

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3105/W/19/3222428

DETAILS OF THE CASE

Appeal Reference APP/C3105/W/19/3222428

Appeal By HOLLINS STRATEGIC LAND LLP

Site Address
Land at Tappers Farm
Oxford Road, Bodicote
Banbury
Oxfordshire
OX15 4BN
Grid Ref Easting: 446163
Grid Ref Northing: 238286

SENDER DETAILS

Name MR MATTHEW CASE

Address
Oxfordshire County Council, County Hall
New Road
OXFORD
OX1 1ND

Company/Group/Organisation Name Oxfordshire County Council

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
☐ Agent
☒ Interested Party / Person
☐ Land Owner
☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
☐ Proof of Evidence
☐ Statement

- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence
- ☐ Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION

Document Description: Your comments on the appeal.

File name: OCC R123 statement - Tappers Farm Oxford 18-00792-OUT.pdf

File name: R122 Statement - Tappers Farm Oxford 19-00792-OUT v2.pdf

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OXFORDSHIRE COUNTY COUNCIL'S REGULATION 122 COMPLIANCE STATEMENT

Location:	Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN
Planning Ref:	18/00792/OUT
Appeal Ref:	APP/C3105/W/19/3222428
Proposal:	Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no dwellings, with associated works and provision of open space
Date:	25 th July 2019

1. INTRODUCTION

- 1.1. Oxfordshire County Council (OCC) considers that the proposed development of up to 46 dwellings, is unacceptable without an agreement under Section 106 of the Town and County Planning Act 1990 (S106) which is required to mitigate the demands which will be placed on infrastructure and services as a result of the development. This statement by OCC provides the justification for its requirements for contributions towards primary education, public transport and also justification for an administration & monitoring fee.
- 1.2. This statement supplements the formal response by OCC dated June 2018 to the consultation by Cherwell District Council (CDC). A second round of consultation was completed, which saw a reduction in the number of units from 52 to 46, OCC were not consulted on the consultation. But the contributions below have been recalculated based on reduced number of units (up to 46 dwellings).
- 1.3. R122(2) of the Community Infrastructure Levy (CIL) regulations 2010 (as amended) introduced three tests for S106 agreements which must apply if a planning obligation is to constitute a reason for granting planning permission. It should be, a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development. The purpose of this statement is to show that the requested contributions comply with the requirements of the three tests.

2. INFRASTRUCTURE CONTRIBUTIONS:

- 2.1. OCC considers that the development would have a detrimental impact on the local services it provides unless the contributions sought are provided as set out below:

	Contribution	Indexed-linked
Primary Education	£295,633	4Q2014 PUBSEC
Primary School Land Cost	£29,928	November 2016 RPIX

Public Transport	£46,000	June 2018 RPIX
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Table 1: Infrastructure Contributions

- 2.2. **Administration and Monitoring Fee** £1,500 (TBC)
- 2.3. The above contributions save for the Administration and Monitoring Fee are to be indexed-linked to maintain the real values of the contributions so that they can in future years deliver the same level of infrastructure provision as currently required.
- 2.4. The County Council has, in identifying the various contributions associated with this proposed agreement sought to avoid exceeding the limit of five obligations to a type of infrastructure or infrastructure project to comply with the requirements of the CIL Regulations 2010 - Reg 123 (3). A further, up-to-date, statement on compliance with Regulation 123(3) will be provided at the Inquiry/Hearing.

3. Population Assessment

- 3.1. Contributions are assessed in accordance with the population likely to be generated by the proposed development, and the likely demands that this additional population would place on local infrastructure and services. Such assessment is made using the county's population forecasting tool, which uses the results of the 2008 Oxfordshire Survey of New Housing to generate a population profile of new development, taking into account:
- a) The locations of the development (by district)
 - b) The scale and dwelling mix of development
 - c) An allowance for attendance of children at non-state funded schools
- 3.2. The contributions below are based on Oxfordshire's Strategic Housing Market Assessment (SHMA):
- 6 x one bed dwellings
 - 12 x two bed dwellings
 - 20 x three bed dwellings
 - 8 x four bed dwellings
- 3.3. It is estimated that the proposed development would generate a net increase of 134.89 additional residents including:
- 13.92 primary school pupils
 - 9.76 secondary school students (including 1.28 sixth formers), and
 - 3.52 Nursery Pupils

4. EDUCATION CONTRIBUTION

4.1. Policy: Education

Education authorities have statutory duties to

- Ensure sufficient school places (The Education Act 1996 S14)
- Increase opportunities for parental choice (S2 of the Education and Inspections Act 2006 inserts sub-section 3A into S14 of the Education Act 1996)
- Comply with any preference expressed by parents provided compliance with the preference would not prejudice the provision of efficient education or the efficient use of resources (School Standards and Framework Act 1998 S86)
- Ensure fair access to educational opportunity. (S1 of the Education and Inspections Act 2006 inserts sub-section 1(b) into S13 of the Education Act 1996)

4.2. Relevant Policies:

Paragraph 94 of the National Planning Policy Framework (NPPF) states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Paragraph 92 of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Policy INF 1 (Infrastructure) of the adopted Cherwell Local Plan 2011-31 states that “Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”

4.3. Primary Education: £295,633 index linked from 4Q2014 using PUBSEC Tender Price Index, towards building a new primary school south of Salt Way, plus £29,928 indexed from November 2016 using the RPIX Index, towards the cost to the County Council of acquiring sufficient land south of Salt Way for a new primary school.

Total Contribution: £325,561

(a) Necessary to make the development acceptable in planning terms

Primary School Contribution:

The nearest schools to the proposed development lie within the Banbury school planning area. Banbury’s primary schools are forecast to see rapid growth in pupil numbers over the coming years as a result of the scale of housing growth included in the Cherwell Local Plan.

Expansion of school capacity is required and is already underway through a strategic programme of new schools and school expansions. Longford Park Primary School opened in 2017, and a new primary school at Southam Road is due to open 2020. These, in addition to the existing schools, will mean that Banbury schools will jointly offer 813 places per year group by 2020. Current pupil forecasts indicate that this will only be sufficient until 2021, by when further school capacity will be required.

A new school is planned for the strategic development south of Salt Way. This will provide sufficient capacity for a number of surrounding developments and will lie approximately one mile from this proposed development. The capacity it will provide will be necessary to make this proposed development acceptable in terms of primary school capacity, and this proposed development would be required to contribute in a proportionate manner towards its cost.

Primary School Land Cost Contribution:

The County Council is required to pay to acquire that proportion of site area for the new school south of Salt Way which is not attributable to the expected pupil generation of the host development. Developments benefitting from the additional capacity which will be provided by this school should contribute towards the cost of land in a proportionate manner.

(b) Directly related to the development

Primary School Contribution:

The new primary school south of Salt Way is necessary to accommodate the expected primary pupil generation from this application, given the other housing growth already permitted in and adjoining Banbury, and will be within reasonable distance of the proposed development. It is therefore directly related to the development.

Primary School Land Cost Contribution:

As discussed above, land is required for the new school site, which in turn is necessary to ensure sufficient primary school capacity in the Banbury area. As this application would contribute to the need for this additional capacity, contributions towards the cost of land for the new school are directly related to the proposed development.

(c) Fairly and reasonably related in scale and kind to the development

Primary School Contribution:

The south of Salt Way new school is currently planned as a 2.5 form entry school, the cost of which the County Council's property consultants have calculated as £21,238 per pupil, or £11,150,000 in total.

This proposed development has been estimated to generate 13.92 primary pupils, for whom the necessary additional capacity would be provided through the new school.

13.92 pupils * £21,238 per pupil = £295,633

Primary School Land Cost Contribution:

3.01 (hectares of land required for new primary school)

At a value of £375,000 per hectare this equates to a total land cost of £1,128,750

Per pupil this equates to £2,150 (£1,128,750 ÷ 525)

This proposed development has been estimated to generate 15.77 primary pupils therefore the land contribution required from this development is:

13.92 x £2,150 = £29,928

Total Cost:

£295,633+ £29,928 = £325,561

5. TRANSPORT CONTRIBUTION

5.1. Relevant Policies:

Public Transport

National Planning Policy Framework

Paragraph 108

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Connecting Oxfordshire: Oxfordshire County Council's Fourth Local Transport Plan 2015-2031 (LTP4) [adopted in September 2015]

i. Policy 3

Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.

ii. Policy 17

Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing

and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

iii. Policy 34

Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development...

The Adopted Cherwell Local Plan 2011-2031

Policy SLE 4

Identifies that new development will be required to provide contributions towards transport impacts of development and recognises that development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport etc.

The Adopted Developer Contributions Supplementary Planning Document (SPD) (February 2018)

Para 4.143: All new developments in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of the development. This will support delivery of the infrastructure and services needed to facilitate travel by sustainable modes. It will also enable improvements to be made to the local and strategic road and rail networks.

Para 4.146: Direct infrastructure provision, financial and other contributions (including those for bus services) towards mitigating measures will be included in a planning obligation.

i.

5.2. Public Transport Contribution: £46,000 to be index linked from June 2018 (RPIX) towards bus service improvement, to increase frequency of the local bus services between Banbury and Oxford.

(a) Necessary to make the development acceptable in planning terms

The development is located approximately 500m from two bus stops on the A4260 which currently used by S4/X4 Gold service to Oxford via Deddington. The service to Oxford runs hourly Monday – Saturday (09.15-16.20) and every 30 minutes to Deddington. This service runs two-hourly on Sundays. There is also bus stops

approximately 425m on Sycamore Drive which are served by the current service B1, which is a circular service travelling via Banbury town centre every 30 minutes, Monday – Saturday 09.15-16.20.

There has been a significant increase in new houses in the Bodlcote, Adderbury and Deddington areas and Section 106 funding has been secured from sites along Oxford Road. Furthermore there are significant morning peak tailbacks at Adderbury crossroads caused by additional cars generated by the Bodicote area developments.

Enhanced bus services are required to offer a realistic alternative to the car. The new residents would benefit from increased frequency of journey, reduced waiting time, additional seats and an overall more attractive public transport option for travel to work, in line with the Council's strategy of promoting alternatives to car travel on the County's congested highway network.

The bus service contribution is essential to adhere to the principle of 'presumption in favour of sustainable development' at the heart of the National Planning Policy Framework. This principle is enhanced in paragraph 108 of the Framework in terms of promoting sustainable transport. The Council has a strategy of ensuring that residents of new residential developments have access to a credible level of public transport, to provide a choice of mode of travel. The LTP4 includes proposals to enhance bus services operating across the County with these improvements funded from developer contributions; policies: 3, 17 & 34 of the plan are most pertinent in relation to such matters.

The contribution is necessary to make the development acceptable in planning terms because it accords with Banbury Policy 4: Bankside Phase 2 of Cherwell District Council's Local Plan 2011-2031 which states that one of the key components of improving access and movement to and from the development is to extend local bus routes arising from phase 1 of the Bankside development which this is located near.

This contribution will be pooled with contributions from other residential developments in the local area to enable the procurement of sufficient vehicles to increase the frequency of local bus services on Oxford Road where there is sufficient demand, or to operate services at times of the day that do not currently have a service (e.g. later in the evenings or on Sundays).

(b) Directly related to the development

The site is located within walking distance of the bus service routes noted above. Increased frequencies and extended operating times on these important routes, are essential to increase the attractiveness of the bus service to residents wishing to travel to work in destinations such as Banbury Town Centre, Oxford and Deddington with off-peak enhancements providing for leisure and retail trips.

Both current bus services that serve the site travel via Banbury bus station, which is located immediately west of this. Therefore, this contribution, which could increase the frequency and/or the time coverage of local bus services, would improve access to amenities, employment, and national rail services and this would directly benefit residents and visitors.

(c) Fairly and reasonably related in scale and kind to the development

It's considered the current all-villages service between Banbury and Oxford is insufficiently attractive for people travelling from the Bodicote area into Kidlington and Oxford, so additional 'direct' services are required, not deviating off the main road.

Some £800,000 is required to procure two additional vehicles on this route, with buses providing a 'fast' and a separate 'villages' bus in each hour. Five vehicles would be required for the proposed pattern of service, compared to the current three vehicles. These additional buses would be procured with declining pump-priming revenue support, with an estimated £160,000 required in year one, £120,000 in year two, £80,000 in year three and £40,000 in year four with fully commercial operation in year five.

The contribution is fair and reasonably related in scale and kind to the development because it is calculated at a rate of £1,000 per dwelling, a rate which is applied to residential developments throughout Oxfordshire for which contributions to improve local bus services are sought.

Calculation: £1000 per dwellings x 46 dwellings = £46,000

6. ADMINISTRATION AND MONITORING FEE

- £1,500 (TBC)

(a) Necessary to make the development acceptable in planning terms

In order to secure the delivery of the various infrastructure improvements, to meet the needs arising from development growth, OCC needs to monitor Section 106 planning obligations to ensure that these are fully complied with. To carry out this work, the County Council has set up a Planning Obligation Team and so charges an administration/monitoring fee towards funding this team of officers. The work carried out by the Planning Obligations Team arises solely as a result of the County Council entering into Section 106 Agreements in order to mitigate the impact of development on the infrastructure for which the County Council is responsible. The County Council then has a resultant obligation to ensure that when money is spent, it is on those projects addressing the needs for which it was sought and secured. The officers of the Planning Obligation Team would not be employed to do this work were it not for the need for Section 106 Obligations associated with the development to mitigate the impact of developments.

The County Council considers that in so far as an obligation is "necessary" to make a development acceptable in planning terms, then the monitoring of that same obligation is also "necessary" in order to ensure that it is being complied with, and that to conclude otherwise is irrational. This is because if compliance with the

obligations in a section 106 agreement is not ensured, then the agreement will be ineffective in making the development acceptable in planning terms. Indeed, this reasoning formed the basis of the advice in the now-withdrawn Circular of July 2006, to the effect that local planning authorities should monitor compliance with planning obligations to ensure that the development “contributes to the sustainability of the area”.

In a recent recovered appeal¹, the Secretary of State endorsed the Inspector’s conclusion at paragraph 163 of his report that contribution towards administration and monitoring costs would be compliant with the CIL tests, as follows: “[The Secretary of State] considers that the other contributions considered at IR155-161 and 163 would fairly and reasonably relate to the scale of the proposal and would accord with the tests in paragraph 56 of the Framework.”

Indeed the inspector also concurred with the argument that, once it is accepted that an obligation is necessary as a matter of planning judgement, then the proper costs of administering that obligation cannot rationally be found to be unnecessary in planning terms simply because the administration is a function of the local authority. The relevant case is Recovered appeal: Highworth Road, Faringdon, Oxfordshire SN7 7EG (DCLG ref): APP/V3120/A/13/2210891, 19 February 2015) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/405445/15-02-19_DL_IR_Highworth_Road_2210891.pdf

(b) Directly related to the development

OCC has developed a sophisticated recording and accounting system to ensure that each separate contribution (whether financial or otherwise), as set out in all S106 legal agreements, is logged using a unique reference number. Systematic cross-referencing enables the use and purpose of each contribution to be clearly identified and tracked throughout the lifetime of the agreement.

This role is carried out by the Planning Obligations Team which monitors each and every one of these Agreements and all of the Obligations within each Agreement from the completion of the Agreement, the start of the development through to the end of a development and often beyond, in order to ensure complete transparency and financial probity. It is the Planning Obligations Team which carries out all of the work recording Agreements and Obligations, calculating and collecting payments (including calculating indexation and any interest), raising invoices and corresponding with developers, and thereby enabling appropriate projects can be delivered. They also monitor the corresponding obligations to ensure that non-financial obligations on both the developer and the County Council are complied with. As such, the admin/monitoring fee is directly related to the development, as it is the obligations arising from that development which are administered and monitored by the team which is funded from that fee.

c) Fairly and reasonably related in scale and kind to the development

The County Council considers that its fee is fairly and reasonably related in scale and kind to the development.

To calculate these fees the County Council looked at the number of Agreements signed in a year, the size and nature of the various Obligations in those Agreements, and how much work was expected in monitoring each Agreement. From this, the County Council calculated the structure/scale of monitoring fees that would cover the costs of that team. This was then tested to see whether or not the corresponding fees associated with X number of agreements at Y contributions, would be sufficient to meet the costs; the answer was yes. It is relevant to note that the team costs, (against which the current fees were assessed) were established when there were only two officers in the Planning Obligation Team. There are now five officers. The team is therefore now bigger than when the fees were originally calculated. Nevertheless, the monitoring/administration fees have not been increased since they were first established in 2007.

The monitoring fee as calculated is reviewed prior to the completion of a s106 agreement to ensure it reflects the number, level and complexity of the obligations within the s106 agreement.

**Regulation 123 of the Community Infrastructure Levy (CIL) Regulations (2010)
(as amended) – Note on Compliance of Planning Obligations Sought by
Oxfordshire County Council**

Location: Land at Tappers Farm, Oxford Road, Bodicote, Banbury OX15 4BN

Planning Ref: 18/00792/OUT

Appeal Ref: APP/C3105/W/19/3222428

Proposal: Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no dwellings, with associated works and provision of open space

Date: 25th July 2019

1. Legislative Background

1.1. Regulation 123 of the above regulations (as amended in 2014) states that:

"(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure (including, subject to paragraph (2B), through requiring a highway agreement to be entered into)

(2A) Subject to paragraph (2B) a condition falling within either of the following descriptions may not be imposed on the grant of planning permission—

(a) a condition that requires a highway agreement for the funding or provision of relevant infrastructure to be entered into;

(b) a condition that prevents or restricts the carrying out of development until a highway agreement for the funding or provision of relevant infrastructure has been entered into.

(2B) Paragraphs (2) and (2A) do not apply in relation to highway agreements to be entered into with—

(a) the Minister, for the purposes of section 1(1) of the 1980 Act(a); or

(b) Transport for London."

(3) Other than through requiring a highway agreement to be entered into, a planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that—

(a) obligation A provides for the funding or provision of an infrastructure project or provides for the funding or provision of a type of infrastructure; and

(b) five or more separate planning obligations that—

(i) relate to planning permissions granted for development within the area of the charging authority; and

(ii) which provide for the funding or provision of that project, or provide for the funding or provision of that type of infrastructure, have been entered into on or after 6th April 2010."

"relevant infrastructure" means—

- (a) where a charging authority has published on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL, those infrastructure projects or types of infrastructure, or
- (b) where no such list has been published, any infrastructure.

1.2. This means in practice that :

- A grant of permission cannot be dependent on a S106 obligation for infrastructure on the Regulation 123 list
- Limitations on pooling for infrastructure begins from all obligations collected since 6th April 2010
- There is no limitation on pooling for S278 agreements

2. Implications

Cherwell District Council (CDC) does not yet have an approved CIL Charging Schedule though it is progressing. Therefore any obligations which require tariff type contributions towards CIL liable infrastructure or projects are limited to a total of 5 such obligations, taking into account all relevant obligations collected since April 2010.

3. The following sets out the list of obligations sought by Oxfordshire County Council in the s106 agreement and whether the 5 obligation limit has been met:

Obligation	Compliance with Regulation 123 of the CIL Regulations 2010
Primary Education Contribution	<p>Towards building a new primary school south of Salt Way</p> <p>Oxfordshire County Council has checked its records and is satisfied that there are less than 5 planning obligations in respect of this project entered into on or after 6th April 2010. Therefore this contribution is compliant with regulation 123.</p>
Public Transport Contribution	<p>Towards bus service improvement, to increase frequency of the local bus services between Banbury and Oxford.</p> <p>This requirement is not 'infrastructure' as defined in S.216 of the Planning Act 2008 and therefore does not fall under the pooling limit in Regulation 123.</p>
Administration and Monitoring Fee	Towards the administration and monitoring of the S106 agreement.

	This requirement is not 'infrastructure' as defined in S.216 of the Planning Act 2008 and therefore does not fall under the pooling limit in Regulation 123.
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4. Further background to the County Council related contributions is set out in Oxfordshire County Council's R122 statement submitted to the appeal.

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3105/W/19/3222428

DETAILS OF THE CASE

Appeal Reference APP/C3105/W/19/3222428

Appeal By HOLLINS STRATEGIC LAND LLP

Site Address
Land at Tappers Farm
Oxford Road, Bodicote
Banbury
Oxfordshire
OX15 4BN
Grid Ref Easting: 446163
Grid Ref Northing: 238286

SENDER DETAILS

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OX15 4BT

Company/Group/Organisation Name Bodicote Parish Council

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
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COMMENT DOCUMENTS

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Relates to Section: REPRESENTATION

Document Description: Your comments on the appeal.

File name: BPC - Response to Tappers Farm Appeal - July 2019.pdf

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**COMMENTS FROM BODICOTE PARISH COUNCIL
REGARDING THE APPEAL AGAINST REFUSAL
BY HOLLINS STRATEGIC LAND LLP**

Proposal: Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 number dwellings, with associated works and provision of open space

Location: Land at Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN

Appeal Reference Number: APP/C3105/W/19/3222428

Bodicote Parish Council maintains its original position and objects to this planning application.

Further to responses we have already made via Cherwell District Council's planning consultation process, we would like to add the following comments -

- **Evidence for adopted Local Plan Part 1, The Banbury Green Buffer Report, Evidence Base for the Green Buffers Around Banbury, September 2013**, identified Tappers Farm in **Green Buffer 5:Bodicote** and states:

The main purposes of the Bodicote Green Buffer are to:

Prevent coalescence between the settlement of Bodicote and Banbury, protecting the gap between the settlements;

Protect the rural setting of Bodicote, in particular to the south and west;

Protect the approach of Bodicote/Banbury along the A4260;

Protect the open views across the Sor valley, south of Bodicote; and

Protect the historic Salt Way on the southern edge of Banbury, and its setting.

The Green Buffer policy for Bodicote will ensure that development does not extend beyond the existing limits of the settlements of Banbury and Bodicote, thereby preventing coalescence, and allowing each to retain their distinct identity and setting.

- **The Strategic Housing Land Availability Assessment (SHLAA) Update 2014 Part 3 (Aug 2014) Appendix E - Rejected Sites** page 40, refers to site 'BO024 Tappers Field, White Post Road, Bodicote'.

'Reasons for Rejection':

'Given the potential landscape, visual and coalescence impacts, it is not considered that this land is suitable for development'.

- **The Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016):**

1.66 The detail of the Cherwell Local Plan is set out in the following sections.

In summary, it:

- *avoids the coalescence of towns and villages*

B.89 We aim to avoid development in inappropriate locations and coalescence with neighbouring settlements.

B.174 The Local Plan will help to ensure that growth and development does not take place at the expense of the very features which make Cherwell unique. For example, coalescence between the areas for strategic development and neighbouring villages.

- **Appendix 7 - List of Replaced and Retained Saved Policies**
Saved Policies of the Cherwell Local Plan, 1996

C.15 THE COUNCIL WILL PREVENT THE COALESCENCE OF SETTLEMENTS BY RESISTING DEVELOPMENT IN AREAS OF OPEN LAND, WHICH ARE IMPORTANT IN DISTINGUISHING THEM.

9.30 Each town or village has its own separate identity, and it is important that development on areas of open land between them is restricted to prevent their coalescence. Some gaps are more vulnerable than others; rural communities may feel particularly threatened where they are in close proximity to urban areas eg Banbury and Bodicote, Banbury and Drayton, Banbury and Hanwell, Bicester and Chesterton, Bicester and Launton, Bicester and Wendlebury.

C33 THE COUNCIL WILL SEEK TO RETAIN ANY UNDEVELOPED GAP OF LAND WHICH IS IMPORTANT IN PRESERVING THE CHARACTER OF A LOOSE-KNIT SETTLEMENT STRUCTURE OR IN MAINTAINING THE PROPER SETTING FOR A LISTED BUILDING OR IN PRESERVING A VIEW OR FEATURE OF RECOGNISED AMENITY OR HISTORICAL VALUE.

9.76 Not all undeveloped land within the structure of settlements can be built on without damage to their appearance and rural character. Where the existing pattern of development is loose-knit there will often be a compelling case for it to remain so for aesthetic, environmental or historical reasons.

- **'Bodicote, Conservation Area Appraisal, Planning, Housing & Economy April 2008':**

13. Management Plan

13.1 Policy context

There is no one main threat to the character and appearance of Bodicote Conservation Area but a number of issues that are leading to the erosion rural character and open space. There is the obvious impact of the proximity of Banbury which is undoubtedly having an urbanising effect on the village.

Management and protection of important green spaces

The Council Will:

2. Promote the retention of significant open spaces and field systems in and around the village. The open fields around Bodicote are key to the character of the area because they create a rural and historic feel to the settlement. The development planned to the north east of the village makes it even more important to retain the rural setting of the village to the west and south. It is key that Bodicote retains its identity as a village and does not merge completely with Banbury to the north.

- **Executive Summary of proposals and recommendation - Case Officer: Clare O'Hanlon**

4. PRE-APPLICATION DISCUSSIONS

4.3. The advice given recognised that the site would lend itself to sustainable new residential development given its location. However, it was further advised that the site had an open and informal rural feel which made a significant contribution to the perception of transitioning from Banbury to Bodicote and that it contributed to Bodicote's character and separate identity. It was advised that residential development and the associated upgraded access would be detrimental to the character of Bodicote and result in perceived coalescence between Bodicote and Banbury.

Comments made in the Appeal Statement and from the Case Officer seek to diminish the issue of coalescence, and the importance of maintaining a physical gap between the settlements of Bodicote and Banbury.

Bodicote Parish has already seen significant housing growth, both on its periphery and within its own parish borders (Cotefield 1 and 2), and parish land has been greatly reduced due to it being reapportioned to meet the housing requirements of Banbury (Longford Park and Banbury 17).

The encroachment of development only emphasises the lack of remaining open space between the settlements and reinforces the importance of preserving the identity and setting of the entrance to Bodicote, as an historic Domesday village, and the Salt Way.

- 'Land at Tappers Farm, Oxford Road, Bodicote' is not identified as a site for development in **The Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016)**.
- **Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need Options Consultation, November 2016** looked at **Bodicote (Option H, Banbury and Surrounding Area)** under its 'Areas of Search'.
Through a rigorous consultation process it was determined that **'Option H, Banbury and Surrounding Area'** was not a suitable location to meet Oxford's housing shortage.
'Land at Tappers Farm, Oxford Road' was never identified as a potential development site to accommodate Cherwell's apportionment of 4,400 homes to meet Oxford's housing need and as stated in the The Cherwell District Council Housing and Economic Land Availability Assessment (HELAA), February 2018:
'With regard to assisting Oxford with its unmet housing need, Bodicote lies outside Areas of Search A and B'.
- 'Land at Tappers Farm, Oxford Road, Bodicote' is not identified as an allocated site for development in The Cherwell District Council Housing and Economic Land Availability Assessment (HELAA), February 2018.

Policies -

Policy Villages 1:

- **Policy Villages 1: Village Categorisation of The Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016)** identifies Bodicote as a 'Category A village'.
Category A villages are 'considered to be suitable for minor development, in addition to infilling and conversions'.

Bodicote Parish Council do not consider 46 dwellings to constitute as 'minor development, infilling or conversion':

Page 68 of the National Planning Policy Framework, February 2019:

'Major development⁷⁰: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more'.

and deem this application to be contrary to **Policy Villages 1:**

The Villages and Rural Areas

xxii. **Policy Villages 1** identifies the most sustainable villages (Category A) and their 'satellite' villages where minor development within built-up limits will, in principle, be supported (typically a site of less than 10 dwellings).

C.254 **Policy Villages 1** provides a categorisation of villages to guide the consideration of small-scale proposals for residential development within the built-up limits of settlements.
and
Policy Villages 1 seeks to manage small scale development proposals (typically but not exclusively for less than 10 dwellings) which come forward within the built-up limits of villages.

C.261 **Policy Villages 1** allows for the most sustainable villages to accommodate 'minor development' and all villages to accommodate infilling or conversions. The appropriate form of development will vary depending on the character of the village and development in the immediate locality. In all cases, 'Policy ESD 15: The Character of the Built and Historic Environment' will be applied in considering applications.

The conclusion of the Case Officer regarding Policy ESD 15 was:

8.24. On balance, it is not considered that the proposed development would result in harm to the character, appearance, identity or setting of the village such that a refusal on these grounds would be reasonable, taking into consideration the benefits that would result from boosting the delivery of housing (including affordable housing) in sustainable locations.

We strongly object to the view that the proposed development would not cause harm. The open nature of the Tappers Farm site distinguishes the transition from urban edge to informal village, and contributes to the character and setting of the Northern Village Conservation Area.

C.264 Infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Not all infill gaps will be suitable for development. Many spaces in villages' streets are important and cannot be filled without detriment to their character. Such gaps may afford views out to 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.

'Bodicote, Conservation Area Appraisal, Planning, Housing & Economy April 2008':

13. Management Plan

Enhancement and management of the public realm

The Council Will:

12. Support occasional new buildings on infill plots that are sympathetic to the intrinsic character of the area in terms of scale, design and materials. There are existing areas of open land in and around the Conservation Area that should be protected from any future development that would adversely affect the character of the village. It is essential that the historic and rural nature of the area is not overwhelmed.

Despite Bodicote being classified as a 'Category A' village, land provision with the parish borders is in short supply. Bodicote Parish land has been obtained for the construction of the Longford Park estate, which following a Community Governance Review was subsumed into the Parish of Banbury in 2016, land for the approved development north of Wykham Lane for up to 280 dwellings and associated spine road (planning application 15/01326/OUT), and Cotefield 1 and 2 consisting of 181 dwellings.

Unconstrained housing growth will have a detrimental effect on Bodicotes ability to provide open space and additional recreational facilities for residents.

Policy Villages 2:

- *The Villages and Rural Areas*
xxiii. **Policy Villages 2** provides for a further 750 homes to be provided at the Category A villages. This will principally involve the identification of sites of 10 or more dwellings within or outside the built-up limits of those villages. This is in addition to sites already approved across the rural areas as shown in the Housing Trajectory. Sites will be identified in the Local Plan Part 2, through the preparation of Neighbourhood Plans and through the determination of applications for planning permission. The policy is supported by the latest Strategic Housing Land Availability Assessment (SHLAA).

Policy Villages 2: Distributing Growth across the Rural Area of The Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016) states:

'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'.

The **Cherwell District Council Annual Monitoring Report 2018, (01/04/2017-31/03/2018), December 2018** specifies that of '31st March 2018, there are 4 dwellings remaining from the Policy Villages 2 requirement'. With the District able to demonstrate a 'current housing land supply of 5.0 year for the period 2018-2023 and 5.2 year for the period 2019-2024'.

Granting permission to this development would exceed the 'total of 750 homes' which is contrary to **Policy Villages 2** and a departure from **The Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016)**.

- **Appeal Statement, Land at Tappers Farm, Oxford Road, Bodicote, Oxfordshire , February 2019:**

The size of the village and the level of service provision

7.24 With regard to the size of the village, at 2011, Bodicote had a population of 2,126 people. It therefore ranked 7th out of the 89 villages in the District. In addition to those figures, the population for Bodicote at 2011 would not take account of the Bankside/Longford Park development which is for 1,690 dwellings so at an average household size 4 the population of in the immediate area will increase by 4,056 people when that development is eventually complete.

7.25 The Addendum to Topic Paper 2 set out the range of services and facilities in each of the 89 villages. The key services are listed in paragraph 12 of that document and as will be noted on page 4, Bodicote has all the services and facilities listed. The services and facilities at Bankside/Longford Park development were not taken into account and with that development well underway, residents of Bodicote have and will have access to a greater range of services and facilities. Prospective residents of the appeal site would have convenient access to all services and facilities by foot and cycle in Bodicote and in the southern part of Banbury. The access points can be seen from the site visit.

The population numbers on the Bankside/Longford Park development are immaterial, and cannot be considered when looking at the population size of Bodicote. The development, under a Community Governance Review, was taken into Banbury Parish in 2016. Services and facilities that should have come forward as part of the s.106 agreements either haven't opened, the community hall, a country park, football pitch and a sports pavilion, or are yet to materialise, a doctors surgery, canalside pub and marina, MUGA, a nursery and shop.

Residents began moving on to the Longford Park site in 2014 but access services and facilities in both Banbury Town centre and neighbouring villages -
Bodicote - Bishop Loveday School, Church House, Spar, Post Office, Kingsfield, Kingsfield Nursery, T & P Motors, Saltway Day Nursery, The Horse & Jockey and The Plough pubs, Village Hall
Deddington - Deddington Health Centre

Highways/Parking -

- Bodicote Parish Council have raised the following comments regarding highway issues on and around the Flyover, White Post Road and the on-slip off-slip for the Oxford Road:

September 2014 -

White Post Road is already almost gridlocked at peak times due to the amount of traffic and the fact that there are only 2 lanes, bringing traffic to the school and to the Cherwell District Council offices. Bringing any more traffic onto this road would be a disaster. The Bodicote flyover is a major route into and out of Banbury, as well as for people travelling to the railway station, the M40, etc. It is used by the village residents, as well as people coming from Bloxham and Bankside. However, White Post Road, the flyover and Bankside all have only 2 lanes, with the potential for a bottleneck in addition to the problems already experienced.

August 2015 -

The issue of a bottleneck at the Flyover Bridge must be addressed.

March 2016 -

We are concerned at the volume of traffic coming on to the roundabout from the new spine road/White Post Road and then travelling along the slip road to the Oxford Road. There must be some road widening on the approach to the roundabout and the slip road. There will also be problems for traffic wishing to use the Flyover road.

October 2017 -

The A361 (Bloxham Road) to A4260 (Oxford Road) spine road form part of a much broader infrastructure plan, BAN1, identified in both the Oxfordshire County Council Local Transport Plan Part 4 (LTP4): Connecting Oxfordshire:Local Transport Plan Plan 2015-2031, Volume 2 part ii: and the Cherwell District Council Banbury & Vision Masterplan: Consultation Draft - March 2016.

The two following policies contained within BAN1, 'Promotion of Bankside' and 'Provision of a link road East of M40 Junction 11 (Overthorpe Road to A422)' are both seeking to redirect traffic away from Banbury town centre in favour of using the proposed spine road.

Concerns regarding traffic and highways issues in and around White Post Road have been dutifully ignored by all parties and are looked upon as nimbyism.

The Case Officer makes the following point:

8.32. The objections from third parties on highway grounds are noted but there are no technical reasons on which to resist the proposals. Permission should not be refused unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, neither of which have been shown to be the case.

We do not believe the *residual cumulative impacts* of this development have been fully assessed.

The Senior Transport Planner at Oxfordshire County Council has made no reference to the following infrastructure plans in his 'Transport Schedule':

A361 (Bloxham Road) to A4260 (Oxford Road) spine road which is to be brought forward as part of Banbury17, planning applications 14/01932/OUT and 15/01326/OUT or

BAN1, identified in both the **Oxfordshire County Council Local Transport Plan Part 4 (LTP4): Connecting Oxfordshire: Local Transport Plan 2015-2031, Volume 2 part ii:** and the **Cherwell District Council Banbury & Vision Masterplan: Consultation Draft - March 2016**. The two following policies contained within **BAN1**, '**Promotion of Bankside**' and '**Provision of a link road East of M40 Junction 11 (Overthorpe Road to A422)**'.

Provision of a *South East Link Road* is referenced in planning documents for the recently deferred planning application, 16/00472/OUT, *Proposed residential redevelopment for approximately 200 units at S Grundon Services Ltd Merton Street Banbury OX16 4RN*, which is designed to redirect traffic away from Banbury Town centre towards Bankside and onto the spine road.

The **Ashley Helme Transport Statement, April 2018** states in its '**Summary & Conclusions**':

6.5 It is estimated that the proposed development will generate 31 vehicles (two-way) in the AM peak hour, and 34 vehicles (two-way) in the PM peak hour. It is concluded that the traffic generated by the proposed development will have no material impact on the operational performance of the local highway network.

We are noticeably concerned by this statement considering Ashley Helme make no reference to wider infrastructure plans and policies that will impact the immediate site and the surrounding area.

Figures collated by the '**Oxfordshire County Council - Annual Average Daily Traffic Map**' demonstrate that considerable amounts of traffic have already been using roads in the vicinity of the Tappers Farm site:

On-slip off-slip, Oxford Road - Site Number:CP113

Annual Average Daily Traffic

2013 Count **2800**

2014 Count **2900**

2015 Count **2900**

2016 Count **2900**

2017 Count **2700**

White Post Road - Site Number:CP452

Annual Average Daily Traffic

2013 Count **3500**

2014 Count **3700**

2015 Count **3500**

2016 Count **3600**

2017 Count **3600**

Bankside - Site Number: CP479

Annual Average Daily Traffic

2013 Count **4400**

2014 Count **4500**

2015 Count **4500**

2016 Count **4600**

2017 Count **4700**

New development and infrastructure schemes will only increase pressure on the existing highway network.

Parking generated from both Bishop Loveday School and Cherwell District Council is an ongoing concern which is yet to be resolved.

A 34 space car park, to be sited on White Post Road, is being brought forward as part of the Banbury17 development to mitigate the removal of on street parking due to a new road layout. However we do not believe 34 spaces is sufficient to alleviate an ever increasing problem.

Bishop Loveday School has insufficient space in its existing car park (which has already been extended) which results in staff having to park on White Post Road, Sycamore Drive and the on-slip off-slip road.

Parents dropping off and picking up children, at peak times of the day, park along Sycamore Drive, the on-slip off-slip road, White Post Road, High Street, Broad Gap, Park End and in the village hall car park.

School events - parents evenings, plays, school fetes, sports day etc - generate the same parking issues.

Cherwell District Council despite having its own car park, has insufficient capacity to accommodate ever increasing numbers of staff, vehicles used by Sanctuary Housing, who are now based at Bodicote House, and visitors attending council meetings. This results in further pressure on White Post Road, High Street and Broad Gap.

It is inconceivable to think that a development of 46 dwellings, which could potentially generate 92 cars or more, won't exacerbate existing parking issues or add to increasing congestion in this area of the village.

For all the reasons put forward in this response we urge the Planning Inspector to refuse this appeal by Hollins Strategic Land LLP.

This is a speculative development, unallocated in any local plans and contrary to Cherwell District Councils planning policies.

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3105/W/19/3222428

DETAILS OF THE CASE

Appeal Reference APP/C3105/W/19/3222428

Appeal By HOLLINS STRATEGIC LAND LLP

Site Address
Land at Tappers Farm
Oxford Road, Bodicote
Banbury
Oxfordshire
OX15 4BN
Grid Ref Easting: 446163
Grid Ref Northing: 238286

SENDER DETAILS

Name MRS EILEEN MEADOWS

Address
30 Park End
Bodicote
BANBURY
OX15 4DF

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence

☐ Other

YOUR COMMENTS ON THE CASE

It would seem to me that when planning has been refused and the residents in the area have been very clear that they object to building works. The reasons for the refusal are very clear and have taken into account the general feelings of the whole village. All it takes is for the wealthy developers to carry on appealing until they get the answer they want.

Just as we all breath a sigh of relief that the planning has been rejected we are notified that again we are under threat.

Bodicote is a small village over the last two years there has been large scale development completely surrounding the village so that there is hardly any distinction between Banbury, Adderbury, and Bloxham . The final insult to our village would be to lose the local land mark of the Tappers Farm Shop. Not just a farm shop but a site for the popular car boot sales, the annual fair, the annual circus. The most popular place to buy your pumpkins and your Christmas trees and so much more.

Please Please to not let this planning go through, it has become so depressing to see so much construction all around us, and as I understand these properties are not selling as well as expected. Its not just Bodicote that is affected. Every direction out of Banbury has huge estates being erected while the town center is being killed off. Our high street has become a victim like so many others, with the development underway of a new retail and entertainment location guaranteed to mark the end of the high street. We have had enough now, its too much. No more large developments please.

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Land at Tappers Farm
Oxford Road, Bodicote
Banbury
Oxfordshire
OX15 4BN
Grid Ref Easting: 446163
Grid Ref Northing: 238286

SENDER DETAILS

Name MISS A TOMS

Address
31 Park End
Bodicote
BANBURY
OX15 4DF

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
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What kind of representation are you making?

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☐ Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: Letter re objection July 19.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Location: Land at Tappers Farm Oxford Road Bodicote Banbury OX15 4BN
Parish(es): Bodicote
Appeal Reference: APP/C3105/W/19/3222428

Dear Sir/Madam,

I would like to raise my objection to the proposed development on the Tappers Farm in Bodicote

Bodicote is a small village to the south of Banbury with its own identity and history dating back to doomsday with a population of just over 2100 per the 2011 census. The building on the land would result in the coalescence of Bodicote and Banbury.

As part of Cherwell's local Plan 2011-2031 Part 1, there are policies put in place by Cherwell council itself to safeguard villages. Bodicote is classed as a Category A (page number 246) which should mean that the development within the parish should be limited and not in excessive numbers. Policy Villages 2 (page 250 of the Cherwell Local Plan Part 1) states that: "A total of 750 homes will be delivered at Category A villages". Also the land was never earmarked in the Banbury plan on page 317

I believe that approved developments of Longford Park and Salt Way would more than account for excessive numbers. To approve these additional houses at Tapper Farm would be a mistake for future generations.

So far in the Bodicote area there has been significant building and whilst I appreciate growth is progress, I believe that Bodicote area has had its fair share of the building work (41.5% of the proposed 7319 new homes in Banbury). A list of the development within a couple of miles radius has been: (referenced Cherwell local Plan 2011-2031 Part 1 page 275)

- to the east of tappers farm site on Longford park has been developed
 - Bankside phase 1 approved (1090 homes),
 - Banbury 4 initial plan was 600 homes now planning permission for phase 3 for 850 homes.
- To the west on white post road towards the Bloxham road there has been planning permission granted for 1,345.
- To the south of the village there has been a windfall development of 181 homes in the Cotefield development
- Also Spitfire development 21 homes in recent years

The site at Tappers Farm was not identified as a site for development in the Cherwell Local Plan and has previous planning applications have been rejected. In the previous application the plan was to build 22 homes but this was turned down. The reason stated "it was advised that residential development & the associated upgraded access would be detrimental to the character of Bodicote and result in perceived coalescence between Bodicote & Banbury". Why should the new application be approved this time for more houses?

4.6.13 of the Oxfordshire Plan 2050 has highlighted that green belt is essential and the quote "Many respondents felt that the green belt should be protected from further encroachment to protect its integrity, restrict urban sprawl of Oxford and to prevent the coalescence of settlements" This goes for other towns in Oxfordshire.

Green space in the planned proposal is a low proportion of the site of which the areas identified only exist due to many of the trees having tree preservation orders on them. The site seems like it's a falsely capitalising on the provision of green areas.

Also the green area is located to the north of the plot to the detriment to the residents of Park end/Park end Close who will have multiple homes that will border the south of the plan and in places less than the

recommended 25-30 meters from the perimeter of the area. Some houses are positioned as little as a meter or two from the properties boundary.

Wildlife sustainability:

I am also concerned about the wildlife in the area. The area of land is a corridor for the wildlife. We are lucky enough to have a diverse range of wildlife including and not exclusive to badgers, bats, woodpeckers, swifts and red kites. I fear the disruption would mean the relocation of the current wildlife population on a permanent basis.

Infrastructure:

The entrance to the site is on a short road that joins a slip road from the Oxford Road. This is the main artery road into Banbury from the south. Where the entrance to Tappers farm is situated it is very close to the slip road and also the mini roundabout. The visibility to the entrance when turning off the main road is concealed and would be a cause for safety for pedestrians in the area taking children to the local schools and day nurseries in the vicinity.

Currently at peak times there are traffic problems within the Banbury area and the development will only add to the bottlenecks of traffic. Regularly, there are queues from just after Tappers farm going north towards town and also to the south there is congestion in Adderbury which is a knock on effect of the developments. This in turn puts pressure on the minor road network as cars are using them as rat runs to avoid the traffic which also adds to safety concerns.

It is unrealistic to believe that all new residents will use public services as they are just not readily accessible or reliable enough so the majority of residents would use their car.

Schools:

The local primary school is adjacent to the plot of land currently the schools are oversubscribed and the land could potentially be used to increase the size of a highly popular primary school.

Health

Another factor is the health services the additional residents would need to access this puts further strain on the health service where there are GP's merging and closing in Banbury along with the substantial downgrade of the Horton Hospital.

Community

Within the plot is a farm shop that serves the local community. On every other Sunday the field is used for car boot sales. Also is host to many public events such as the American circus, Monster truck shows, travelling fairs that are very much part of the local tradition and to cease this here would mean that the events would no longer come to the area. This again goes against the Cherwell local Plan 2011-2031 Part 1 page 75. Policy BSC 10: Open space, outdoor space & recreation.

I hope that my views and concerns are taken into consideration when looking at this application. It may only be small in the scheme of other developments but it is so important to keep the identity of a village and not be a suburb of Banbury.

Best regards,



Amanda Toms

rural areas may use services and facilities in other nearby villages. Those larger villages with services and facilities (the 'service centre' villages) in combination with the smaller "satellite" villages can be considered to form a functional "cluster". Clustering will allow for:

- the support of community facilities (such as shops) in service centres, by locating new development and therefore people/customers close to as well as within service centre villages
- small sites to come forward for development in satellite villages where sites in service centres may be limited
- the reduction in length of car journeys in the rural areas (i.e. between satellite villages and service centres)
- where appropriate, the potential for developer contributions or other mechanism to support the delivery of infrastructure and services to be applied to needs in any village in a cluster.

C.259 It is not proposed that clustering forms part of the development strategy in 'Policy Villages 2: Distributing Growth Across the Rural Areas' as the services and facilities in most satellite villages are too limited to sustainably accommodate the development of larger allocated sites. However, it is considered to be a role for satellite (Category B) villages to accommodate minor development which is set out in 'Policy Villages 1: Village Categorisation' below.

C.260 The following categorisation will be used to assess residential proposals that come forward within villages.

Policy Villages 1: Village Categorisation

Proposals for residential development within the built-up limits of villages (including Kidlington) will be considered having regard to the categorisation below. Only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions.

Category	Villages by Category	Type of Development
A	Service Villages Adderbury, Ambrosden, Arncott, Begbroke, Bletchington (*), Bloxham, Bodicote, Chesterton, Cropredy, Deddington, Finmere, Fringford, Fritwell, Hook Norton, Kidlington,	Minor Development Infilling Conversions

10 dwellings for the period (2014-2031). In total, some 5,392 homes will be delivered across the rural areas from 2011 to 2031.

Policy Villages 2: Distributing Growth across the Rural Areas

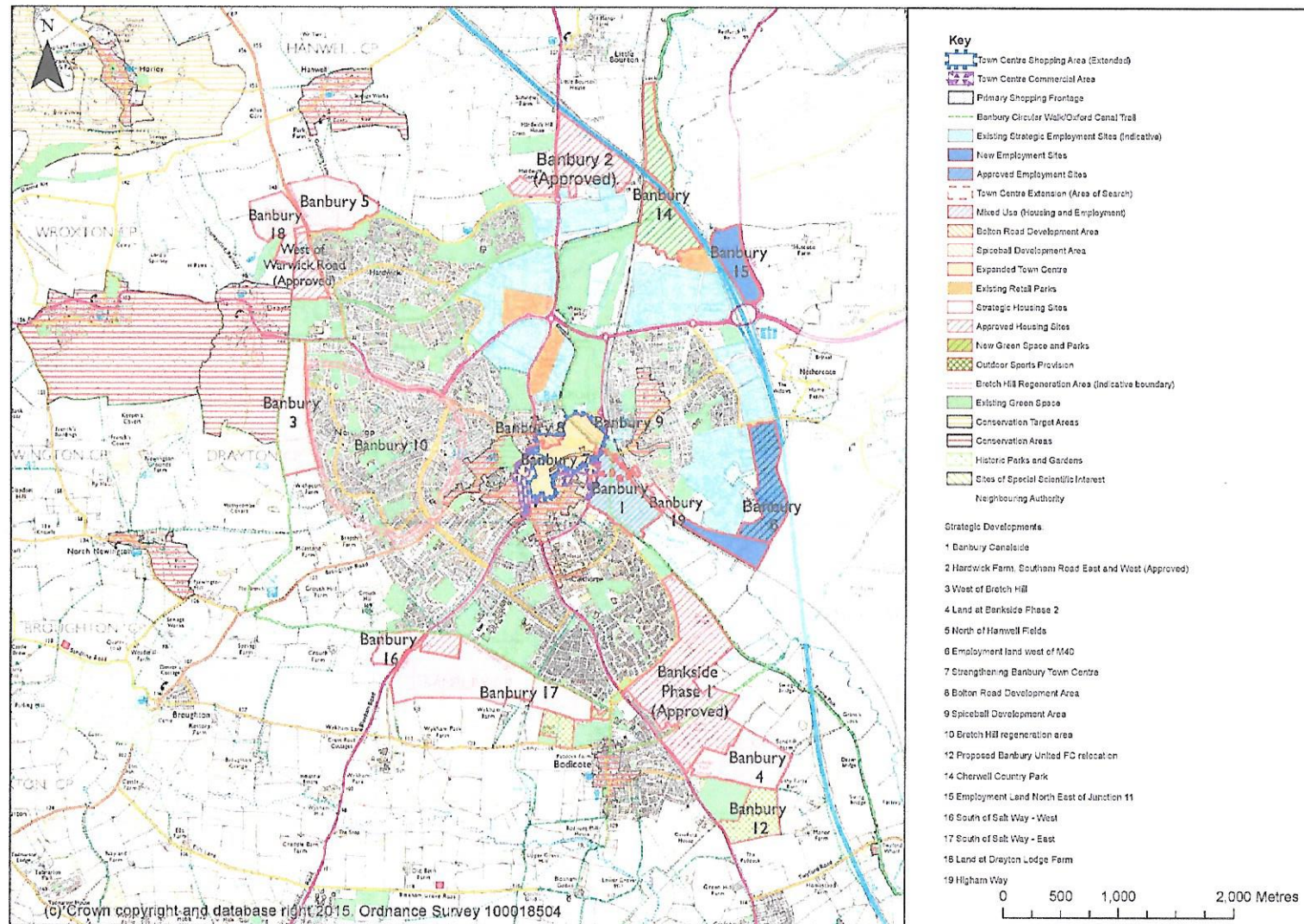
A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.

Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

In identifying and considering sites, particular regard will be given to the following criteria:

- **Whether the land has been previously developed land or is of lesser environmental value**
- **Whether significant adverse impact on heritage or wildlife assets could be avoided**
- **Whether development would contribute in enhancing the built environment**
- **Whether best and most versatile agricultural land could be avoided**
- **Whether significant adverse landscape and impacts could be avoided**
- **Whether satisfactory vehicular and pedestrian access/egress could be provided**
- **Whether the site is well located to services and facilities**
- **Whether necessary infrastructure could be provided**
- **Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period**
- **Whether land the subject of an application for planning permission could be delivered within the next five years**
- **Whether the development would have an adverse impact on flood risk.**

5.3 Key Policies Map: Banbury



Local Plan Housing Trajectory 2011-2031

	Completions 2011-2014	Permissions Granted at 31 March 2014	Local Plan New Allocation 2014-2031	Total Projected Supply 2014-2031	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	Plan Period Total Supply 2011-2031
Bicester																						
North West Bicester (Bicester 1)	0	393	2900	3293	7	143	179	210	210	210	210	210	210	210	210	210	210	210	210	210	210	3293
Kirton Hill (Bicester 2)	0	0	2100	2100	0	0	50	150	200	200	200	200	200	200	200	200	200	200	200	200	200	2100
South West Bicester Phase 1	289	1362	100	1462	136	200	200	200	200	200	200	126	0	0	0	0	0	0	0	0	0	1742
South West Bicester Phase 2 (Bicester 3)	0	0	726	726	0	0	70	70	70	70	140	140	90	76	0	0	0	0	0	0	0	726
South East Bicester (Bicester 12)	0	0	1500	1500	0	0	50	150	150	150	150	150	150	150	150	150	150	150	150	150	150	1500
Kewey Drive (Bicester 3)	0	0	300	300	0	0	50	125	125	0	0	0	0	0	0	0	0	0	0	0	0	300
Salmon Road (approved site)	0	25	0	25	20	45	40	20	0	0	0	0	0	0	0	0	0	0	0	0	0	25
Other sites - 10 or more dwellings	48	54	100	154	2	12	10	10	0	0	10	10	10	10	10	10	10	10	10	10	10	202
Wendell sites - less than 10 dwellings	37	71	154	104	8	8	8	8	8	8	8	8	8	8	4	4	4	4	4	4	4	141
Sub-Total	365	2005	7630	9764	247	408	637	943	973	648	918	844	688	650	574	524	424	314	314	254	204	10129
Banbury																						
Canville (Banbury 1)	0	0	700	700	0	0	0	0	0	55	50	100	100	100	100	100	100	0	0	0	0	700
South Road (Banbury 2)	0	600	0	600	0	145	150	150	155	0	0	0	0	0	0	0	0	0	0	0	0	600
West of Betch Hill (Banbury 3)	0	0	400	400	0	50	120	20	110	0	0	0	0	0	0	0	0	0	0	0	0	400
Banbury Phase 1	8	1082	0	1082	50	150	150	150	150	150	100	100	82	0	0	0	0	0	0	0	0	1082
Banbury Phase 2 (Banbury 4)	0	0	600	600	0	0	0	0	0	0	50	100	100	100	100	100	100	100	100	100	100	600
North of Hannell Fields (Banbury 5)	0	0	544	544	0	75	125	25	75	84	60	0	0	0	0	0	0	0	0	0	0	544
Beeton Road (Banbury 8)	0	0	200	200	0	0	0	75	75	50	0	0	0	0	0	0	0	0	0	0	0	200
South of Sax Way - West (Banbury 16)	0	0	150	150	0	0	50	100	0	0	0	0	0	0	0	0	0	0	0	0	0	150
South of Sax Way - East (Banbury 17)	0	45	1200	1345	0	40	55	50	100	100	100	100	150	150	100	100	100	100	100	100	100	1345
West of Warwick Road	0	300	0	300	0	50	90	90	70	0	0	0	0	0	0	0	0	0	0	0	0	300
Dragon Lodge Farm (Banbury 8)	0	0	250	250	0	0	0	50	75	100	25	0	0	0	0	0	0	0	0	0	0	250
Higgin Way (Banbury 19)	0	0	150	150	0	0	25	100	25	0	0	0	0	0	0	0	0	0	0	0	0	150
Other sites - 10 or more dwellings	105	219	150	369	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	474
Wendell sites - less than 10 dwellings	100	456	416	416	32	32	32	32	32	32	32	32	32	16	6	16	16	16	16	16	16	516
Sub-Total	213	2502	4760	7106	104	564	819	1064	889	580	439	454	486	388	338	338	287	137	137	37	37	7319
Stevenage																						
Former RAF Upper Heyford (Villages 5)	0	761	1600	2361	50	100	150	150	150	150	150	150	150	150	150	150	150	141	140	140	140	2361
DLC Greenfield	85	111	0	111	40	40	31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	196
Rural Areas (incl K. d'Angon) - 10 or more dwellings	247	889	750	1639	133	130	130	130	130	130	130	100	100	100	100	100	50	50	50	50	50	1639
Wendell sites - less than 10 dwellings	195	235	754	754	58	58	58	58	58	58	58	58	58	29	29	29	29	29	29	29	29	950
Sub-Total	528	2015	3104	4884	281	338	369	336	338	338	338	308	308	279	279	254	229	220	219	219	219	5392
Grand Total	1106	6532	15694	21734	632	1300	1845	2345	2200	1774	1695	1606	1462	1317	1191	1116	940	671	670	510	450	22840

Notes:

1. This trajectory represents the anticipated annual rate of housing delivery in the current housing market (2014). It does not provide the entire delivery of sites.

2. Permissions for Wendell sites - less than 10 dwellings (shown in italics) are taken into account in figures for Total Projected Supply 2014-2031, not for Plan Period Total Supply 2011-2031, to avoid double counting with the Wendell allocation for the Plan Period.

3. Projections will change in the light of future monitoring.

B.160 Alternative uses are only likely to be permitted in exceptional circumstances bearing in mind that all of the analysis areas as defined in the PPG17 assessment have deficiencies in at least two types of open space provision. A partial update of the assessment in 2011 indicated deficiencies of one or more types of provision. In addition, apparent "surpluses" in provision often compensate for shortfalls in other types of provision locally, and some larger areas of green space serve wider than local needs with usage catchments beyond the ward boundaries in which they are located.

B.161 The PPG17 Assessment and subsequent Green Spaces and Playing Pitch Strategies established the current and future deficiencies in open space and recreation provision together with recommendations as to how deficiencies should be met. These comprise a combination of improving or enhancing existing provision, using existing open space of one type of provision to meet deficiencies in another type of provision, or through new provision. These assessments and strategies were undertaken before the distribution of development over an

extended plan period had been established and further work will be undertaken in conjunction with the Bicester and Banbury Masterplans, the Kidlington Framework Masterplan and the Local Plan Part 2 to update future needs and define new provision for open space. More detail on open space is set out under Section C 'Policies for Cherwell's Places' and in Section D 'The Infrastructure Delivery Plan'. The quality standards as set out in the strategies, together with information contained in the PPG17 study on the quality and value of open space sites, will be used as a guide in considering enhancements to existing provision. The identification of sites for new provision, other than those identified on the Policies Map (see Appendix 5: Maps) and related to the strategic sites identified in the Local Plan, will be included in the Local Plan Part 2.

B.162 Proposals for new development will be expected to contribute to open space, sport and recreation provision in accordance with Policies BSC 10, BSC 11 and BSC12 below.



Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision

The Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision is secured through the following measures:

- **Protecting existing sites**
- **Addressing existing deficiencies in provision through qualitative enhancement of existing provision, improving access to existing facilities or securing new provision, and**
- **Ensuring that proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated by the proposals.**