private car for inter-urban travel. The Council will also support other more widely based projects which improve general rail infrastructure to the benefit of the District.

PARKING

TR11 DEVELOPMENT LIKELY TO ATTRACT VEHICULAR TRAFFIC WILL BE REQUIRED TO:

(i) ACCOMMODATE WITHIN THE SITE THE NECESSARY HIGHWAY SAFETY REQUIREMENTS RELATING TO ACCESS, TURNING AND SERVICING.

(ii) INCLUDE APPROPRIATE MEASURES TO MINIMISE THE VISUAL IMPACT OF VEHICLES AND PARKING AREAS.

(iii) COMPLY WITH MAXIMUM STANDARDS FOR CAR PARKING.

(iv) PROVIDE PARKING FOR PEOPLE WITH DISABILITIES IN ACCORDANCE WITH THE COUNCIL'S STANDARDS.

(v) PROVIDE CYCLE PARKING IN ACCORDANCE WITH THE COUNCIL'S STANDARDS. DEVELOPMENT PROPOSALS WHICH DO NOT HAVE REGARD TO THESE CRITERIA WILL NOT BE PERMITTED.

6.33 Planning Policy Guidance 13 provides guidance on appropriate car parking standards for a broad range of development. The emphasis is on setting a maximum parking standard. The County Council has developed the broad principles set out in PPG13 to produce draft parking standards (see Appendix B).

6.34 The parking standards designate two separate parking areas; the first – Type 1 relates to central urban areas and requires that operational parking needs be met as a reflection of the intensively developed nature of most central areas, secondly, - Type 2 areas are all other locations in urban and rural areas. Within Type 2 areas the parking standards outlined in Appendix B should be met if the development's floorspace is above the size threshold specified. If a development is below this size threshold the Council will adopt a flexible approach to car parking provision. In order to establish the most appropriate level of provision the Council will examine local circumstances associated with the proposed development. Such circumstances will include the availability of on-street parking, effects upon residential amenity, road safety and the availability of public transport. In addition to general car parking provision the Council will require that the needs of disabled people are met in accordance with Traffic Advice Leaflet 5/95 – Parking for Disabled People and that cycle parking facilities are provided in accordance with the County Council's Cycling Strategy. Thames Valley Police has developed the 'Secure Car Park Award' scheme in order to improve standards of safety and to reduce crime, the Council will work with the Police to promote this initiative in the District's car parks.

Planning Application Design Statements

D2 THE DISTRICT COUNCIL WILL REQUIRE APPLICATIONS FOR PLANNING PERMISSION FOR BUILT DEVELOPMENT TO BE ACCOMPANIED BY A PLANNING APPLICATION DESIGN STATEMENT.

10.16 In order for the Council to determine planning applications properly and quickly, it is essential that applicants provide full information at an early stage. As advised in PPG1, and amplified in *By Design*, applicants for planning permission should, as a minimum, provide a short written statement setting out the design principles they have adopted in relation to the site and its wider context. This

helps in assessing the application against design policies, and it requires applicants to think about design in an analytical and positive way.

10.17 The size, scope and location of the proposed development will generally determine the level of analysis and detail that needs to be included in a design statement. No more than a brief statement is necessary in the case of proposals of a very small scale, e.g. minor extensions to unlisted buildings not visible from the public realm.

10.18 For larger scale proposals or for sensitive locations, however, much more detail will be required. It will be necessary to demonstrate that the proposal is well related to its context and therefore an appraisal of the wider area will also be required. An area appraisal should be a detailed illustrated report that includes an analysis of local distinctiveness and an explanation of the design concepts behind the proposal. An important part of this submission will be an assessment of the visual impact of the development.

10.19 The Council seeks to encourage good design and sympathetic development particularly within conservation areas. Information on aspects such as design, siting, landscaping, massing and appearance will normally be required in order to fully assess proposed developments. If outline applications for development are submitted, then the Council may exercise its powers to require further details under Article 3 of the *General Development Procedure Order 1995* if it considers that a particular application should not be considered separately from any or all of the reserve matters

10.20 Guidance on the content and approach of design statements is set out in the Notes to Applicants that accompanies the planning application form. Applicants in any doubt as to what may be required should consult the Council's Planning and Development Department.

10.21 Failure to provide sufficient information is likely to result in delay in determining applications.

10.22 The Council may attach conditions or legal agreements to planning approvals to ensure that a high standard of design is implemented.

Local Distinctiveness

D3 PROPOSALS FOR DEVELOPMENT THAT REFLECTS OR INTERPRETS THE LOCALLY DISTINCTIVE CHARACTER OF THE SITE AND ITS CONTEXT, WILL BE PERMITTED PROVIDED THAT THEY:

(i) RESPECT THE SITE'S LANDFORM AND NATURAL FEATURES

(ii) ARE WELL INTEGRATED INTO THE LANDSCAPE SETTING

(iii) REFLECT THE TRADITIONAL PATTERN OF THE ARRANGEMENT OF STREET BLOCKS, PLOTS AND THEIR BUILDINGS AND SPACES

(iv) INCLUDE THE RETENTION AND ENHANCEMENT OF EXISTING OPEN SPACES AND UNDEVELOPED GAPS OF LOCAL IMPORTANCE THAT CONTRIBUTE POSITIVELY IN VISUAL TERMS TO THE PUBLIC REALM ALTHOUGH IN PRIVATE OWNERSHIP(v) RELATE WELL TO THE LOCAL PALETTE OF BUILDING AND SURFACING MATERIALS,

(vi) RELATE WELL TO THE LOCAL ARCHITECTURAL STYLES AND THE LOCAL PALETTE OF ELEMENTS OF CONSTRUCTION, ELEVATIONAL DETAILING, WINDOWS AND DOORS

(vii) RESPECT THE SCALE, PROPORTION, MASSING AND HEIGHT OF ADJOINING BUILDINGS AND THE STREETSCENE

(viii) DO NOT INTERFERE WITH VALUED VIEWS, VISTAS AND LANDMARKS.

10.23 PPG 1 advises that it is proper for local planning authorities to seek to promote or reinforce local distinctiveness. PPG 3 advises that design and layout of housing must be informed by the wider context- the landscape and townscape of the wider locality. The Council will welcome development that reflects the local distinctiveness of its setting.

10.24 The character of the district is diverse but highly locally distinctive. The *Countryside Design Summary* identifies character zones across the District and analyses the landscape character, the setting and structure of settlements and the design of development including building materials in each zone. The implications for development proposals are explained and guidance is provided on the appropriate location, form and design of development. Development proposals within the rural area should pay regard to this guidance.

10.25 The landform and natural features of a site should be the starting point when designing new development. Natural features should be retained and supplemented and should form the basis of the landscape structure of the development, preferably retained within the public domain in order to ensure consistency of management. Plant species selected should be local indigenous species suitable for the location.

10.26 The impact of new development on the wider landscape setting should be carefully considered. The location, massing and skyline treatment of development should be appropriately resolved, in preference to needing to hide poorly sited development behind unnatural peripheral screen planting. On larger schemes a landscape impact analysis may be required and, if this indicates that some off-site mitigation would be beneficial, this will be secured by planning condition or legal agreement.

10.27 The *Countryside Design Summary* explains that settlements, in particular villages, often have a distinctive pattern of buildings, streets and spaces and proposals should respect this, particularly where an historic plot pattern exists. The pattern of development within individual plots is also relevant. Retaining buildings and structures of local distinctiveness in redevelopment proposals will be encouraged, as this maintains the continuity of the built fabric.

10.28 Not all undeveloped gaps within the structure of settlements can be built on without damage to the intrinsic distinctiveness of the place. Where the existing pattern of development is loose-knit, whether it be through large plots or undeveloped land there will often be a compelling case for it to remain so for aesthetic, environmental or historical reasons. Where low density and informal character is critical to the distinctive character of an area, this will be a strong material consideration when determining planning applications. Conservation area appraisals and planning briefs identify those gaps, density and character that contribute to local distinctiveness.10.29 (deleted in Revised Deposit Draft Plan).

10.30 The *Countryside Design Summary* describes the range of building materials and surfacing materials, styles and detailing found across the District. The Council has also commissioned research to recommend a colour palette appropriate for the three main settlements. Selection of materials should reflect the predominant local building materials and the use of natural materials will be favoured in conservation areas. Buildings of contemporary design will harmonise with their surroundings more comfortably if their materials conform to the local colour palette. Bright colours and reflective materials will be discouraged on roofing. Large industrial buildings should be clad in natural dark colours sympathetic to the character and appearance of the area. Development proposals will also be considered against Policy D4 The Quality of Architectural Design, Policy D9:

Energy Efficient Design and building in Harmony with the Environment which was adopted as Supplementary Planning Guidance in 2000.

10.31 The Council wishes to encourage all development to be purpose designed for its site. The use of standard volume house builders dwelling types will rarely, if ever, be acceptable. Rather than having modified standard elevations buildings should be specifically designed in response to local distinctiveness.

10.32 The scale, proportion, massing and height of proposed development should be considered in relation to that of adjoining buildings, the topography, the general pattern of heights in the area and views, vistas and landmarks. The character of a skyline is composed of the massing of blocks and the shape of roofs, and colour/tone of materials, as well as by the height of buildings.

10.33 There are few buildings in the district that are over three storeys in height, and those that do exist, other than churches, often have a blighting effect on the surrounding area. Designers should bear this in mind. Landmark buildings will be most appropriate at important junctions, as a focus to a specific view, or to highlight a building of a specific use, particularly those of civic importance.

The Design of the Public Realm

D5 DEVELOPMENT PROPOSALS THAT IMPACT ON OR EXTEND THE PUBLIC REALM SHOULD:

(i) RETAIN AND ENHANCE EXISTING FEATURES OF LANDSCAPE, ECOLOGICAL AND ARCHAEOLOGICAL VALUE IN ACCORDANCE WITH POLICIES EN22 – EN29 ON NATURE CONSERVATION, POLICIES EN30 – EN37 ON LANDSCAPE AND EN27 ON THE CREATION OF NEW HABITATS AND ALSO ENGLISH NATURE'S RESEARCH REPORT 153.

(ii) BE PLANNED AS AN INTEGRAL PART OF THE DESIGN PROCESS, AND RELATE WELL TO OTHER OPEN SPACES IN THE VICINITY

(iii) PROVIDE A HARD AND SOFT LANDSCAPE SCHEME THAT IS APPROPRIATE FOR THE USE AND LOCATION

(iv) INCLUDE A CO-ORDINATED RANGE OF STREET FURNITURE THAT IS ROBUST AND HIGH QUALITY

(v) PROVIDE FOR CONTEMPORARY PUBLIC ART AND CRAFTWORK AS AN INTEGRAL PART OF THE DESIGN WHERE OPPORTUNITIES TO DO SO EXIST

(vi) PROVIDE GROUND FLOOR USES THAT CONTRIBUTE TO CREATING ACTIVITY, INTEREST AND NATURAL SURVEILLANCE

(vii) BE ACCESSIBLE TO ALL, PUTTING THE NEEDS OF PEDESTRIANS ABOVE THOSE OF CAR DRIVERS.

(viii) AVOID VEHICLE PARKING AND SERVICING INTRUDING INTO THE PUBLIC REALM

(ix) AVOID WASTE RECYCLING AND STORAGE FACILITIES INTRUDING INTO THE PUBLIC REALM

(x) MAXIMISE THE REUSE OF MATERIALS THROUGH SORTING OF DEMOLITION MATERIALS AND THE USE OF RECYCLED MATERIALS IN NEW AND EXTENDED BUILDINGS

(xi) UTILISE OPPORTUNITIES TO IMPROVE EXISTING AND CREATE NEW PEDESTRIAN LINKS.

(xii) INCORPORATE MEASURES TO MINIMISE THE POTENTIAL FOR CRIME AND ANTI-SOCIAL BEHAVIOUR INCLUDING; MAXIMISING NATURAL SURVEILLANCE, ALLOWING FOR SOCIAL CONTACT AND PROVIDING ADEQUATE LIGHTING

10.39 PPG 1 explains that the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of the buildings themselves and that landscape design should therefore be considered as an integral part of urban design. The public realm should provide attractive, comfortable and safe places where people can congregate and activities can take place to add vitality to the townscape.

10.40 Often it is the retention of features of landscape, ecological and archaeological interest that determines the location of the key areas of public domain. These features must be properly protected during the period of construction and a condition will be attached to the permission to ensure this. Drainage and service runs should be routed to avoid such features. If the area is to be adopted and maintained at public expense, a commuted sum will be required sufficient to cover a period of 15 years. (Refer also to Policy R8). PPG3 identifies the greening of the residential environment as an important planning objective and PPG9 supports the objective of nature conservation. The design of green spaces should encourage the retention, movement and breeding of wildlife. (Refer also to Policy EN36).

10.41 Too often the undeveloped part of a site has been simply the space left over around a building and provides no useful contribution to the public realm. This will not be acceptable. Instead, open space should be considered as an integral part of the development and should be included in the design concept from inception. How the space will relate to the public realm in the vicinity will be an essential consideration in terms of both functionality and detailed design. The aim will be to create public realm that is co-ordinated and legible. Footpath linkages, for example, should be direct and continuous. Conflict with cyclists should be designed out. Choice of materials should relate to others in the vicinity. The effect that water can have on the character and appearance of urban space should also be considered. As resources permit, the Council will prepare a Public Realm Strategy for the towns. This will provide guidance on all aspects of design and maintenance of the public domain including highways and privately owned land. In the major allocated sites and the regeneration area Planning Briefs will be prepared by the Council and will, inter alia, provide guidance on these issues on a site specific basis in the interim.

10.42 The Council will seek hard and soft landscape design that is in character with the location of the area. Reference should be paid to the adopted *Colour Palette* for the three main centres. The function that the space is expected to perform should be clear from both the design approach and the materials specified. The nature of activities that will take place there and the intensity of use and hours of use will be key determinants of the design. The extent, if any, of public access should be evident from the design in order to avoid the need for aggressive signage and barriers. Specification should be of materials and street furniture that are high quality, hard wearing and capable of easy maintenance. Street furniture should be specified from a co-ordinated range, preferably of contemporary design. Every opportunity should be taken to provide seating and shelter. Lighting in particular should be designed into proposals from the start, not added as an afterthought. Opportunities for floodlighting, uplighting, fixing lighting to buildings and low-level lighting should be explored.

10.43 The Council will seek opportunities for the inclusion of suitable public art as an integral component of the design of all proposals except those of a minor nature. The best works of public art are those that are conceptualised at a very early stage in the design process with an artist being included in the design team. This can include floorscape treatments and building decoration in addition to fine art, sculpture, water features, craft work, signage and street furniture. Within larger

developments and infrastructure projects, planning briefs will provide guidance as to how public art should be provided.

10.44 Local Planning Authorities have a duty in law under the Crime and Disorder Act 1998 to promote community safety. In discharging this duty account will be taken of the advice in *Circular 5/94: Planning Out Crime*. All housing developments should be designed to achieve the Secured By Design Award (see The Secured by Design Award Scheme by the Association of Chief Police Officers and others) and should implement the physical security criteria of the award to ensure that dwellings are secure as possible. If, in an exceptional case, Secured by Design status has been sacrificed to achieve conflicting objectives that are considered to be of paramount importance, the Council will expect this to be fully justified.

10.45 Development in the last few decades has frequently resulted in an amalgamation of individual plots or even blocks, reducing permeability of places, particularly in central areas. Town centres and villages traditionally display an intricate network of streets and alleyways that have a valuable part to play in the vitality of those places. Proposals that would result in the loss of an historic street pattern will be resisted. Development that would result in the loss of a public route will not be acceptable unless an appropriate alternative is provided. Every opportunity should be taken to improve existing pedestrian links and create new ones.

10.46 *Part M of the Building Regulations* provides a statutory mechanism for the provision of access to buildings for disabled people. *The Disabled Persons Act 1981* requires that issues of accessibility be regarded as material considerations in the assessment of planning applications. The Council will require satisfactory provision for full and appropriate access arrangements for disabled people. It should be noted that the term disabled covers a wide range of conditions such as heart or respiratory conditions, rheumatism and arthritis, impaired sight and hearing and mental impairments as well as wheelchair users. Parents or carers with prams and pushchairs should also be taken into account

10.47 Proposals that put the needs of vehicle movement, servicing or parking above those of pedestrians will not be acceptable. Where spaces have to accommodate vehicles effective traffic calming will be required. Proposals should put the needs of pedestrians before those of vehicle drivers. Proposals that are dominated by car parking, turning or servicing will not be acceptable. On plot parking and servicing should generally be located to the rear of the building line, or to the rear of the building accessed via a narrow entrance or carriageway arch in order to protect the integrity of the building line. Underground, undercroft or basement parking will be appropriate for commercial development. Roof gardens over car parking areas would also be welcomed.

10.47.1 Waste recycling and storage facilities should normally be provided to the rear of the property but, where built form does not allow this, provision should be designed so as not to intrude into the public realm.

10.47.2 Structure Plan Policies G6 and WD1 promote the use of recycled materials, as does *Building in Harmony with the Environment*, which was adopted as Supplementary Planning Guidance in 2000. This policy seeks to make the recycling and reuse of materials a material consideration.

10.47.3 New infrastructure projects should demonstrate a high level of hard and soft landscape treatment including public art.

Ecological Surveys

EN23 BEFORE DETERMINING AN APPLICATION FOR DEVELOPMENT WHICH MAY AFFECT A KNOWN OR POTENTIAL SITE OF NATURE CONSERVATION VALUE, APPLICANTS WILL BE REQUIRED TO SUBMIT AN ECOLOGICAL SURVEY TO ESTABLISH THE LIKELY IMPACT ON THE NATURE CONSERVATION RESOURCE.

9.49 Government guidance stresses the importance of taking nature conservation considerations into account in making decisions. If the Council considers that it has insufficient information available to assess the likely affect of a development proposal on a known or potential site of nature conservation value, an ecological survey will be required to be financed by the applicant. Such surveys should be carried out by reputable ecological consultants, using recognised methodology for the type of ecological survey required.

Protection of Sites and Species

EN24 THE COUNCIL WILL SEEK TO PROMOTE THE INTERESTS OF NATURE CONSERVATION THROUGH THE CONTROL OF DEVELOPMENT. PROPOSALS WHICH WOULD RESULT IN DAMAGE TO OR LOSS OF A SITE OF ECOLOGICAL OR GEOLOGICAL VALUE WILL NOT BE PERMITTED UNLESS:

(i) IN THE CASE OF AN INTERNATIONALLY IMPORTANT SITE, THERE IS NO ALTERNATIVE SOLUTION AND THERE ARE IMPERATIVE REASONS OF OVER-RIDING PUBLIC INTEREST FOR THE DEVELOPMENT; OR

(ii) IN THE CASE OF A NATIONALLY IMPORTANT SITE, THE REASONS FOR THE DEVELOPMENT CLEARLY OUTWEIGH THE ECOLOGICAL OR GEOLOGICAL VALUE OF THE SITE AND THE NATIONAL POLICY TO SAFEGUARD THE NATIONAL NETWORK OF SUCH SITES; OR

(iii) IN THE CASE OF A SITE OF REGIONAL OR LOCAL IMPORTANCE FOR ITS ECOLOGICAL OR GEOLOGICAL VALUE, THE REASONS FOR THE DEVELOPMENT CLEARLY OUTWEIGH THE ECOLOGICAL OR GEOLOGICAL VALUE OF THE SITE.

IN ALL CASES WHERE DEVELOPMENT IS PERMITTED, DAMAGE MUST BE KEPT TO A MINIMUM. THE COUNCIL WILL USE CONDITIONS OR PLANNING OBLIGATIONS TO PROTECT AND ENHANCE THE SITE'S ECOLOGICAL OR GEOLOGICAL INTEREST AND TO PROVIDE MITIGATION AND COMPENSATORY MEASURES WHERE APPROPRIATE.

9.50 Government advice contained in PPG9 stresses the importance of taking nature conservation into account in considering land use proposals. Adequate protection and enhancement should be given to sites of international, national and local nature conservation interest, and due regard should be paid to the conservation of other land and the provision of new habitats. The importance of protecting sites of ecological value is also identified by the *Nature Conservation Strategy for Oxfordshire*, *Oxfordshire's Biodiversity Action Plan* and the *District's own Nature Conservation Strategy*. Policy EN24 is intended to protect such sites from damaging development. In assessing development proposals the Council will consider whether the protection of the site could be secured through the use of planning conditions or obligations.

9.50.1 Sites of international importance covered by clause (i) of the policy comprise Sites of Special Scientific Interest (SSSI's) that are also Ramsar sites, Special Protection Areas (SPA's) or Special

Areas of Conservation (SAC's). Sites of national importance covered by clause (ii) of the policy comprise SSSI's that are not the subject of additional international designations, and National Nature Reserves (NNR's). Clause (iii) of the policy applies to sites of regional or local importance which include Regionally Important Geological Sites (RIG's), Local Nature Reserves (LNR's), non-statutory nature reserves, and other sites of importance for nature conservation including County Wildlife Sites.

9.51 Pixey and Yarnton Meads SSSI in the south of the District is of European importance, being a Candidate Special Area of Conservation (SAC). The District contains a number of sites of Special Scientific Interest (SSSI's) which are sites of national importance. In addition there are a large number of sites of regional or local importance to nature conservation. These include two Regionally Important Geological Sites (RIG's), 89 County Wildlife Sites (which provide examples of all the priority habitats within the District), nature reserves, semi-natural ancient broadleaved woodlands and ancient hedgerows. Further details are given in Appendix I. Sites of local significance make an important contribution to the character and biodiversity of the District. Policy EN24 applies to all sites of value.

9.52 The *Oxfordshire Nature Conservation Strategy* published in May 1993 led to the preparation of "alert" maps to indicate all of the known sites of nature conservation value. The "alert" maps can be inspected at the Council's offices at Bodicote House. SSSI's are shown on the Proposals Map. Other "alert" map sites are not shown on the Proposals Map, as the ongoing addition of sites would lead to information quickly becoming out of date and misleading. The Oxfordshire Biological Records Centre is currently in the process of updating non-statutory wildlife sites, particularly County Wildlife Sites.

9.52.1 The Council will seek to protect sites of nature conservation value by entering into Section 39 management agreements with landowners or through Section 106 agreements. The Council also has the power to designate local nature reserves on land that they own or manage. A local nature reserve was designated at Kirtlington Quarry in 1996 and it is likely that more will be designated as part of the District's Nature Conservation Strategy. Local nature reserves have the benefit of providing recreational and educational potential as well as playing a protective role.

9.52.2 It is important that opportunities are provided for people to enjoy and learn about wildlife. Nature conservation sites in private or Council ownership may be appropriate for furthering such opportunities through controlled access and the provision of interpretative facilities. However an important balance must be drawn and where improved access would be detrimental to wildlife interest, the interests of wildlife will be given a higher priority.

EN25 DEVELOPMENT WHICH WOULD ADVERSELY AFFECT ANY SPECIES PROTECTED BY SCHEDULE 1, SCHEDULE 5 AND SCHEDULE 8 OF THE 1981 WILDLIFE AND COUNTRYSIDE ACT, AND BY THE E.C. HABITATS DIRECTIVE 1992, OR ITS HABITAT WILL NOT BE PERMITTED.

9.53 In addition to habitats of importance to nature conservation there are a number of plant and animal species protected by the Wildlife and Countryside Act and the E.C. Habitats Directive 1992. The presence of a protected species is a material consideration in considering proposals for development. Policy EN25 seeks to protect them from development that would result in their loss, or damage. If development proposals are likely to affect a protected species, an ecological survey will be required to be submitted prior to a planning application being determined, in accordance with Policy EN23. The Council will consult English Nature on development proposals affecting protected species. Planning permission will only be granted if the protection of the species and its habitat can be secured through the use of planning conditions/obligations.

9.54 The Oxfordshire Biodiversity Action Plan identifies some priority species which although not protected by law, are important locally and would benefit from actions to safeguard or improve their habitat. The Council will use Policies EN22 and EN24 to help protect such species and their habitat.

Paragraph 9.55 is now paragraph 9.52.1 above.

LANDSCAPE

Countryside Protection

EN30 SPORADIC DEVELOPMENT IN THE COUNTRYSIDE BEYOND THE EXISTING AND PLANNED BUILT-UP LIMITS OF SETTLEMENTS INCLUDING DEVELOPMENTS IN THE VICINITY OF MOTORWAY OR MAJOR ROAD JUNCTIONS WILL BE REFUSED.

9.61 One of the purposes of the Plan is to provide sites for future development at Banbury and Bicester, and to protect the adjoining countryside, which is in mainly agricultural use. Sporadic development beyond the existing or planned edge of the towns in the countryside must be resisted if its attractive, open, rural character is to be maintained. This is reaffirmed by Central Government advice in *PPG 7: The Countryside – Environmental Quality and Economic and Social Development* which advises that the countryside should be protected for its own sake.

9.62 Policy EN30 will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.

Landscape Enhancement

EN36 THE COUNCIL WILL SEEK OPPORTUNITIES TO SECURE THE ENHANCEMENT OF THE CHARACTER AND APPEARANCE OF THE LANDSCAPE, PARTICULARLY IN URBAN FRINGE LOCATIONS, THROUGH THE RESTORATION, MANAGEMENT OR ENHANCEMENT OF EXISTING LANDSCAPES, FEATURES OR HABITATS AND WHERE APPROPRIATE THE CREATION OF NEW ONES, INCLUDING THE PLANTING OF WOODLANDS, TREES AND HEDGEROWS.

9.72 This policy will apply to land in the Council's ownership, land in association with new development in accordance with policies in the plan and other land through the use of negotiation.

9.73 The relationship of the towns within the District with the adjoining countryside and the avoidance of an abrupt transition from built development to open farmland, calls for special attention to landscaping of existing and proposed development. This interface is important in determining the impact the urban areas has on the character of the countryside. Where new development is proposed in this Plan, which will extend the built up limits of a town, the Council will seek, where appropriate, enhancement of existing hedgerows and woodlands and new areas of woodland planting and hedgerows to be implemented as part of the development to ensure the satisfactory transition between town and country. Policies H10, H12 and H13 for the urban extensions refer to the requirement for landscape mitigation measures and these will be described in greater detail when supplementary planning guidance is prepared for those sites.

9.74 The Council will encourage the planting of native trees, particularly on the urban fringe through its grant-aid programme, and by giving support to larger areas of planting under the Farm Woodlands Scheme (administered by MAFF and the Forestry Commission) where such planting does not conflict with other land-use policies. When such areas are made accessible to the public as informal recreation land, the needs of older people and people with disabilities will need to be fully taken into account.

9.75 In Banbury the major areas proposed for employment generating development have a frontage to the M40 motorway. The Council is concerned that the appearance of the town from the M40 should be enhanced by new development rather than damaged by it and for this reason no development of any kind will normally be permitted within 20 metres of the boundary between the site concerned and the motorway boundary. Such intervening spaces will be required to be landscaped to a very high standard. The design of new buildings adjacent to the M40 will also be required to be of a high standard both in terms of visual appearance and material.

9.76 There are other locations beyond the urban fringe where the character of the landscape could be enhanced. The *Cherwell District Landscape Assessment* identifies four grades of landscape across the countryside in terms of strategies for landscape 'intervention'. These highlight the relative strength of character of different parts of the landscape, indicating its sensitivity to change and its potential for enhancement. It shows areas where the landscape character and sense of place is particularly strong, for example the lowlands of Otmoor and some parts of the Cherwell Valley and the Ironstone Downs, through to areas where the landscape character has been weakened or harmed. This decline in landscape character may have occurred through urban fringe uses, agricultural intensification, neglect of specific landscapes, uses inappropriate to a rural location or poorly designed development.

9.77 The Council will seek to secure appropriate retention and management of landscapes in conjunction with development, through the use of conditions or legal agreements. New development can contribute to enhancement in a number of ways including the removal of unsightly or intrusive buildings, the restoration of features, the creation of new wildlife habitats, enhancing public access to the countryside and enhancing the setting of an historic site or buildings. The decline in landscape character will not in itself, however, create a presumption in favour of development to secure its enhancement.

Archaeology and the Built Heritage: Applications

EN47 THE COUNCIL WILL PROMOTE SUSTAINABILITY OF THE HISTORIC ENVIRONMENT THROUGH CONSERVATION, PROTECTION AND ENHANCEMENT OF THE ARCHAEOLOGICAL HERITAGE AND ITS INTERPRETATION AND PRESENTATION TO THE PUBLIC. IN PARTICULAR IT WILL:

(i) SEEK TO ENSURE THAT SCHEDULED ANCIENT MONUMENTS AND OTHER UNSCHEDULED SITES OF NATIONAL AND REGIONAL IMPORTANCE AND THEIR SETTINGS ARE PERMANENTLY PRESERVED;

(ii) ENSURE THAT DEVELOPMENT WHICH COULD ADVERSELY AFFECT SITES, STRUCTURES, LANDSCAPES OR BUILDINGS OF ARCHAEOLOGICAL INTEREST AND THEIR SETTINGS WILL REQUIRE AN ASSESSMENT OF THE ARCHAEOLOGICAL RESOURCE THROUGH A DESK-TOP STUDY, AND WHERE APPROPRIATE A FIELD EVALUATION;

(iii) NOT PERMIT DEVELOPMENT THAT WOULD ADVERSELY AFFECT ARCHAEOLOGICAL REMAINS AND THEIR SETTINGS UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE ARCHAEOLOGICAL RESOURCE WILL BE PHYSICALLY PRESERVED IN-SITU, OR A SUITABLE STRATEGY HAS BEEN PUT FORWARD TO MITIGATE THE IMPACT OF DEVELOPMENT PROPOSALS;

(iv) ENSURE THAT WHERE PHYSICAL PRESERVATION IN- SITU IS NEITHER PRACTICAL NOR DESIRABLE AND SITES ARE NOT SCHEDULED OR OF NATIONAL IMPORTANCE, THE DEVELOPER WILL BE RESPONSIBLE FOR MAKING APPROPRIATE PROVISION FOR A PROGRAMME OF ARCHAEOLOGICAL INVESTIGATION, RECORDING, ANALYSIS AND PUBLICATION THAT WILL ENSURE THE SITE IS PRESERVED BY RECORD PRIOR TO

DESTRUCTION. SUCH MEASURES WILL BE SECURED EITHER BY A PLANNING AGREEMENT OR BY A SUITABLE PLANNING CONDITION.

9.127 Along with listed buildings the Secretary of State for Transport, Environment and the Regions also produces a list of scheduled ancient monuments warranting special protection because of their national significance, and which are covered by detailed legislation and procedures. The current list of scheduled ancient monuments can be found in Appendix D. In addition to the scheduled sites there are:

- (I) Monuments of national, regional and special local importance which are unscheduled;
- (Ii) Sites of local importance which cover a wide variety of lesser historic remains and archaeological findspots;
- (Iii) Historic Town / village cores, which can have high archaeological potential that must be taken into account at an early stage in infill and 'brownfield' development proposals.

9.128 The District contains many sites of archaeological or historic interest which, particularly within the context of the wider historic landscape, contribute towards its special character and identity. In addition there is considerable archaeological potential on sites for which information is presently limited. This potential can be identified through the implementation of a staged programme of archaeological assessment and evaluation in accordance with PPG16 and Policy.

9.129 The archaeological resource, which includes buried and standing remains, has great social, economic, cultural and educational value for the community and can benefit the local tourist industry. The Council will favourably consider development proposals that sensitively promote and develop the potential of sites and monuments for the benefit of the community including those which will attract tourists to the area.

9.130 Archaeological remains constitute the principal surviving evidence of the District's past but are a finite, fragile and non-renewable resource very vulnerable to modern development and land use. The Council, in partnership with the County Council, wishes to ensure that remains are protected by proposals of suitable design and land use, and are managed adequately and sympathetically within new developments. The most important archaeological remains and their settings should be permanently preserved (if necessary for public access and display). The Council will also seek to ensure that any sites and areas of particular regional or national archaeological importance are afforded appropriate statutory protection provided under the *Ancient Monuments and Archaeological Areas Act 1979*.

9.131 Government guidance contained in PPG16 encourages early consultation between potential applicants and local planning authorities in order to minimise the risk of potential future conflict. The County Archaeological Officer, located within Cultural Services at the County Council, is available to advise potential applicants of likely archaeological constraints affecting known or potential sites and monuments of archaeological interest, including historic landscapes, parks, gardens and their settings, and such advice may include:

- (I) The identification of and assessment of the relative importance and potential of particular sites and monuments;
- (Ii) Provisions for permanent preservation, enhancement or mitigation;
- (Iii) Provisions for investigation and recording prior to destruction.

9.132 Preservation in-situ is the preferred option, and accurate information on the survival and significance of sites is essential for proper decision-making.

9.133 Applicants will be expected to supply information at an early stage in order to assess the effect of development on the site's archaeological potential. The results of such assessments must

be provided as part of an application for planning permission. Information may be gathered in several stages:

- (I) A desktop study should be undertaken to look at existing information.
- (Ii) Depending on the nature of the site a geophysical, fieldwalking, or other non-invasive survey of the site might also be commissioned.

9.134 A field evaluation of the site might be necessary to provide first-hand information on the surviving state of the archaeological resource.

9.135 As part of the assessment of the archaeological potential of a site, applicants should indicate options for minimising damage to identified archaeological remains. These might take the form of a redesign of foundations to avoid archaeological features, or, as a last resort, excavation of the remains prior to destruction, i.e. "preservation by record". In the latter case developers will be responsible for making appropriate provision for a programme of archaeological investigation, preservation of the archive, and preparation and publication of any reports. Since buildings also form part of the archaeological resource, developers will be expected to ensure that, where preservation can not be achieved, the specialist recording of the historic fabric that will be altered or destroyed during development will be carried out.

9.136 The County Council is responsible for maintaining the Sites and Monuments Record (SMR) which is managed and developed by the County Archaeological Service. This database has a central role at strategic level in developing policies, in partnership with local planning authorities, for the stewardship of archaeological remains and by informing decision-making on land-use planning. It is also an important educational resource providing information and academic support to students and researchers, and generally fostering public knowledge and enjoyment of the historic environment.

R8 THE DISTRICT COUNCIL WILL REQUIRE IN CONNECTION WITH ALL NEW HOUSING DEVELOPMENTS THE MINIMUM PROVISION OF 2.43 HECTARES (6 ACRES) OF PUBLIC OUTDOOR RECREATION PLAYING SPACE PER 1,000 POPULATION, TOGETHER WITH SECURE ARRANGEMENTS FOR ITS LONG TERM MAINTENANCE. THE AMOUNT, TYPE AND FORM OF OUTDOOR PLAYING SPACE WILL BE DETERMINED HAVING REGARD TO THE NATURE AND SIZE OF THE DEVELOPMENT PROPOSED AND THE COMMUNITY NEEDS LIKELY TO BE GENERATED BY IT. PROVISION SHOULD USUALLY BE MADE ON SITE BUT WHERE THIS IS NOT POSSIBLE OR IS MORE APPROPRIATE OFF SITE A CONTRIBUTION TOWARDS SUITABLE OFF SITE PROVISION MAY BE SOUGHT, SECURED THROUGH A LEGAL AGREEMENT.

7.50.1a Detailed guidance on the implementation of this policy can be found in the Council's supplementary guidance note entitled *Recreation and Amenity Open Space Provision – A Guide*.

7.51 The Council's minimum on-site playing space requirement per 1000 population can be broken down into the following component parts:

- (i) Children's playing space (including designated equipped areas and more casual /informal play areas within housing areas): 0.8ha (2 acres). This equates to 8 square metres of playspace per person.
- (ii) Outdoor formal sports provision: 1.6ha (4 acres), of which 1.2ha (3 acres) should be for pitch sports. This equates to 16 square metres of outdoor sports provision per person.

7.52 The Council's minimum requirements in Policy R8 are based on the NPFA's recommendations for outdoor playing space. Government guidance in PPG17 and its companion guide "Assessing Needs and Opportunities" advises that local authorities should develop local standards for the provision of open space, sports and recreational facilities. However the guidance also indicates that existing provision standards should be retained until such time as new ones are available. The

Council will therefore continue to use the standards set out in Policy R8 and paragraph 7.51 as minimum standards of provision until local standards have been developed.

7.53 The developers of all new housing developments will be required to make provision for the appropriate amount and type of public outdoor playing space and to make a contribution towards its maintenance. Secure arrangements will need to be made for the long-term maintenance of the playspace, preferably through adoption by the Town/Parish Council.

7.54 The requirements of policy R8 are generally regarded as minimum requirements. The Council recognises that it may not always be reasonable or appropriate to require on-site provision for all new housing developments, particularly where a very small number of new dwellings are proposed. Such small developments of even 1 or 2 dwellings can however cumulatively generate a significant requirement for recreation facilities in a locality. The information contained in the open space assessments will be used to help establish the type, form and amount of playspace provision required for a development. Such provision should be suitably designed and located, taking into account surveillance and accessibility issues, including the needs of disabled people. The Council will seek to assist, where possible, local communities who wish to address shortfalls in provision. Where shortfalls exist, the NPFA standards will be used as a target for future provision. Where such a shortfall is identified and where the Council is satisfied that a development does generate a demand for new or improved recreation facilities, it may consider it more appropriate to seek a financial contribution from developers to enable the District, Town or Parish Council to improve outdoor play and recreation facilities in the locality in accordance with the guidelines set out in *Circular 1/97*.

Children's Play Areas

7.55 It is important that provision is made for children to gather and play in safety. Provision of appropriately equipped children's play areas where surveillance is practicable, and away from major roads, will generally be sought. Furthermore, all new play areas will be expected to be designed, and be of sufficient size to cater for the needs of the communities that they are intended to serve and they should be provided at the earliest possible stage in the construction of new housing development. The Council endorses the NPFA approach of seeking provision of three distinct types of play areas to cater for the needs of different age groups (LAPs- Local Areas for Play; LEAPs-Local Equipped Areas for Play and NEAPs-Neighbourhood Equipped Areas for Play). This will be used as a basis for determining what is appropriate. More guidance is given on this issue in the supplementary planning guidance for recreation and amenity open space provision. Where appropriate, the provision of youth facilities will be encouraged. The Council will seek appropriate contributions from the developers towards the maintenance of these play areas in accordance with the guidelines set out in *Circular 1/97*. Home zones can serve a useful function in established residential areas where it is not possible to make new play provision. However it should be noted that they do not count towards the general open space requirement set out in policy R8 above.

Facilities for Young People

7.56 Providing appropriate leisure/recreation services for young people is a complex task. Some young people are able to take up mainstream opportunities, participating in structured programmes and facilities for sporting, arts and entertainment activities offered for the community. However there are others, who require assistance to take up those opportunities because they face barriers of confidence, finance and transport.

7.57 The varying needs of young people are recognised by the Council. These were formally acknowledged in a survey of 1,000 residents undertaken in the summer of 1998 where thirteen key issues were identified. Within the top six of these thirteen issues were the following:

- (i) There should be more safe places for teenagers to go
- (ii) More facilities for the youngsters
- (iii) More general entertainment facilities
- (iv) More supervised activities for the children.

7.58 As a consequence of this the Council has endeavoured to convert these thoughts and requirements into its service planning. In order to refine them, a Young People's Conference was held in June 2000 where the young people themselves identified the top priority was "*places to hang out at night where it is free or cheap*". This in turn was further supported by the response to the most popular types of activities done/facilities used in their spare time. The second highest response to this question was "hanging about with friends".

7.59 The Council's response to date has been a series of activity areas that are in many cases an extension of a neighbourhood equipped area for play (NEAP). The Council has in conjunction with Town and Parish Councils developed skateboard parks, multi games courts, roller blading opportunities and BMX tracks. In addition to the activity orientated facilities, the message that is clearly given by young people is that they also require places to socialise that are not programmed or structured in any way and are either free or cheap.

7.60 In policy terms the Council wishes to ensure that both activity orientated facilities and youth shelters to provide a meeting place for teenagers are made available in future large scale developments in the District. The NPFA Six Acre Standard advises that a NEAP can include a hard surfaced area (for ballgames or wheeled activities) and youth shelters in addition to playground equipment. It will be a requirement that developers provide land for each of these forms of young people's recreation along with an appropriate capital sum to establish and maintain the facilities needed in each locality. The requirement for developers to make such provision will need to meet the tests set out in Government Circular 1/97.

7.61 (deleted in the Revised Deposit Draft Plan)

AMENITY AREAS

R9 THE DISTRICT COUNCIL WILL SEEK IN CONNECTION WITH ALL NEW RESIDENTIAL DEVELOPMENT OF 10 OR MORE DWELLINGS THE PROVISION OF NEW AMENITY AREAS. AMENITY AREAS SHOULD BE DESIGNED AS AN INTEGRAL PART OF THE DEVELOPMENT AND, WHERE POSSIBLE, COMPLEMENT AND ENHANCE NEIGHBOURING LAND.

7.62 Government advice in PPG3 Housing emphasises the importance of "greening" residential areas through the protection and creation of open space. Open space consists not just of outdoor playing space, but also includes general amenity space. Policy R8 sets out the Council's requirements for outdoor recreation playing space in connection with new housing, but this does not include the provision of general amenity areas. In considering proposals for residential development the Council will also seek the provision of new amenity areas, which can provide for a wide variety of informal recreation activities in addition to their role in enhancing the character of a development.

7.63 There are no generally accepted standards for amenity areas, provision being more related to the nature and context of the development. They are, however, highly valued by residents and can make a significant contribution to the quality and local distinctiveness of a development and the environment generally. Amenity spaces linked to other open land can perform important strategic functions in providing 'green corridors' through built up areas and linking to open countryside.

7.64 In determining what level of provision is appropriate for a particular site, the Council will take into account the existing quantity and quality of amenity open space provision in the locality,

together with the site characteristics. Landscaping of a development will often be required. There may be habitats or features of value that need to be protected and incorporated into a scheme, for example potential exists along watercourses and in other areas that may not be developed due to landscape and other constraints. Buffer zones will be required in association with children's play areas. All these examples can provide opportunities for new amenity areas and the Council will use Policy R9 and other relevant policies in the plan to harness the amenity and passive recreational potential of such open spaces.

7.65 The Council will seek contributions from developers for the maintenance of all amenity areas required as a consequence of their development. Appropriate provision should be made for access for disabled people in accordance with the requirements of the Disability Discrimination Act. (Policy R10 is now Policy R7a following paragraph 7.49)

7.66 (Paragraph 7.66 is now paragraph 7.50.1, following paragraph 7.50.)