

# *Cherwell* *Local Plan*



**NOVEMBER**  
**1996**

C5 THE COUNCIL WILL SEEK TO PROTECT THE ECOLOGICAL VALUE AND RURAL CHARACTER OF THE FOLLOWING THROUGH THE CONTROL OF DEVELOPMENT:

- (i) THE OXFORD CANAL AND RIVER CHERWELL;
- (ii) THE FLOOD PLAIN OF THE RIVER CHERWELL;
- (iii) SALT WAY, BANBURY;
- (iv) THE MINERAL-RAILWAY FOOTPATH ROUTE AND GEOLOGICAL SITE OF SPECIAL SCIENTIFIC INTEREST, BANBURY;
- (v) THE URBAN WOODLANDS TO THE SOUTH OF ST. LOUIS MEADOW, AT GRIMSBURY GREEN AND TO THE NORTH OF GRIMSBURY RESERVOIR, BANBURY;
- (vi) OTMOOR AND THE FLOOD PLAIN OF THE RIVER RAY;

9.8 Apart from the need to protect green areas, trees and rural landscapes for their own sake, the ecology of these areas is an important resource which should be protected, and where appropriate managed, to create and maintain further opportunities for environmental education and passive recreation in accordance with the advice in D.O.E. Circular 27/87 "Nature Conservation". The use of native species in landscaping schemes for new development will be encouraged, as this can assist in the creation of new habitats.

9.9 M.A.F.F. designated the Upper Thames Tributaries as an Environmentally Sensitive Area (ESA) in March 1994. This scheme will be supported through the implementation of Policy C5 and other policies in the plan.

C8 SPORADIC DEVELOPMENT IN THE OPEN COUNTRYSIDE INCLUDING DEVELOPMENTS IN THE VICINITY OF MOTORWAY OR MAJOR ROAD JUNCTIONS WILL GENERALLY BE RESISTED.

9.12 Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.

9.13 Policy C8 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.

C23 THERE WILL BE A PRESUMPTION IN FAVOUR OF RETAINING BUILDINGS, WALLS, TREES OR OTHER FEATURES WHICH MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA.

9.50 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires special attention to be given to the preservation or enhancement of designated conservation areas. Proposals for new development will only be acceptable if they assist in the achievement of that objective. So that applications for permission for new development in a conservation area can be properly assessed the Council will normally expect the submission of detailed drawings sufficient to indicate the position, scale, size and massing of new building works and the extent of any demolition or tree felling and the Council may wish to provide design guidance in appropriate cases. It is a defence to prove that works are required to protect public safety and in such exceptional circumstances relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990 will apply (sections 55, 56, 59 and 74 etc).

9.51 PPG15 states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same criteria as proposals to demolish listed buildings, referred to above. 'Other features' referred to in Policy C23 above will include such items as street furniture.

9.52 Existing conservation areas in the District are listed in appendix C, and the boundaries are indicated on the proposals map. The conservation areas have distinct visual characteristics and it is important that these are recognised when proposals for new development are formulated. Formality or informality of building line, the methods of boundary enclosure, homogeneity of building materials, local architectural styles and building practice, the importance of undeveloped space within the settlement structure, and the setting of existing buildings, are some of the matters that should be taken into account.

9.53 The Council has a duty to formulate and publish proposals for the preservation and enhancement of conservation areas. PPG15 advises of the importance of a clear assessment and definition of an area's special interest, the identification of negative factors and opportunity sites and the means by which objectives of preservation and enhancement can be met, and contains a number of cross references to other documents which provide further guidance. As resources permit the Council is carrying out character appraisals for each conservation area, and where possible proposals for the preservation or enhancement of conservation areas will be formulated, in consultation with the public.

**C28 CONTROL WILL BE EXERCISED OVER ALL NEW DEVELOPMENT, INCLUDING CONVERSIONS AND EXTENSIONS, TO ENSURE THAT THE STANDARDS OF LAYOUT, DESIGN AND EXTERNAL APPEARANCE, INCLUDING THE CHOICE OF EXTERNAL-FINISH MATERIALS, ARE SYMPATHETIC TO THE CHARACTER OF THE URBAN OR RURAL CONTEXT OF THAT DEVELOPMENT. IN SENSITIVE AREAS SUCH AS CONSERVATION AREAS, THE AREA OF OUTSTANDING NATURAL BEAUTY AND AREAS OF HIGH LANDSCAPE VALUE, DEVELOPMENT WILL BE REQUIRED TO BE OF A**

HIGH STANDARD AND THE USE OF TRADITIONAL LOCAL BUILDING MATERIALS WILL NORMALLY BE REQUIRED.

#### Transportation Funding

TR1 BEFORE PROPOSALS FOR DEVELOPMENT ARE PERMITTED THE COUNCIL WILL REQUIRE TO BE SATISFIED THAT NEW HIGHWAYS, HIGHWAY- IMPROVEMENT WORKS, TRAFFIC-MANAGEMENT MEASURES, ADDITIONAL PUBLIC TRANSPORT FACILITIES OR OTHER TRANSPORT MEASURES THAT WOULD BE REQUIRED AS A CONSEQUENCE OF ALLOWING THE DEVELOPMENT TO PROCEED WILL BE PROVIDED.

5.8 The restrictions placed on public expenditure by Central Government mean that the infrastructure requirements arising from the development of land rely increasingly on private- sector funding. Government support for appropriate development funding is contained in PPG13 and Circular 16/91 and the Oxfordshire Structure Plan contains two policies (G2 and T15) which seek the provision of such funding in accordance with that advice. The Council will liaise closely with the County Council as Highway Authority to identify those highway improvements that are required as a consequence of development and to secure an appropriate level of development funding in accordance with the advice in Circular 16/91. Reference is made later in this chapter to specific transportation schemes and associated works to which this policy will apply.

5.9 The Government's Planning Policy Guidance on transport (PPG13) which was revised in March 1994 encourages local planning authorities to promote strategies to reduce the need for travel. Where highway improvements required to serve new development would themselves be likely to increase travel demand, then planning permission may be refused.

5.10 For the purposes of policy TR1 the terms 'new highways', 'highway-improvement works', and 'traffic-management measures' and 'additional public transport facilities' include the provision of new roads, the improvement of existing roads, the provision of cycle ways, footpaths, traffic controls, crossings, signing, road closures, traffic-calming measures, pedestrian-priority schemes, park and ride facilities and bus priority measures, both on-site and off-site as circumstances require.

#### Minor Roads

TR7 DEVELOPMENT THAT WOULD REGULARLY ATTRACT LARGE COMMERCIAL VEHICLES OR LARGE NUMBERS OF CARS ONTO UNSUITABLE MINOR ROADS WILL NOT NORMALLY BE PERMITTED.

5.25 In order to protect the amenities of the plan area, and in the interests of highway safety, development likely to create significant traffic flows will normally, subject to consideration of the other policies in this Plan, be expected to have good access to the

major through routes or County inter-town routes identified in the Structure Plan or other principal roads.

#### Heavy goods vehicles

TR10 DEVELOPMENT THAT WOULD GENERATE FREQUENT HEAVY-GOODS-VEHICLE MOVEMENTS THROUGH RESIDENTIAL AREAS OR ON UNSUITABLE URBAN OR RURAL ROADS WILL NOT BE PERMITTED. THE COUNCIL WILL RESIST PROPOSALS FOR THE ESTABLISHMENT OF HEAVY-GOODS-VEHICLE OPERATING CENTRES WHERE THEY WOULD CREATE TRAFFIC PROBLEMS OR ADVERSELY AFFECT THE AMENITY OF RESIDENTIAL AREAS OR VILLAGES.

5.31 Heavy-goods-vehicles are not generally compatible with residential areas, including villages, for reasons of safety, congestion and pollution and, also, should be encouraged to use major roads as far as possible and discouraged from using unsuitable minor roads. In addition to its powers under the planning acts, the Council can make representations on environmental grounds to the relevant heavy-goods-vehicle licensing authority about the establishment of operators' centres, or extensions to existing centres. Wherever possible, heavy-goods-vehicle operating centres should not be located in residential areas, or villages, and should have good access direct to the strategic road network.

#### OXFORD CANAL

TR11 PROPOSALS THAT WOULD RESULT IN THE TRANSFER OF FREIGHT TO THE OXFORD CANAL WILL NORMALLY BE PERMITTED SUBJECT TO THE OTHER POLICIES IN THIS PLAN. PROPOSALS THAT WOULD PREJUDICE THE FUTURE USE OF THE OXFORD CANAL WILL NORMALLY BE RESISTED.

5.32 The Oxford Canal is now almost entirely used for recreation purposes (see Chapter 6) but it is a valuable transportation resource and this policy encourages the transfer of freight to the canal and seeks to preserve the canal as a resource by resisting development that would prejudice its future by, for instance, the redevelopment of wharfs and industrial buildings and restricting access. This follows the advice given in "Transport" (March 1994).

5.33 In applying this policy, the Council will be careful not to prejudice its policies to protect and enhance the recreation role of the canal (policy R7) and the rural character of the countryside which the canal passes through.

#### BANBURY

5.34 Notwithstanding the considerable improvements to the local road network that have been constructed in recent years, there are concerns that within 15 years traffic congestion will return to the pre-M40 and Inner Relief Road levels. The Council

therefore intends, in collaboration with Oxfordshire County Council, to prepare an integrated land use and transportation strategy for the town and to seek to incorporate it in a formal review of the Plan at an early date. It is also possible that the Council might seek to implement such a strategy piecemeal if it were approved in advance of the Local Plan Review. The strategy will seek to locate development and manage traffic to achieve the efficient use of the available road space and reduce traffic congestion. Measures such as traffic calming, extending pedestrianisation, improving the cycle/footpath network, promoting public transport, parking and network management and park and ride will be examined as part of the strategy formulation.

5.35 The future transportation strategy for Banbury will be influenced not only by the redistribution and growth of traffic that is occurring as a result of the construction of the M40

and the Banbury interchange to the east of the town but also by the distribution of existing and proposed land uses.

#### Recent road construction

5.36 Major improvements to the road network in the Banbury area have been made in recent years. The final section of the M40 motorway extension from Oxford to Birmingham was opened in January 1991. This has greatly improved Banbury's road links with the rest of the country and has brought London's Heathrow airport within one hours drive. The motorway has reduced through traffic in the town, particularly heavy-goods-vehicles.

5.37 The town's connecting road to the motorway, the east-west link road (Hennef Way), has provided a second crossing of the railway. Together with the eastern distributor road and the Thorpe Way extension, it provides a ready access from the motorway to the main industrial areas to the north and east of the town.

5.38 The Inner Relief Road from Oxford Road to Hennef Way was opened in June 1991. This road provides an important link between the south of the town and the motorway link road to the north, and enables traffic to avoid the town centre and Grimsbury.

5.39 There is evidence of increasing traffic congestion at the Grimsbury motorway interchange and its approaches at peak times which is likely to worsen as traffic levels increase and the town grows in future years. It is also apparent that there are similar problems of overloading at the Wendlebury interchange at peak periods. When the motorway was being designed by the Department of Transport, the Council favoured the provision of a second motorway junction for Banbury, to the south of the town.

## Pollution Control

ENV1 DEVELOPMENT WHICH IS LIKELY TO CAUSE MATERIALLY DETRIMENTAL LEVELS OF NOISE, VIBRATION, SMELL, SMOKE, FUMES OR OTHER TYPE OF ENVIRONMENTAL POLLUTION WILL NOT NORMALLY BE PERMITTED.

10.4 The Council will seek to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation. In addition to the above policy, policies AG3 and AG4 of chapter 8 relate specifically to intensive livestock and poultry units and associated problems of smell and waste disposal.

10.5 Where a source of pollution is already established and cannot be abated, the Council will seek to limit its effect by ensuring that development within the affected area maintains a suitable distance from the pollution source.

## Water Quality

ENV7 DEVELOPMENT WHICH WILL ADVERSELY AFFECT TO A MATERIAL LEVEL, THE WATER QUALITY OF SURFACE OR UNDERGROUND WATER BODIES, INCLUDING RIVERS, CANALS, LAKES AND RESERVOIRS, AS A RESULT OF DIRECTLY ATTRIBUTABLE FACTORS, WILL NOT BE PERMITTED.

10.13 Maintaining or enhancing the water quality of rivers, canals, lakes, ponds and other surface and underground water bodies is important for a wide range of uses. Deteriorating water quality can affect the supply of water for domestic, industrial and agricultural uses, general amenity, the provision of water based recreation, fisheries and nature conservation.

10.14 Groundwater resources are an invaluable source of water for public supply, industry and agriculture, as well as sustaining the base flows of rivers. The Council will in consultation with the National Rivers Authority and the local water authorities seek to resist development, including the redevelopment of contaminated land, which poses an unacceptable risk to surface or groundwater resources.