

**Case Officer:** Samantha Taylor

**Applicant:** Mr Nigel Morris

**Proposal:** Outline planning permission for up to 26 dwellings including access

**Ward:** Adderbury, Bloxham And Bodicote

**Councillors:** Cllr Bishop, Cllr Heath, Cllr McHugh

**Reason for Referral:** Major development

**Referral:**

**Expiry Date:** 10 March 2020

**Committee Date:** 12<sup>th</sup> March 2020

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT**

#### **Proposal**

The application seeks outline planning permission for up to 26 dwellings on the land at Deerfields Farm. All matters are reserved except for means of access which can be considered as part of the application.

#### **Consultations**

The following consultees have raised **objections** to the application:

- Bodicote Parish Council, Banbury Town Council

The following consultees have raised **no objections** to the application:

- CDC Environmental Protection, CDC Strategic Housing, CDC Arboriculture, OCC Highways, OCC Education, OCC Drainage, Thames Water

41 letters of objection have been received and 1 letters of support have been received.

#### **Planning Policy and Constraints**

The key planning considerations are:

- Principle of Development,
- Impact on Highway Safety
- Impact on Drainage
- Design, Visual Amenity and Character of the Area
- Impact on Residential Amenity
- S106 Contributions

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. Whilst technically a greenfield site with an agricultural use, the application site is surrounded by built residential development on all sides. Canal Lane, a narrow unmade track leading to approximately 6 residential properties, is located to the south east. There is an existing access point through the Mayweed/Silverweed cul de sac in the north east of the site, which leads into Longford Park.
- 1.2. The application site was previously included within the outline planning permission 05/01337/OUT for the wider development of Longford Park. However, a reserved matters application was not submitted for this parcel of land and the outline permission has now lapsed.

### **2. CONSTRAINTS**

- 2.1. There are no known planning constraints within the application site. To the south of the site running east/west is the Bridleway 137/1/10 along Canal Lane.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks outline planning permission for up to 26 dwellings including access. All other matters such as design, layout, scale and landscaping are reserved, meaning that they do not form part of the application and details would need to be submitted should planning permission be granted.
- 3.2. During the application process, an amended to the description and supporting indicative plans has been submitted reducing the proposed number of dwellings from up to 27 to up to 26 dwellings.
- 3.3. The main site access is proposed from the Mayweed/Silverweed cul-de-sac where there is an existing gated access into the site. It is also proposed that a small number of houses may be accessed via Canal Lane opposed to Mayweed/Silverweed.

### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:

05/01337/OUT – OUTLINE. Residential development with associated facilities including primary school, playing fields, local shops and community facilities. 2200sq.m of employment provision (Use class B1 Business) (as amended by further information document received 10.11.05). Approved

### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

19/00028/PREAPP – follow up pre-app to 17/00335/PREAPP. The enquiry included details for a development of up to 29 dwellings on the site. Overall the principle of

development on the site for residential development was considered acceptable, however the Officers felt that in order to create a high quality development, 29 dwellings on this site would likely be too many.

17/00335/PREAPP – The enquiry included details for a development of up to 45 dwellings on the site. Overall, the principle of development on the site for residential development was considered acceptable. Concern was raised regarding the ability to deliver a high quality development due to the number of dwellings proposed.

## **6. RESPONSE TO PUBLICITY**

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **31 December 2019**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties which are materially relevant to the consideration of this application are summarised as follows:

- Concerns for highway safety for users of Canal Lane and the additional vehicle movements associated with the new houses;
- Canal Lane is unsuitable for any additional traffic movements;
- Concerns for highway safety for users of Mayweed/Silverweed and the additional vehicle movements associated with the new houses;
- Loss of light to existing properties;
- Harm caused to the amenity of adjacent occupiers through overlooking, loss of privacy and by being visually overbearing;
- Lack of sufficient parking within the new development, will cause overspill of parking on to adjacent roads and cause additional harm to highway safety;
- Harm caused to protected species and wildlife;
- Harm to existing occupiers through noise and disturbance;
- Harm to residents during the construction phase of the development due to construction vehicles and work;
- Harm through the loss of trees and building works to air quality;
- The land is not included within the Cherwell Local Plan as an allocated site;
- There are existing flooding issues on the site and development of the site would increase the risk and worsen the flooding issued on the site and in the surrounding area;
- Loss of established hedgerows and trees;
- Proposals should maximise the opportunity for creating walkable neighbourhoods;

- Impact on services such as shops, doctors surgeries, community hall, play spaces
- 6.3. The comments raised by third parties which are not materially relevant to the consideration of this application are summarised as follows:
- The development is not necessary;
  - Personal circumstances of the occupiers of affordable housing units;
  - When purchasing new homes, residents were told that the site would not be developed in the future;
  - Local policing resources and the potential for anti-social behaviour
  - Developers should fix the existing issues on Longford Park before proposing more housing;
  - Damage to cars due to wear on roads;
  - Developers are having difficulty is selling properties on Longford Park;
  - Existing highway issues within Longford Park;
  - Other alternate locations for the development;
  - Overdevelopment of Banbury is an existing issue;
  - The proposal will de-value existing properties;
  - Loss of private views of the farm/greenspace;
  - Covenants on title deeds;
  - Intention of developer and their financial gain;
- 6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: **objection**, the proposal would result in the overdevelopment of the site and that size of properties/gardens is unacceptable. A request that consideration of the surface water drainage issues on the site and the improvement of Canal Lane is given, with matters where necessary being secured by S106 agreement.
- 7.3. BODICOTE PARISH COUNCIL: **objection**, surface water drainage is not addressed and access to public sewer is not available. Issues with Canal Lane as an access.

## CONSULTEES

- 7.4. OCC HIGHWAYS: **no objections** subject to standard conditions in respect of width of the access, surfacing, drainage, travel packs and visibility splays and S106 contributions.
- 7.5. OCC DRAINAGE: **no objections** subject to standard conditions.
- 7.6. OCC EDUCATION: **no objections** subject to S106 contributions.
- 7.7. CDC STRATEGIC HOUSING: **no objections** subject to S106 contributions.
- 7.8. CDC ARBORICULTURE: **comments** that the original indicative site layout was not acceptable and that the existing hedges and trees should be retained.
- 7.9. CDC ENVIRONMENTAL PROTECTION: **no objections** subject to standard conditions in relation to noise, contaminated land, air quality and lighting.
- 7.10. THAMES WATER: **no objection** subject to a condition relating to capacity of foul water drainage.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC3 – Housing Density
- BSC4 – Housing Mix
- BSC7 – Meeting Education Need
- BSC8 – Securing Health and Well Being
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD7 – Sustainable Urban Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- INF1 – Infrastructure

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

## **9. APPRAISAL**

### 9.1. The key issues for consideration in this case are:

- Principle of Development
- Impact on Highway Safety
- Impact on Drainage
- Design, Visual Amenity and Character of the Area
- Impact on Residential Amenity
- Impact on Protected Species and Ecology
- Impact on Existing Trees and Hedges
- S106 Contributions

#### Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchas Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 9.3. Whilst not specifically addressed through an adopted planning policy, BSC1 of the Cherwell Local Plan is supportive of concentrating housing growth in the District towards the main settlements of Banbury and Bicester. Both Local PSD1 and NPPF Paragraph 11 assert a presumption in favour of sustainable development, granting planning permission where the development plan does not contain relevant policies unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.
- 9.4. Whilst the site is a greenfield site, due to its agricultural use, it is surrounded by residential development and would be read as part of the wider confines of the built-up extent of Banbury. Due to the its siting within the built extent of Banbury the site is located close to high order services, amenities, employment and public transport links which would accord with the general objectives of the Cherwell Local Plan and NPPF. Overall, the site is considered to be sustainably located due to the close proximity to services and it siting within the built limits of Banbury. Therefore, the principle of residential development on this site is considered acceptable and the starting point for assessment is weighed in favour of granting planning permission. As such, consideration must be given to the relevant material planning consideration to determine whether any impacts demonstrably outweigh the granting of permission. These material considerations have been assessed below.

### Impact on Highway Safety

- 9.5. Policy ESD15 of the Local states that 'new development proposals should be designed to deliver high quality, safe, attractive, durable, healthy places to live and work'. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 requires development proposals to facilitate the use of sustainable modes of transport.
- 9.6. The application includes for consideration the matter of access. As shown on the submitted access arrangement plan, access for the development is sought from Mayweed/Silverweed cul-de-sac which benefits from an existing gated access into the site and for approximately 3 dwellings from Canal Lane.
- 9.7. Officers note that many of the objections raised by residents raise concerns with highway safety due to the potential for conflict between pedestrian users of Canal Lane and users of Mayweed/Silverweed. OCC Highways have been consulted on the proposed development and advise that whilst there are concerns regarding the indicative layout, there are no objections to the proposed development or proposed access subject to a financial contribution and standard conditions requiring the submission of highways details. Details of the financial contribution are provided within the S106 Contributions and Obligations section of this report.
- 9.8. The conditions recommended by the Highways Officer are summarised below:
- Full details of the access arrangement, to include position, layout, construction, drainage and vision splays;
  - Full details of the pedestrian and cycle access onto Canal Lane to include position, layout, construction and drainage;
  - Full specification of the details of vehicular accesses, driveways and turning areas to serve the dwellings, to include construction, layout, surfacing and drainage;
  - Details of the turning for refuse and fire tender access and turning;
  - Cycle parking to serve each dwelling;
  - Construction Traffic Management Plan to include times of construction traffic and delivery vehicles;
  - Travel Information Packs to be provided for each residential dwelling;
- 9.9. It is noted that the once satisfactory information is provided as required by the above standard planning conditions some concerns of local residents may be alleviated including mitigation through the construction phase, parking and access arrangement for each dwelling and emergency service/refuse turning. As the application is seeking outline planning permission full details of these matters are not required as part of the current application.
- 9.10. It is noted that despite the concerns raised regarding the indicative layout, the Highways Officer has not raised concerns with the access arrangement or volume of the associated traffic movement on the highway network. Government guidance contained in the NPPF is clear that development should not be resisted on transport grounds unless the cumulative impact of congestion would be 'severe'. This is a high test and Officers consider the impact from the proposed development would be

relatively modest, given the scale of development and the capacity within the existing highway network.

9.11. In addition to the vehicle access, the submitted access plan contains details for the area of access for cyclists and pedestrians to connect from Canal Lane through site towards the Mayweed/Silverweed. As noted in the Highways Officers response this is an important inclusion and will support the opportunity to use other, more sustainable transport modes.

9.12. Whilst the concerns of the local residents are noted, the proposed development would provide sufficient access for the proposed development of up to 27 dwellings. Any concerns regarding the indicative layout would be resolved through a reserved matters application.

9.13. As part of the response, the Highways Officer has outlined that in order to make the development acceptable contributions are sought towards public transport to improve the Oxford to Banbury Bus Service. Further details on the contribution sought are set out below in the S106 Contributions section of the report.

9.14. In addition, the Officer outlines a request for standard conditions relating to the following:

- Full details of the access arrangement, to include position, layout, construction, drainage and vision splays;
- Full details of the pedestrian and cycle access onto Canal Lane to include position, layout, construction and drainage;
- Full specification of the details of vehicular accesses, driveways and turning areas to serve the dwellings, to include construction, layout, surfacing and drainage;
- Details of the turning for refuse and fire tender access and turning;
- Cycle parking to serve each dwelling;
- Construction Traffic Management Plan to include times of construction traffic and delivery vehicles;
- Travel Information Packs to be provided for each residential dwelling;

9.15. It is noted that the information required by the above standard planning conditions would alleviate some concerns of local residents including mitigation through the construction phase, parking and access arrangement for each dwelling and emergency service/refuse turning, due to the application seeking outline planning permission full details of these are not required as part of the current application. In addition, as noted by the Highways Officer, amendments to the indicative layout would be required at reserved matters stage.

9.16. Considering these reasons, and in the interests of highway safety, the above recommended conditions are considered reasonable and necessary to make the development acceptable. Therefore, these conditions are included as part of the Officers recommendation for approval.

9.17. Overall, the impact of the proposed development would have a modest impact on the existing highway network and would not result in severe harm. As such, Officers



consider that the proposal would comply with relevant Local and National Planning Policies.

#### Impact on Flood Risk and Drainage

- 9.18. Policy ESD6 essentially replicates national policy contained within the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments such as residential towards areas of lower risk of flooding. ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SuDS) to manage surface water drainage, within the aim to manage and reduce flood risk in the District.
- 9.19. Many of the third party objections received raise concerns with flood risk on the site, in particular the ability of the site to drain surface water. The representations have included recent photographs of the site, showing the site under water.
- 9.20. Having reviewed the Environment Agency's Flood Risk for Planning Maps, the site falls within Flood Zone 1 with the lowest probability of flooding. The site also lies in an area identified as very low risk of surface water flooding on the EA's flood risk maps.
- 9.21. The Local Lead Flood Authority Officer from OCC have confirmed they have no objections to the proposed development at this stage and acknowledge that the information as submitted is sufficient at the outline stage and a fully detailed drainage strategy would aligns with National and Local Policy would be required at reserved matters stage or by way of condition.
- 9.22. The LLFA Officer has recommended the standard conditions as outlined below:
- Submission of a Sustainable Urban Drainage Scheme;
  - Submission of a maintenance and management plan for the drainage scheme;
- 9.23. To ensure that there is sufficient capacity within the existing Foul Water Drainage network Thames Water have requested a standard condition as outlined below:
- Submission of confirmation that the existing foul water drainage network is sufficient or should any remediation works be required, a scheme for these works;
- 9.24. The above recommended conditions will ensure that through the submission of additional details, an acceptable drainage scheme will be provided which mitigates the impacts of the development.

#### Design, Visual Amenity and Character of the Area

- 9.25. ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 9.26. The Council's Design Guide seeks to ensure that new development responds to the settlement pattern and character of an area. This includes the uses of building forms, materials and detailing that responds to the local character. It is noted that concerns from local residents have been raised in regards to the impact of the

development on the local character of the area and the visual amenity from Canal Lane. Whilst the design details including layout and scale would be matters for consideration at reserved matters stage, it is appropriate to consider the context of the site and the likelihood that an acceptable scheme could be provided.

- 9.27. The site, whilst a greenfield site in agricultural use, contains a collection of associated barns and outbuildings. However, the site is a relatively small parcel of land, surrounded by residential development. Residential development in this context would be acceptable to the character of the area.
- 9.28. Fronting Canal Lane are a small number of residential properties and some agricultural buildings. When viewed along Canal Lane, the proposed indicative residential properties would be read as part of the existing pattern of residential development. Properties here have been set back from the Lane and this layout would be expected at reserved matters stage.
- 9.29. The residential development of the site would be read as part of the existing residential area and would not be out of character with the area. As such, when viewed along the public bridleway of Canal Lane, the residential development would be in keeping with the surrounding development. Whilst it is acknowledged that through the loss of the greenspace there may be some limited harm caused to the visual amenity of the bridleway and other public views into the site, given the site context, it is considered that this harm would not be significant. In addition, careful design, which incorporates the character of the area at reserved matters stage would limit any harm further. Officers consider that an acceptable design could be secured at reserved matters stage.

#### Impact on Residential Amenity

- 9.30. ESD15 requires new development to consider the amenity of both existing and future occupants including matters of privacy, outlook, access to natural light, ventilation and indoor/outdoor space.
- 9.31. Many of the concerns raised from third parties include the impact new residential dwellings would have on the privacy, availability of light and visual amenity from their properties.
- 9.32. As this application does not seek approval for the matters of layout, scale, appearance and landscaping, a detailed assessment of the impact on residential amenity cannot be made.
- 9.33. However, Officers consider that acceptable layout, scale, appearance and landscaping proposals could be achieved on the site at reserved matters stage that would mitigate any perceived harm to the amenity of existing residents.

#### Impact on Protected Species and Ecology

- 9.34. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.35. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last

resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.36. ESD10 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys to accompany planning application where there is a potential for habitat or species to be present.
- 9.37. The concerns raised from local residents include the negative impact that the loss of the greenfield would have on biodiversity and ecology.
- 9.38. An Extended Phase 1 Habitat Survey was included as part of the application submission. The survey considered the application site for a higher number of dwellings than currently proposed. The survey notes that the site is not within or adjacent to any statutory or non-statutory designated nature conservation sites.
- 9.39. In addition, specific surveys of the buildings on the site, greenspace and hedging were undertaken. No evidence of the presence of any legally protected species were noted. Some habitats which may be used by nesting birds and common reptile species are present. Whilst the presence of these habitats would not preclude development of the site, it is reasonable to impose conditions requiring the submission of a scheme for the demolition of any buildings and clearance of vegetation to ensure that these are undertaken at suitable times outside of the nesting season or active reptile season.
- 9.40. To ensure that there is a net gain in biodiversity a standard condition securing the submission of a suitable scheme is considered reasonable and necessary.

#### Impact on Existing Trees and Hedges

- 9.41. Officers note that concerns from third parties refer to the harmful loss of existing landscaping on the site and the impact that new properties would have on the oak tree, adjacent to the rear boundaries of properties on Merlin Close.
- 9.42. It is noted that the Arboricultural Officer raised initial concerns with the impact of one of the indicative dwellings and garages on the oak tree, which is of merit. In response, the applicant has reduced the number of units to up to 26, repositioning the dwellings and garages on the layout away from the tree.
- 9.43. Whilst the layout is indicative and limited weight has been given in the assessment to this, this alteration is positive. Officers would seek to ensure that any dwellings or outbuildings proposed at reserved matters stage are positioned outside of the root protection area of the oak tree.
- 9.44. Similarly, where the hedging and existing landscaping around the site boundaries is considered worthy of retention, Officers would seek to ensure these areas are retained during consideration of a reserved matters application where full assessment of landscaping matters can be made.
- 9.45. Officers consider that an acceptable scheme which retains the notable existing landscaping features and which incorporates new features to mitigate the impacts of the development could be achieved on the site.

## S106 Contributions and Obligations

### *Affordable Housing and Housing Mix*

- 9.46. Policy BSC3 of the Cherwell Local Plan (2011-2031) states that development where 11 or more dwellings are proposed, provision should be made for at least 30% of new housing to be affordable housing. Of the minimum 30% affordable housing, 70% of these dwellings should be affordable/social rent and 30% should be intermediate affordable homes such as shared ownership. Policy BSC4 states that new development is expected to provide a mix of homes to meet current and expected future demand creating socially mixed and inclusive communities.
- 9.47. The applicant has committed to providing 30% affordable housing on the site in line with Policy BSC3. The detailed housing mix would be determined at reserved matters stage as the current plans are only indicative. The Council's Strategic Housing Officer has suggested a proposed mix of tenures and sizes and these would form the basis of negotiations on the reserved matters application. The requirement to provide 30% on site affordable housing would be secured through a S106 agreement.
- 9.48. In regards to the mix of housing to be provided, the suggested housing mix as included within BSC4 would be the starting point for the consideration of a reserved matters application.
- 9.49. Overall, officers consider the level of affordable housing is compliant with policy BSC3 with the exact tenure and mix of housing to be addressed at reserved matters stage.

### *Public Transport*

- 9.50. As noted in the response from OCC Highways, contributions towards the improvement of the public transport service within Longford Park are sought. The contribution sought is £1000 per dwelling towards the operation of a half-hourly bus service during the week. The improvements to the service would provide a more attractive service towards both Oxford and the town centre and train station in Banbury.
- 9.51. Policy ESD15 of the Local states that 'new development proposals should be designed to deliver high quality, safe, attractive, durable, healthy places to live and work'. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 requires development proposals to facilitate the use of sustainable modes of transport. As required by these policies and given that the contribution sought is relevant to the proposed development, it is considered this contribution adequately meets the tests for securing contributions.

### *Education*

- 9.52. As outlined by INF1 developments must contribute or provide sufficient community facilities to meet the needs of the development. OCC Education have identified that the development creates a need to expand both nursery, primary, secondary and sixth form education services.
- 9.53. The total contributions sought are estimated at £385,460 based on the estimated cost for the number of expected places required per pupil for primary (including nursery) and secondary (including sixth form). Per pupil cost contributions towards education are required, relevant to the development and reasonable, meeting the

tests for securing financial contributions. A per pupil cost towards primary (including nursery) and secondary (including sixth form) contributions will be required as part of the S106 agreement with the final total to be based on the final number of dwellings provided and the mix of sizes.

### *Conclusion*

- 9.54. The above items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as to mitigate its adverse impacts.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Government guidance within the NPPF supports a plan-led system and advises that application which accord with an up-to-date plan should be approved without delay.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits of doing so. In carrying out this balancing exercise it is therefore necessary to consider the policies in the development plan as well as those in the NPPF.
- 10.3. The site is not specifically allocated for development within the Local Plan, however the site lies within the built urban limit of Banbury, being read in the context of the Longford Park development.
- 10.4. On balance, the scale of the proposed development would bring some limited social and economic benefits arising from the provision of new housing which carries modest weight in the planning balance. The proposal would also provide affordable housing, weight moderately in favour of the planning balance. Overall, these matters weigh in favour of the proposed development.
- 10.5. The proposal would result in some harm to the character of the area through the loss of greenspace. However, as this land is privately owned and contains some agricultural buildings, within a residential context, this harm is considered very limited.
- 10.6. Whilst it is acknowledged there may be some harm to the character and appearance of the area, the benefits of the proposal are considered to outweigh this harm and when viewed together the proposal is considered comply with the Development Plan when read as a whole. Therefore, it is recommended that planning permission is granted.

## 11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 30% affordable housing on site
- b) Payment of a financial contribution towards public transport of £1000 per dwelling (index linked)
- c) Payment of a financial contribution towards educational infrastructure serving £14,276 per dwelling (index linked).

### CONDITIONS

1. Time limits (including submission of Reserved Matters)
2. Compliance with plans
3. Construction Environment Management Plan
4. Land Contamination and Remediation
5. Lighting Scheme
6. Provision of EV Charging Points
7. Full details of the site access(es)
8. Pedestrian and Cycle Access to Canal Lane
9. Access, driveways and turning areas (Individual Properties)
10. Details of Turning for Service Vehicles
11. Cycle Parking
12. Construction Traffic Management Plan
13. Travel Plan/Information Packs
14. Thames water and upgrade of existing foul water network
15. Surface water drainage strategy and details to be provided as part of reserved matters submission
16. Provision of refuse and recycling bins
17. Contamination
18. SUDS maintenance plan
19. Biodiversity enhancement details to be included in reserved matters submission
20. Finished floor levels and ground levels to be included as part of reserved matters submissions
21. Energy Statement and sustainable construction in accordance with Policy ESD3

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