
Planning Statement

Land off Balmoral Avenue, Banbury



Planning Statement

Land off Balmoral Avenue, Banbury



Contents

1.	Introduction	1
2.	Site Location, Description, Context and Planning History	3
3.	Proposed Development	5
4.	Consultation	8
5.	Planning Policy Context	10
6.	Planning Appraisal	18
7.	Planning Balance	29
8.	Conclusion	32

1. Introduction

- 1.1. Savills are instructed by Lone Star Land Limited (herein 'the Applicant') to submit an outline planning application, with all matters reserved except access to Cherwell District Council (herein 'the Council'). The application is for 49 residential dwellings, public open space, other infrastructure and access from Balmoral Avenue at Land off Balmoral Avenue, Banbury which is shown on the Site Location Plan submitted with this application.
- 1.2. This Planning Statement sets out the detail of the scheme and the site in context, it identifies relevant policies of the Development Plan, considers other material considerations such as the National Planning Policy Framework (NPPF), and comes to a conclusion as to the suitability of the scheme in the light of Section 38(6) of the Planning and Compulsory Act 2004 (as amended).
- 1.3. The application is supported by a suite of technical and design reports which assess the suitability of the site for the development proposed. These are summarised within this Statement in order to draw conclusions as to the proposal's compliance with relevant policies. However, to fully understand the proposals all reports submitted as part of the planning application should be read.
- 1.4. The Planning Statement confirms Cherwell District Council cannot presently demonstrate a 5 year supply of deliverable housing sites. Therefore the tilted balance under paragraph 11 of the NPPF is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. This Planning Statement demonstrates that there are no adverse impacts as a result of the development that would not be outweighed by the benefits, including providing market and affordable housing, public open space, a 10% biodiversity net gain and various economic benefits.
- 1.5. The table below shows the reports submitted as part of this planning application.

Table 1 - Technical Reports

Title	Author	Date
Air Quality Assessment	BWB	October 2021
Arboricultural Report and Condition Survey	Ruskins Tree Consultancy	October 2021
Archaeology and Heritage Assessment	EDP	October 2021
Design and Access Statement	Intelligent Residential Design	October 2021
Ecological Appraisal	EDP	October 2021
Flood Risk Assessment	BWB	October 2021
Utilities Assessment	BWB	October 2021
Sustainable Drainage Statement	BWB	October 2021
Land Contamination Technical Note	BWB	October 2021
Landscape and Visual Impact Assessment	Mood Landscape	October 2021
Transport Statement	DTA	October 2021
Draft S106 Agreement	Prepared by Lodders Solicitors	October 2021

Planning Statement

Land off Balmoral Avenue, Banbury



- 1.6. The proposal is also supported by a number of plans that are submitted for approval. As this is an outline planning application, except for access, these plans only relate to access.

Table 2 - Plans to support the proposal

Title	Author	Reference
Location Plan	Intelligent Residential Design	PA/02
Existing Site Plan	Intelligent Residential Design	PA/03
Site Access Connection	DTA	23158-05

- 1.7. In addition to the plans submitted for approval, the planning application is supported by illustrative material that demonstrates how the site could look if it were to be developed. These plans are provided as an aid to decision makers only and are not for approval at this stage.

Table 3 - Illustrative material

Title	Author	Date/Reference
Illustrative Site Layout	Intelligent Residential Design	PA/01
Illustrative Landscape Plan – Entire Site	Mood Landscape	20_140_103
Illustrative Landscape Plan – Northern Development Area	Mood Landscape	20_140_104
Illustrative Drainage Strategy	BWB	BP2-BWB-ZZ-XX-DR-CD-0001

2. Site Location, Description, Context and Planning History

Site Location

- 2.1. The site lies to the west of Bretch Hill in Banbury, Oxfordshire. The site lies broadly to the west of the centre of Banbury and is circa 1.5km from Banbury Cross. The precise location of the site is shown on the Site Location Plan, the map below shows the site and the immediate surrounding area.

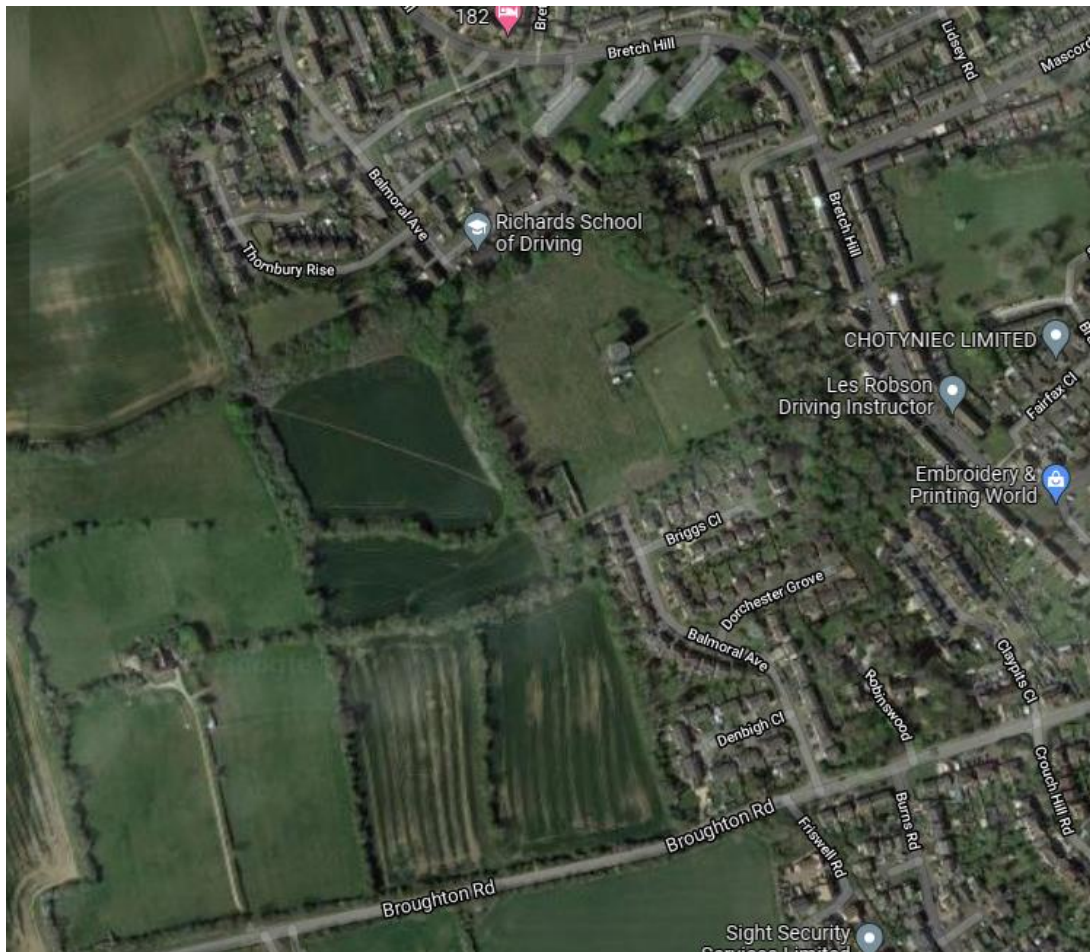


Figure 1 - Aerial satellite image of the site and the immediate surroundings (Source: Google Maps October 2021)

Site Description

- 2.2. The land ownership comprises four fields, the northern most field is located south of Thornbury Rise. There are three fields to the south of this field, the southern two fields are bound by Broughton Road to the east.
- 2.3. The site area is separated into two parts, the main part of the site comprises the northernmost field to the south of Thornbury Rise. This is connected to a southern area of land adjacent to Broughton Road which is proposed as an attenuation basin to serve the area of residential development to the north.

Planning Statement

Land off Balmoral Avenue, Banbury



- 2.4. The site comprises 3.11 hectares. Arable farmland lies to the north west, west and south of the site. Residential development lies to the north (Thornbury Rise) and a residential development to the east of the site has been granted planning permission (reference 20/01643/OUT). A public right of way crosses the site along the northern boundary (code: 120/24/10). Broughton Road bounds the southernmost part of the site.
- 2.5. The land is currently in agricultural use which at the time of the field visit was in arable use. The site area is classified as Grade 3b agricultural land which is moderate quality. There are some redundant agricultural buildings near the south-eastern boundary of the site.
- 2.6. The boundaries on all sides are comprised of mature trees and hedgerow.
- 2.7. The site does not lie within or close to any statutory ecological designations, such as a SAC or SSSI. The site does not form part of a statutory landscape designation.
- 2.8. The site does not lie within or near to a conservation area, nor are there any listed buildings present on site. The closest listed building is Withycombe Farmhouse which is Grade II listed. However this is circa 350 metres away and separated from the site by tree planting and residential development.
- 2.9. According to Environment Agency mapping the site lies within Flood Zone 1, which is the lowest risk for river flooding. Risk from other potential sources of flooding are discussed in the accompanying Flood Risk Assessment.

Site Context

- 2.10. The site lies in the western part of Banbury, Oxfordshire. Banbury is the largest town in Cherwell District, and contains a wide range of range of shops, services, employment, and transport opportunities. Banbury is identified alongside Bicester as a suitable focus for development in the Cherwell Local Plan Part 1 to ensure a sustainable pattern of development.
- 2.11. The site is circa 1.8km from the centre of Banbury as the crow flies This equates to circa 2km walking / cycling distance. Frequent bus links to the town centre are available from a bus stop on Bretch Hill, approximately 250m north of the site, and a bus stop on Broughton Road, approximately 500m southeast of the site. This allows residents to travel between Stratford-upon-Avon and Banbury regularly throughout the day. Further details on frequency are found in the Transport Statement.

Planning History

- 2.12. There is no planning history on site, however the planning history of the land to the east of the site is significant, as briefly mentioned previously.
- 2.13. A residential development for 49 dwellings on the land to the east of the site was granted outline planning permission at appeal on 1 June 2021. The development is for the erection of 49 homes, public open space and other infrastructure. The appeal reference is APP/C3105/W/21/327109, and the planning application reference is 20/01643/OUT.

3. Proposed Development

- 3.1. This planning application seeks outline planning permission for residential development with all matters reserved except for access. A full description of development is below:

Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue.

- 3.2. The proposal comprises the following elements:

- Erection of up to 49 dwellings;
- Up to 30% affordable housing (in the form of 1 bed maisonettes, 1 and 2 bed apartments, and 1, 2, 3 and 4 bed houses);
- Access via Balmoral Avenue through the consented scheme to the east;
- Pedestrian connection to PROW to the north;
- Public open space;
- A Local Area of Play (LAP) in the northern part of the site;
- Additional landscaping;
- Sustainable urban drainage systems; and
- Other supporting infrastructure.

- 3.1. This application is made in outline therefore appearance, landscaping, layout and scale are to be considered through reserved matters applications. Access is proposed for consideration in detail at this stage. An illustrative masterplan has been produced to show one way that the development could be satisfactorily developed. However, it is important to note that this is not submitted for approval.

- 3.2. The accompanying Design and Access Statement provides further details of the proposals.

Housing

- 3.3. The development proposed is for up to 49 homes comprising both houses and flats. This mix is set out below for illustrative purposes, and includes 30% affordable housing.

Table 4: Illustrative Housing Mix

Dwelling type	Private Units		Affordable Units	
1 bed apartment	2	5.8%	-	-
1 bed maisonette	-	-	4	40%
1 bed house	-	-	2	
2 bed apartment	10	29.4%	-	-
2 bed house	-	-	5	33.3%
3 bed house	16	47%	3	20%
4 bed house	6	17.6%	1	6.6%
Total	34		15	

Planning Statement

Land off Balmoral Avenue, Banbury



- 3.4. Given that the application is submitted in outline the figures outlined above are illustrative only with the mix for affordable units being set by an agreed S106 agreement and the mix for the market being set through the relevant reserved matters planning applications.
- 3.5. The proposed 49 dwellings are provided on approximately 1.45 hectares of developable land. This results in a density of 34 dwellings per hectare, reflecting the density of existing housing in the area and exceeding the minimum density for residential development set by Policy BSC2 of the Local Plan Part 1.
- 3.6. A variety and range of dwelling types is proposed to include 1 and 2 bed apartments, 1 bed maisonettes, and 2, 3 and 4 bed houses. A mix of terrace, maisonettes, semi-detached and detached dwellings are proposed.
- 3.7. 30% affordable housing is proposed in accordance with planning policy. This includes both affordable rent (73%) and shared ownership (27%). Affordable housing will be legally secured by Section 106 Agreement as part of planning consent.

Access and Parking

- 3.8. Vehicular access is proposed from Balmoral Avenue via the consented scheme to the east of the site. Vehicular access is submitted for consideration in detail in the form of access plans within the submitted Transport Statement.
- 3.9. The proposed entrance to the site will represent a continuation of Balmoral Avenue and therefore an assessment of visibility splays at that entrance is not required.
- 3.10. The junction between Balmoral Avenue and Broughton Road has been modelled and the results are within the accompanying Transport Statement by DTA. These results demonstrate that the junction is predicted to operate within capacity with the development in place.
- 3.11. A footway/cycleway connection will be provided into the site to the east which provides opportunity for pedestrians to access bus stops and services on Bretch Hill and Broughton Road. A pedestrian connection to the PROW along the northern boundary of the site is also provided.
- 3.12. Parking will be a matter to be determined as part of any reserved matters application, however the illustrative masterplan plan indicates how parking can be provided on site to accord with the Oxfordshire Parking Standards. This includes 90 allocated parking spaces and 13 visitor parking spaces provided throughout the development.

Landscaping and Open Space

- 3.13. The illustrative site layout has been prepared to retain as much of the existing vegetation as possible.
- 3.14. The existing trees and hedgerows around the site boundary are retained where possible. The existing native scrub around the boundaries of the site is also retained where possible. These areas are to be selectively thinned and planted with other species to introduce a wider diversity of species.

Planning Statement

Land off Balmoral Avenue, Banbury



- 3.15. Trees are proposed around the development site, including along the primary road around the site, together with the retention of existing trees, this will create tree lined streets.
- 3.16. A circular walk is proposed around the edge of the site which links up to the PROW and LAP in the northern part of the site. Meadow grassland is proposed around the edges of the site with hedgerow planting.

Drainage

- 3.17. Surface water drainage will take the form of an attenuation basin with capacity of the 1 in 100 year storm event with allowance for climate change. This is located in the southern part of the site adjacent to Broughton Road and will discharge to an existing ditch running parallel with the road.

4. Consultation

- 4.1. This section of the Planning Statement sets out the consultation that was undertaken with Council officers which has informed the proposals.
- 4.2. A pre-application submission was made to Cherwell District Council in June 2021. A site meeting was held on 15 July 2021.
- 4.3. The pre-application submission proposed around 120 dwellings across a wider site area as shown in the proposed layout below.
- 4.4. Following the site meeting, the scale of development was reduced and the following revised layout was submitted for the northern field only.



Figure 2 - Pre application submission scheme



Figure 3 – Pre application reduced scale scheme

- 4.5. The pre-application written response was based on this smaller scheme of 40-50 dwellings.
- 4.6. In terms of principle of development, the response acknowledges that the site lies beyond the developed edge of the urban settlement of Banbury, in open countryside, where development that does not form part of an adopted development plan is contrary to policy contained in the current development plan.

Planning Statement

Land off Balmoral Avenue, Banbury



- 4.7. However, the response also confirms that CDC cannot currently demonstrate a five year housing land supply. This engages the 'tilted' balance provisions of the NPPF. The response acknowledges the site is a reasonably sustainable location with no currently significant material detrimental impacts identified that potentially could not be dealt with by way of detailed site layout design. It was therefore indicated that, in considering the planning balance, officers could support a reduced scale scheme on the site.
- 4.8. Within the response, the County Council commented that they would prefer to see the site accessed directly from Broughton Road. However the planning officer considered that the access arrangements shown on the revised plan via Balmoral Avenue and the appeal site was appropriate. Given the reduced scale of the scheme access via Balmoral Avenue is considered most appropriate.
- 4.9. As requested in the pre-application letter, a Landscape and Visual Impact Assessment (LVIA) accompanies this planning application. The pre-application letter sets out that the site, as revised, is enclosed by significant field edge planting of trees and hedges such that the visual amenity of the area is not materially impacted, subject to further evidence being provided in a LVIA. The LVIA should demonstrate that the likely landscape impacts on this gateway location into Banbury would be negligible and that the reduced scale of development would be broadly acceptable. The officer stated that detailed evidence would be needed in the LVIA, to make a final judgement on the landscape impact of the development.

5. Planning Policy Context

- 5.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that development proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this context this section reviews the following documents:

The Development Plan

- Cherwell Local Plan 2011-2031 (Part 1) (Re-adopted on 19 December 2016);
- Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need (Adopted on 7 September 2020); and
- Adopted Cherwell Local Plan 1996 – Saved Policies

Material Considerations

- National Planning Policy and Guidance;
- Non-Statutory Cherwell Local Plan 2011;
- Cherwell Local Plan Review 2040;
- Oxfordshire Plan 2050;
- Cherwell Residential Design Guide SPD;
- Cherwell Developer Contributions SPD;
- Banbury Vision and Masterplan SPD;
- Cherwell Housing Strategy 2019-2024; and
- Five Year Housing Land Supply.

- 5.2. There is no Neighbourhood Plan covering the site.

- 5.3. These documents are reviewed in turn below.

Development Plan

Cherwell Local Plan 2011-2031 Part 1

- 5.4. The Local Plan Part 1 was formally adopted on 20 July 2015. The addition of Policy Bicester 13 meant that the Plan was re-adopted on 19 December 2016. Part 1 of the Local Plan only allocated strategic sites, and Part 2 was due to allocate smaller sites, however it was not progressed and has been replaced by the emerging Local Plan 2040. The key policies from Part 1 of the Local Plan, in relation to the proposed development are discussed in more detail below.

Policy PSD1: Presumption in Favour of Sustainable Development

- 5.5. This policy mirrors paragraph 11 of the NPPF in that it requires that Council's apply the presumption in favour of sustainable development when considering planning applications. In terms of planning applications that are in accordance with the policies of the Development Plan, it requires that they be approved without delay, unless material considerations indicate otherwise.

5.6. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decisions then the council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in the Framework indicate that development should be restricted.

Policy BSC1: District Wide Housing Distribution

5.7. The policy details a requirement for 22,840 homes to be delivered between 1 April 2011 and 31 March 2031. The table within the policy makes it clear that Banbury, along with Bicester, is key to the delivery of these housing numbers as 32% of the total requirement for the District is due to be delivered in this settlement.

Policy BSC2: The Effective Use of Land – Brownfield Land and Housing Density

5.8. This policy encourages the effective and efficient use of land. The policy specifies that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development.

Policy BSC3: Affordable Housing

5.9. This policy states that in Banbury, all residential development of 11 or more dwellings will be required to provide at least 30% affordable housing on site. Of this 30% of the total, 70% will be expected to be affordable/social rented and 30% intermediate affordable homes.

5.10. This policy specifies that the percentage requirement is dependent on the viability impact on the proposal. Where it can be demonstrated that the level and mix of affordable housing required by BSC3 would make the project unviable, negotiations may take place around the mix of affordable housing, and the percentage provided, up to the point that the project becomes viable.

Policy BSC4: Housing Mix

5.11. This policy seeks to ensure that residential development comprises a mix of sizes that meet the requirements of the community. Table 67 of the Oxfordshire Strategic Housing Market Assessment (SHMA 2014) states that the following mix of homes on a development would be appropriate to meet these needs. At the time that the Local Plan Part 1 was adopted, the SHMA 2014 was the most up to date evidence base upon which to base the affordable mix.

Table 5 – Oxfordshire SHMA (2014) estimated dwelling requirement by number of bedrooms for Cherwell

	1 Bed	2 Bed	3 Bed	4 Bed
Market	6.2%	23.1%	46.2%	24.6%
Affordable	28.3%	31.0%	36.9%	3.7%

- 5.12. The SHMA 2014 is referenced in the explanatory text to the policy, however the policy itself does not specify a specific source that must be used to inform the mix. The policy states that:

“The mix of housing will be negotiated having regard to the Council’s most up-to-date evidence on housing need and available evidence from developers on local market conditions”

- 5.13. Therefore, proposals that do not accord with the SHMA 2014 mix, can still be justified on the basis that it represents a sensible response to the market and affordable housing demand in that locality would be acceptable.

Policy BSC11: Local Standards of Provision – Outdoor Recreation

- 5.14. The policy requires development proposals to accommodate a level of outdoor space proportionate to the quantum of housing proposed. Table 7 of the Local Plan Part 1: The Local Standards of Provision – Outdoor Recreation is stated to be the generally accepted standard on the majority of sites. However, the policy is clear that where it is not appropriate to meet the requirements on site, financial contributions to new or existing facilities offsite can be made. The assessment of the proposals against these requirements is at Section 6 of this Planning and Consultation Statement.

Policy INF1: Infrastructure

- 5.15. Developments will be required to demonstrate that their infrastructure requirements can be met. This may be within existing capacity, through a financial contribution to increased capacity, or providing that increased capacity directly.

- 5.16. Further policies of relevance are listed below:

- Policy SLE4: Improved Transport and Connections
- Policy BSC7: Meeting Education Needs
- Policy BSC9: Public Services and Utilities
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- Policy ESD1: Mitigating and Adapting to Climate Change
- Policy ESD2: Energy Hierarchy and Allowable Solutions
- Policy ESD3: Sustainable Construction
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems (SuDS)
- Policy ESD8: Water Resources
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: The Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure

Planning Statement

Land off Balmoral Avenue, Banbury



Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need

- 5.17. The Partial Review of the Cherwell Local Plan 2011-2031 (Part 1) is part of the statutory Development Plan for the district, and should be considered alongside the existing Local Plan. This Partial Review was adopted on 7 September 2020.
- 5.18. Given the location of the site on the edge of Banbury, this document is not considered relevant to this planning application.

Adopted Cherwell Local Plan 1996 – Saved Policies

- 5.19. The following saved policies from the adopted Cherwell Local Plan 1996 are considered relevant to this planning application:
- Policy H18: New dwellings in the countryside
 - Policy C8: Sporadic development in the open countryside
 - Policy C28: Layout, design and external appearance of new development
 - Policy C30: Design control

Material Considerations

- 5.20. There are a number of documents that are material considerations in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) that should be used to determine the application. These are set out below.

National Planning Policy Framework

- 5.21. The National Planning Policy Framework (NPPF) was revised in July 2021. Paragraph 2 confirms it is a material consideration in planning decisions.
- 5.22. Paragraph 8 states that there are three overarching objectives to achieving sustainable development: economic, social and environmental. Paragraph 11 states that a presumption in favour of sustainable development should apply to plan making and decision taking.
- 5.23. For decision-taking this means “*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless...*”
- ...“ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole”.*
- 5.24. Footnote 8 states that out-of-date can include “situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites”.

- 5.25. Section 8 of the NPPF relates to promoting healthy and safe communities. Paragraph 92 states planning policies and decisions should aim to achieve healthy, inclusive and safe places, including by promoting social interaction and designing safe and accessible places.
- 5.26. Section 9 of the NPPF relates to sustainable transport. Paragraph 104 requires appropriate opportunities to promote sustainable travel to be taken up in respect of the type of development proposed and its location.
- 5.27. Section 11 of the NPPF relates to making effective use of land. Paragraph 119 states “*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*”.
- 5.28. Section 12 of the NPPF relates to the importance of good design, and requires that developments contribute positively to making places better for people. The NPPF states planning policies should aim to ensure that developments will function well and add to the overall quality of the area. The NPPF requires development to respond to local character and history and reflect local surroundings and materials; create safe and accessible environments and are visually attractive.
- 5.29. Paragraph 134 states that “*significant weight should be given to:*
- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
 - b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*”
- 5.30. Section 14 of the NPPF relates to the challenge of climate change and flooding. It encourages development to reduce greenhouse gas emissions, encourage the reuse of existing resources, and supply renewable and low carbon energy.
- 5.31. Paragraph 162 looks to ensure new development is in areas with the lowest risk of flooding from any source. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 5.32. Section 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 174 seeks to ensure impacts on biodiversity are minimised and net gains are provided. It also seeks to ensure development does not give rise to unacceptable levels of soil, air, water or noise pollution.
- 5.33. Paragraph 16 relates to conserving and enhancing the historic environment. Paragraph 194 states that “*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.*” Paragraph 199 states that “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation*”.

- 5.34. Paragraph 203 states that “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*”.
- 5.35. In March 2014, the then Department for Communities and Local Government launched its Planning Practice Guidance (PPG) web-based resource. This guidance provides a variety of practice guidance in respect of planning considerations. A number of elements of the PPG are relevant to the determination of this application.
- 5.36. In particular, the PPG provides advice on the key points to take into account in relation to design matters. It reconfirms the advice given by the NPPF, that good design is an integral part of sustainable development.
- 5.37. Development is expected to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development so that new development integrates with its surroundings. Form, scale and use of materials are all highlighted as important in considering good design.

Non-Statutory Cherwell Local Plan 2011

- 5.38. The Non-Statutory Cherwell Local Plan 2011 was intended to review and update the Local Plan adopted in 1996. Due to changes to the planning system introduced by the Government, work on this plan was discontinued prior to adoption. The Non-Statutory Cherwell Local Plan 2011 is not part of the statutory development plan but was approved as interim planning policy for development control purposes in December 2004.
- 5.39. It has been confirmed within pre-application advice from Council officers that the Non-Statutory Local Plan remains a material consideration.

Cherwell Local Plan Review 2040

- 5.40. A new district wide Local Plan to 2040 is being prepared to meet assessed development needs for employment, housing, leisure, community facilities and infrastructure and to provide a strategy for the pattern scale and quality of development across the district.
- 5.41. As this plan is at the early stages of plan making, very limited weight is given to it in decision making. Paragraph 48 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF.

Oxfordshire Plan 2050

- 5.42. In February 2018, all local authorities in Oxfordshire signed a Housing and Growth Deal, providing £215 million of central government funding in return for delivering 100,000 new homes between 2011 and 2031. The figure of 100,000 homes across the county is broadly reflective of the need for homes identified within the 2014 Oxfordshire SHMA.

- 5.43. As part of the Oxfordshire Housing and Growth Deal agreement, the local authorities – Cherwell District Council, Oxford City Council, Oxfordshire County Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council, have committed to producing a Joint Strategic Spatial Plan (JSSP) for Oxfordshire – the Oxfordshire Plan 2050.
- 5.44. The Oxfordshire Plan will provide an integrated planning framework and evidence base to support sustainable growth across the county to 2050. This includes the planned delivery of new homes, economic development and the anticipated supporting infrastructure.
- 5.45. Theme Five: Creating Jobs and Providing Homes of the Strategic Vision states the following objective of the Oxfordshire Plan: “To meet Oxfordshire’s housing needs, including affordable housing, and to ensure that housing delivery is phased appropriately to support the needs of our communities.”
- 5.46. As the Oxfordshire Plan is in the early stages of plan making, paragraph 48 of the NPPF also applies and very limited weight will be given to it in the decision making process.

Cherwell Residential Design Guide SPD

- 5.47. The Cherwell Residential Design Guide Supplementary Planning Document (SPD) was adopted by the Council in July 2018 and seeks to inform the design of residential development proposals to ensure high quality design that protect the amenity of existing and new residents.
- 5.48. While the Design Guide does not form part of the development plan, it is a significant material consideration in terms of the determination of planning applications for residential sites. However, it should be noted that given that the application is outline in nature and therefore matters of detailed design are not for consideration at this time, the relevance of some aspects of the Design Guide is limited at this stage.

Cherwell Developer Contributions SPD

- 5.49. The Cherwell Developer Contributions SPD was adopted in February 2018 and sets out the Council’s approach to ensuring that S106 agreements can be used to address the impacts of developments sufficiently in the context of there being no CIL Charging Schedule in place.
- 5.50. The document will inform the type of contribution that can be made through a S106 agreement. However, all of these will still need to meet the tests set out in paragraph 57 of the NPPF.

Banbury Vision and Masterplan SPD

- 5.51. The Banbury Vision and Masterplan SPD was adopted in December 2016. The document is not part of the Development Plan, however it is an important material consideration and complements the Cherwell Local Plan.
- 5.52. The document aims to establish a long term vision for the town and includes discussion regarding the accommodation of housing, and the infrastructure required to facilitate this. In terms of housing specifically, the document states the following:

“The increase in housing supply identified in the Cherwell Local Plan will provide a range of private and affordable housing sites throughout Banbury. This will improve housing choice and should contribute to a more affordable housing market, as housing availability increases to match market demand.”

Cherwell Housing Strategy 2019-2024

- 5.53. The Housing Strategy 2019-2024 outlines the Council's aspirations in terms of the delivery of housing, particularly affordable housing, in this period. Key relevant priorities in terms of the application are as follows:
- Increase the supply and diversity of affordable housing to ensure the right types of housing are available in the right places; and
 - Enhance opportunities for residents to access suitable homes and have housing choices.

Five Year Housing Land Supply

- 5.54. The most recent Council's position on the five year housing land supply within the District is the 2020 Annual monitoring report. This document states the Council can demonstrate a 4.7 year supply of housing for the period 2021-2026.
- 5.55. The NPPF Paragraph 74 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
- 5.56. The NPPF defines what is required for sites to be considered deliverable within its glossary and states that *“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.”*
- 5.57. As a result of the 0.3 year housing land supply shortfall, previously mentioned policies may be out of date. Consequently the tilted balance, under the terms of paragraph 11 of the NPPF is engaged.
- 5.58. Paragraph 11 (d) states that where there are no relevant development plan policies which are the most important for determining the application are out-of-date, granting permission unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.59. The proposal would provide a number of benefits, including providing up to 49 dwellings, including 15 affordable dwellings, to help meet the housing shortfall. The benefits of the proposal are discussed further in the following sections.

6. Planning Appraisal

- 6.1. As previously stated, the planning application is submitted in outline form with all matters reserved except for access.
- 6.2. Illustrative plans are included to demonstrate how the site could deliver a high quality addition to Banbury.
- 6.3. This section considered the planning issues that underpin the determination of the application. These are considered to be:
- Whether the principle of the development is acceptable;
 - Whether the proposal is acceptable in environmental and technical terms, especially with regard to access.
- 6.4. These issues will be considered in turn below. A subsequent section will consider the benefits of the proposal and conclude on the planning balance.

Whether the Principle of Development is Acceptable

- 6.5. The site is on the edge of Banbury. Banbury, along with Bicester, is identified as a key focus of residential development in the adopted Local Plan Part 1. The spatial strategy for Cherwell District states that most of the growth in the district should be directed to locations within or immediately adjoining the main town of Banbury. In this sense proposals for residential development in Banbury should be viewed favourably and in keeping with the spatial strategy of the Council.
- 6.6. The development of this site would aid in meeting the housing requirements set out in Policy BSC1 and contribute to the provision of affordable housing set out in Policy BSC3 of the Cherwell Local Plan Part 1.
- 6.7. As previously stated the Council currently cannot demonstrate a five year supply of housing. This position is acknowledged in Cherwell District's 2020 Annual Monitoring Report. Paragraph 11 of the NPPF states that relevant policies for the supply of housing should be considered as out of date if the Council cannot demonstrate a five year supply of housing land, which is the case here. This includes saved Policy H18 (New dwellings in the countryside).
- 6.8. Therefore the presumption in favour of sustainable development is engaged with a tilted balance in favour of residential development. Therefore, if the adverse impacts of the scheme do not demonstrably and significantly outweigh the benefits, planning permission should be granted. This is considered further in Section 7 below following on assessment of whether the proposal represents sustainable development and whether the proposal is acceptable in environmental and technical terms.

Whether the Proposal is Acceptable in Environmental and Technical Terms, Especially with Regards to Access

- 6.9. This section of the Statement will assess the planning, environmental and technical consideration related to the development. The following text will provide a high level summary of the documents that accompany the planning application. For a full explanation please refer to the relevant technical report.

Place Making and Design

- 6.10. The illustrative masterplan is a culmination of the studies and reports which have been carried out to date and provides an illustrative depiction of how the development could be laid out on the site.
- 6.11. The Design and Access Statement demonstrates that 49 dwellings can be successfully accommodated on the site, within the development area while providing an attractive development in accordance with policy requirements and site constraints.
- 6.12. A LAP and public open space is being provided as part of the development in accordance with Policy BSC 11. This policy states that a LAP is the required form of play space based on the number of dwellings on site. A footpath is being provided around the edge of the site, linking in with the existing Public Right of Way. Both new and existing residents will benefit from this extended public footpath network and from the LAP and public open space.
- 6.13. The Design and Access Statement includes an initial Local Character Assessment and references Cherwell Residential Design SPD. Design and appearance will be matters to be determined as part of any subsequent Reserved Matters application, however certain design precedents will be provided as a reference point. The illustrative masterplan reflects the principles set out in the Cherwell District Council Design Guide SPD. The masterplan provides connectivity with the surrounding area and provides a connected legible network of streets, that responds to the surrounding character and location. The masterplan has been informed by landscape and ecology considerations and incorporates a strong green infrastructure network retaining the majority of the trees, hedgerows and scrub around the boundaries of the site. A network of street trees and hedgerows are also proposed in line with paragraph 131 and the design guide. The details of the landscaping will be determined at reserved matters stage.
- 6.14. Existing local buildings and those proposed in the approved development to the east of the site are predominantly two storey and a mix of terraced, semi-detached, detached and apartments. In response to this, the proposal includes two storey dwellings and a mix of terrace, semi-detached and detached dwellings. 1 and 2 bed apartments and 1 bed maisonettes are also proposed.
- 6.15. It is anticipated that the detailed design of the units would follow a traditional format while making a strong reference to the building elements, details and materials evident within the locality. This will ensure that the development integrates into the immediate surroundings, whilst presenting its own unique character.

Housing Mix and Affordable Housing

- 6.16. As this is an outline scheme, the housing mix is not proposed to be fixed at this time, this will happen during the course of a reserved matters application. The Illustrative masterplan demonstrates that the site can accommodate a mix that is in broad accordance with the Oxfordshire SHMA 2014, as shown within Table 6 below, with some diversion to reflect the site location and the market.

Table 6 – Proposed housing mix compared to Oxfordshire SHMA (2014) housing mix

	1 Bed	2 Bed	3 Bed	4 Bed
SHMA Market Mix	6.2%	23.1%	46.2%	24.6%
Proposed Market Mix	5.8%	29.4%	47%	17.6%
SHMA Affordable Mix	28.3%	31.0%	36.9%	3.7%
Proposed Affordable Mix	40%	33.3%	20%	6.6%

- 6.17. The development as proposed in the illustrative masterplan therefore accords with Policy BSC4 (Housing Mix) of the Local Plan Part 1.
- 6.18. 30% of the residential dwellings (15 units) will be affordable housing, in line with Policy BSC 3 (Affordable Housing). The proposed mix of the affordable units is the same mix of units that was approved on the adjacent site (20/01643/OUT) which was discussed with the housing team.

Air Quality and Amenity

- 6.19. An Air Quality Assessment accompanies this planning application. This confirms that the site is not located in, or in the vicinity of, an Air Quality Management Area.
- 6.20. A qualitative construction phases assessment was undertaken and measures are recommended for inclusion in a Dust Management Plan to minimise emissions during construction activities. With the implementation of these mitigation measures the impact of construction phase dust emissions is considered to be 'not significant' in accordance with Institute of Air Quality Management (IAQM) guidance. It is expected that these measures would be incorporated into a Construction Environmental Management Plan which would be requested as a planning condition.
- 6.21. A detailed road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at identified existing receptor locations. Road traffic emissions were modelled using the dispersion model ADMS-Roads and concentrations of NO₂, PM₁₀ and PM_{2.5} were predicted at identified sensitive receptor locations. The modelling assessment was undertaken in accordance with Defra Local Air Quality Management Technical Guidance. The development was not predicted to result in any new exceedances of the relevant air quality objectives and impact of the development on local air quality was predicted to be 'negligible' in accordance with IAQM and Environmental Protection UK guidance.

- 6.22. Pollutant concentrations were also predicted across the proposed development site. Concentrations of NO₂, PM₁₀ and PM_{2.5} were all predicted to be well below the relevant air quality objectives and therefore the site was considered to be suitable for the proposed residential use with regard to the current air quality objectives.
- 6.23. Therefore, the proposed development is in accordance with national policy in terms of Air Quality set out at Section 15 of the NPPF and Policy ESD 10 of the Cherwell Local Plan in terms of air quality.

Heritage and Archaeology

- 6.24. The site does not contain any designated heritage assets as defined in Annex 2 of the NPPF.
- 6.25. An assessment of designated heritage assets in the wider area around the site has involved consideration of the Grade II listed Withycombe Farmhouse and attached stable (1046858), Grade II listed Crouch Farmhouse (119211), and the Banbury and Drayton Conservation Areas. These were considered the only assets that could potentially be affected by the development of the site.
- 6.26. In each case, it was identified that the site does not form part of the setting of these assets nor does it allow appreciation of, or contribute to, their significance or special interest. As such, it is concluded that the development of the site would not result in harm to the significance or special interest of these assets.
- 6.27. There are no non-designated heritage assets recorded within the site, as listed within the Oxfordshire HER. Given the pattern of prehistoric, Roman and early medieval archaeology in the wider study area, and the comparatively small size of the site, there is considered to be a low potential to encounter remains from these periods. The site was most likely in agricultural uses throughout the medieval to modern periods, therefore the only remains are likely to be of 'negligible' value.
- 6.28. Therefore the information presented about should be sufficient to inform planning determination. No archaeological fieldwork should be required pre-determination but could if necessary be secured through a planning condition.
- 6.29. The proposals comply with relevant paragraphs of the NPPF within Section 16 and Policy ESD 15 of the Cherwell Local Plan 2011-2031.

Trees, Open Space and Green Infrastructure

- 6.30. The application is supported by an Arboricultural Report and Tree Condition Survey which has informed the proposals for the site.
- 6.31. The Arboricultural Report outlines the likely extent of tree retention and loss. It states the specific tree removals necessary to allow for the proposed illustrative layout, these removals will not have significant impact on the amenity value of the tree resource within the area, or the amenity enjoyed by adjoining residents.

- 6.32. The necessary tree removals include ash (T50, T102) and sycamores (T49, T101) which are growing close to the western side of the derelict farm buildings. Some blackthorn (G10) will need to be removed near the northern side of the development, and ash sapling and elm suckers (G11) which are growing to the eastern side.
- 6.33. The retained vegetation is located a sufficient distance from the proposed development to be successfully protected during the construction works and proposed development. The protection of retained trees during the proposed development works can be achieved by following recommendations in BS5837:2012 and can be secured through planning condition.
- 6.34. The proposed tree planting will improve the age, species diversity, biodiversity value, and long-term resilience and quality of vegetation on site and will serve to mitigate the very limited impact of the tree removals.
- 6.35. Therefore, the proposed development is in accordance with policies ESD 10 (Protection and Enhancement of Biodiversity and the Natural Environment), ESD 15 (The Character of the Built and Historic Environment) and ESD 17 (Green Infrastructure) of the Local Plan Part 1 as well as paragraph 174 of the NPPF.

Landscape and Visual Impact

- 6.36. A Landscape and Visual Impact Assessment (LVIA) supports this planning application. The LVIA includes a baseline description of the site, the landscape setting and its character, identification of local landscape and visual sensitivities and the planning context. This baseline assessment has completed early on the design process and has informed the proposed site layout and quantity of development.
- 6.37. The design and layout of the proposed development is sensitive to the existing character and integrates the natural site features. It responds sensitively to its position on the edge of the settlement in order to accord with planning policies.
- 6.38. The area where development is proposed is elevated, however the tall and dense vegetation which bounds the site creates a feeling of enclosure rather than exposure. The landform and existing boundary trees and vegetation on the site and within the surrounding area effectively screen views into the site from the north, west and east, even in winter conditions. Therefore, long distance views are not possible from the site and views of the site are limited to within 1km of the site.
- 6.39. The retention and management of hedgerows, trees and woodland scrub found on the site boundaries is in accordance with the guidelines for achieving the landscape strategy for the Farmland Plateau character area.
- 6.40. A significant visual impact was found from one of the viewpoints assessed at Crouch Hill. The proposed development will be visible from this location which has moderate to high sensitivity due to it being a specific viewing point. The view of the proposed development has been limited as much as possible by containing it within the one field which is well screened so that the site boundaries filter views into the developed part of the site.

- 6.41. The landscaping proposed on the site will also help to mitigate the impact from the viewpoint. The foreground and middle ground of the view will remain largely unchanged and the proposed development will be noticeable as a new feature within the view.
- 6.42. The LVIA concludes the proposed development respects the landscape and visual context of the wider landscape. The retention of the existing landscape structure to the boundaries helps to maintain the character of the site as much as possible and reflects the heritage of the site. The retained and enhanced natural features of the site will enhance biodiversity, create wildlife corridors and help integrate the development into its setting. The assessment further concludes that a sensitively designed layout would allow the proposed development to integrate well into the existing landscape character and help to mitigate the impact on the viewpoints identified in the assessment.
- 6.43. The proposed development is therefore considered to accord with paragraph 174 of the NPPF and Policies ESD10 and ESD13 of the Cherwell Local Plan.

Land Contamination

- 6.44. A Phase 1 and 2 Geo-Environmental Assessment is being prepared to support this application. At the time of submission, the assessments are in the process of being undertaken and therefore a high level review of the desk study information is provided in a technical note which summaries the key geo-environmental aspects of the site in respect of the proposed development.

Ecology

- 6.45. This application is supported by an Ecological Appraisal.
- 6.46. Desk and field-based baseline investigations have demonstrated that the designated sites, habitats and species present within and adjacent to the Site are not constraints to the proposed development. There are no statutory or non-statutory nature conservation sites within the proposed development site and none nearby that would be materially affected by the proposals.
- 6.47. However, habitats and protected species have been identified that require consideration, and should be included in any reserved matters applications. These include the hedgerows, scattered trees and adjacent woodland around the site's boundaries, in addition to birds, bats and badgers.
- 6.48. National and local policy expects development to minimise impacts on and provide net gains for biodiversity, therefore from the outset EDP have contributed to the design of the masterplan. The Ecological Appraisal includes an ecology strategy for the proposed development, in terms of inherent and recommended additional mitigation measures.

- 6.49. Policy ESD 10 and paragraph 174 of the NPPF require proposals to provide a net gain in biodiversity. A Biodiversity Impact Assessment metric has been carried out by EDP using the DEFRA Biodiversity Metric 3.0 to calculate biodiversity net gain. The calculations suggest that the proposed development will achieve a net gain of +1.07 (10%) area biodiversity units and a +1.08 (12.7%) gain in linear hedgerow units.
- 6.50. Subject to the implementation of the recommendations set out in the accompanying Ecological Appraisal, including the delivery of habitat enhancements adjacent to the site if required, the proposed development is considered to be capable of meeting biodiversity planning policy requirements at a Local and National level, including emerging policy requiring 10% net gain in biodiversity.
- 6.51. The habitats and protected notable species of interest within the site do not pose a constraint to development. The proposed mitigation and compensation measures, including:
- The retention and enhancement of existing vegetation, namely hedgerows, trees and scrub bounding the site;
 - The creation of an attenuation feature, scrub and wildflower grassland;
 - Various construction and pre-construction measures;
 - New planting of native trees and species-rich hedgerows;
 - Provision of bird boxes and bat roosting features;
 - A sensitive lighting strategy;
 - Scrub and hedgerow management;
 - Creation of a scrub and meadow flower grassland mosaic on arable land to the south of the site to deliver a 10% biodiversity net gain.
- 6.52. Through the incorporation of the above mitigation and compensation measures, the scheme is considered capable of being compliant with relevant planning policy for the conservation of the natural environment at all levels, including Policy ESD10 from the Cherwell Local Plan Part 1, paragraphs 179-180 of the NPPF and emerging policy requiring 10% net gain in biodiversity.

Access and Movement

- 6.53. The vehicular access arrangements for the site are shown on plan 'Site Access Connection' (Drawing no. 23158-05), which shows that the proposed connection has no technical problems in terms of visibility or other matters. The drawing is submitted for approval at this stage, and therefore will be fixed in terms of any future reserved matters applications.
- 6.54. Access into the site will be taken from Balmoral Avenue as a continuation from the land to the east of the site. The access into the site will provide a minimum 5.5m wide carriageway with a 2.0m footway on one side of the carriageway and service margin where footways are not provided.
- 6.55. The site will be designed to facilitate foot and cycle movement along desire lines through the development, linking to external access points.
- 6.56. Car parking will be provided in accordance with Oxfordshire County Council's Standards for New Developments.

- 6.57. In accordance with the NPPF, the additional traffic would not have a material impact on the safety or operation of the local road network and it can clearly be concluded that the impact of the development will not be severe. The location of the development allows future residents to use sustainable modes of transport to access local services and facilities.
- 6.58. The proposed development therefore accords with Policy SLE4 of the Cherwell Local Plan Part 1 and paragraphs 111- 113 of the NPPF.

Hydrology and Surface Water Strategy

- 6.59. The application is supported by a Flood Risk Assessment and Sustainable Drainage Statement.
- 6.60. The site is entirely located within Flood Zone 1 (Low Probability of flooding). The nearest Flood Zone extents are located approximately 1.1km to the west of the site, associated with the Sor Brook tributary of the River Cherwell.
- 6.61. Surface water flood risk mapping demonstrates that generally the site is at low risk of flooding, however areas of Low Risk (1 in 1000 year event) are shown to be present on the southern part of the site boundary, by Broughton Road.
- 6.62. The vulnerability of the development to flooding from all other sources, such as pluvial, sewerage, groundwater and artificial water bodies, has been assessed. It is considered all these sources pose a low risk based on the implementation of Sustainable Urban Drainage Systems (SuDS) which are shown on the Development Framework Plan and detailed within the Flood Risk Assessment and Sustainable Drainage Statement.
- 6.63. Attenuated surface water storage will provided in the form of a SuDS detention basin with capacity for the 1 in 100-year storm with a 40% allowance for climate change. The detention based will be located at the lowest elevation of the site adjacent to Broughton Road, between the proposed development and the outfall location.
- 6.64. It has been assumed that the basin will accommodate all of the necessary storage, but it may be possible to redistribute a portion of the storage within other drainage components during the detailed design of the development.
- 6.65. A Sustainable Drainage Statement sets out the principles of drainage design, and accompanies the Flood Risk Assessment. It is envisaged that the final drainage strategy will be determined during the detailed design stage, as the development layout is finalised.

- 6.66. In compliance with requirements of the NPPF, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. The development will not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site.
- 6.67. Given the above it is clear that the proposals are in accordance with Policies ESD 6 (Sustainable Flood Risk Management), ESD 7 (Sustainable Drainage Systems) and INF 1 (Infrastructure) of the Cherwell Local Plan Part 1 and paragraph 167 of the NPPF.

Utilities

- 6.68. The information that has been obtained shows that the site contains electricity infrastructure owned by Western Power Distribution (WPD). The existing electricity record plans confirm the presence of a WPD own the network of overhead apparatus crossing the southern site boundary. Consultation with WPD determines that a formal offer can be considered to holistically address the supply, and diversionary works required to deliver the site proposals.
- 6.69. The plans received from the existing gas, telecoms, clean and potable water providers show that the site boundary is free of these assets. It is anticipated that the existing gas, telecoms and clean water apparatus within Broughton Road will require local protections to deliver the site access proposals.
- 6.70. Capacity consultation from Thames Water for the wastewater flows indicate that the first 30 dwellings can be served from residual capacity within the network, however further dwellings would be subject to a modelling and design exercise to confirm the scale, if any, of any off-site reinforcement that may be required.
- 6.71. Thames Water further advise that the development can be supplied from residual capacity within their clean water network for up to 50 dwellings..
- 6.72. Capacity consultation responses have been issued by BWB to the gas provider, and this is currently being progressed.
- 6.73. Given the above, the proposals are in accordance with Policy BSC 9 (Public Services and Utilities) and ESD 8 (Water Resources) and this will be further confirmed at the reserved matters stage.

Infrastructure and Community Facilities

- 6.74. Cherwell has not adopted a CIL Charging Schedule and so contributions towards infrastructure and facilities required to accommodate the development are to be provided through a S106 to be agreed with the Council and other relevant parties.

- 6.75. A draft S106 Agreement accompanies this planning application.
- 6.76. The contributions are anticipated towards the following aspects which can be discussed with relevant consultees as part of the determination of the planning application and negotiation of the S106 agreement. It should be noted that this list is not exhaustive but an initial assessment.
- Provision of up to 30% affordable housing together with 70/30 tenure split between social rented and shared ownership;
 - Offsite highways works directly relating to the provision of the development if required by the Highways Authority;
 - Contributions towards education provision at all levels if a demonstrable need required to increase capacity;
 - Contributions towards public transport provision in the locality;
 - On-site open space provision and management arrangements;
 - On-site LAP provision and management arrangements;
 - Monitoring fees;
 - Provision and maintenance of flood protection and water management;
 - Provision of refuse/recycling bins for the development;
 - Off-site indoor sports contribution;
 - Off-site outdoor sports contribution;
 - Community hall contribution; and
 - Public Rights of Way contribution.
- 6.77. As required by paragraph 56 of the NPPF, planning obligations should only be sought where they meet the tests set out within the NPPF:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.78. Pending the agreement of a S106 to secure relevant contributions, the proposals are in accordance with Cherwell Local Plan Part 1 Policy INV1, Policy SLE 4- Improved Transport Connections insofar that it relates to contributions to offsite highway works, BSC 7 – Meeting Education Needs and the provisions of the Cherwell Developer Contributions SPD.

Planning Statement

Land off Balmoral Avenue, Banbury



7. Planning Balance

- 7.1. As previously stated the Council currently cannot demonstrate a 5 year housing supply, therefore policies relating to housing are out of date and afforded less weight. Consequently, the presumption in favour of sustainable development is engaged with a tilted balance in favour of residential development.
- 7.2. Paragraph 8 of the NPPF sets out the definition of sustainable development. It notes that there are three dimensions to sustainable development, which are:
- Economic – contributing to building a strong, responsive and competitive economy;
 - Social – supporting strong, vibrant and healthy communities;
 - Environmental – contributing to protecting and enhancing the natural, built and historic environment.
- 7.3. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4. These statements are weighed up below in the context of sustainable development.

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

- 7.5. The policies referred to relate to habitat sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets, areas at risk of flooding or coastal change. None of these designations apply to the site and therefore they provide no reason for restricting development in this location.

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole

- 7.6. Some harm is acknowledged in terms of location, as the land of the proposed development does not form part of any formal allocation in the Cherwell Local Plan 2011-2031 Part 1 or Partial Review and is located outside the built up area of Banbury within the open countryside. Development of the site will also result in the loss of moderate quality agricultural land. However, the site is on the edge of Banbury, which is a priority area for housing provision. The Local Plan also confirms that the Banbury is the main location for growth in the district, alongside Bicester.

- 7.7. A level of harm is also identified in terms of landscape. Whilst views of the site are limited to within 1km of the site and the proposed development respects the landscape and visual context of the wider landscape, a significant visual impact was found from one of the viewpoints assessed at Crouch Hill. The proposed development will be visible from this location which has moderate to high sensitivity due to it being a specific viewing point. The view of the proposed development has been limited as much as possible as the site is well screened so that the site boundaries filter views into the developed part of the site. The retained and enhanced natural features of the site will enhance biodiversity, create wildlife corridors and help integrate the development into its setting, mitigating the impact from the viewpoint whilst enhancing biodiversity. A sensitively designed layout will allow the proposed development to integrate well into the existing landscape character and help to mitigate the impact on the viewpoints identified in the LVIA.
- 7.8. It is important to recognise that this harm is more than offset by the benefits the proposed development will bring. The benefits are outlined below within the three objectives of sustainable development.

The Economic Dimension

- 7.9. The proposed development would create jobs both directly and indirectly. Ensuring an adequate supply of new homes assists with achieving a flexible labour supply, ensuring that the workforce is able to find somewhere to live near to where job opportunities exist. Conversely, a shortage in new homes leads to constraints in the local labour supply, which is damaging to the competitiveness of the local economy and thereby the economy of the UK. It is clear in the instance of Cherwell that residential development would serve to help meet the requirement for homes required for the country to fulfil its economic objectives.
- 7.10. The development would also result in an uplift in Public Sector Revenues, including Council Tax receipts, Community Infrastructure Levy contributions, Section 106 contributions, Cumulative Public Sector Revenues and New Homes Bonus Payments which will aid the Council in maintaining existing and providing new services within the district. The proposed development scheme will also contribute to Gross Value Added (GVA) per annum to the economy from new jobs created at the construction stage and at the operation stage.
- 7.11. Overall, the proposed development will provide moderate economic benefits to the local area.

The Social Dimension

- 7.12. The basic need for accommodation to address the housing requirements for the District is a significant social benefit, as the current average value of homes in Banbury remains well above the national average as does the average house price in the wider district. The provision of 49 dwellings, of which 15 will be affordable, is a significant benefit of the development in the context of the district and town itself, especially as there is a significant need for affordable housing in the district as evident by the number of households on the Cherwell housing register. The development will help meet the Cherwell Housing Strategy 2019-2024 which aims to increase the supply and diversity of affordable housing.
- 7.13. The proposal also provides new publicly accessible open space that was historically private. This includes public open space and a LAP which will be available to residents and the wider community. This will serve to increase opportunities for healthy lifestyles.

- 7.14. Overall the proposal has significant social benefits associated with it, with the provision of affordable housing and public open space.

The Environmental Dimension

- 7.15. The development is located in a settlement identified as the most sustainable (along with Bicester) in the district. The location of the site offers residents a genuine choice in terms of modes of transport to access everyday services and facilities which are located in Banbury. Therefore dependence on the private car is minimised.
- 7.16. The impact of the proposed development on traffic levels and highways safety have been assessed as part of the submitted Transport Statement. This report concludes that the development would not result in any significant adverse impacts in terms of traffic or highway safety.
- 7.17. The site is not located within any landscape or environmental designations and technical studies have shown that the impact on the environment caused by development on the site will be highly localised and will not extend beyond what could normally be expected with development on any site. The landscape impact will be mitigated through a sensitively designed layout and the retention and enhancement of the landscaping to ensure the proposed development integrates well into the existing landscape character.
- 7.18. The retention and enhancement of vegetation on the site, and the provision of a biodiversity offsetting area on the field to the south of the site, will ensure the proposed development achieves a 10% biodiversity net gain. This goes beyond the policy requirement and is a significant benefit of the proposal.
- 7.19. Based on the above, it can be concluded that policies protecting areas or assets of particular importance, and adverse impacts do not significantly or demonstrably outweigh the public benefits of the proposal. Therefore, it has been demonstrated that the proposed development is compliant with relevant policies and saved policies from Development Plan documents and within the Framework. Planning permission should therefore be granted, through the presumption in favour of sustainable development.

8. Conclusion

- 8.1. This Planning Statement forms part of an application to Cherwell District Council for outline planning permission for the erection of 49 dwellings, public open space and other infrastructure, with all matters reserved except for access through the site to the east.
- 8.2. In accordance with Paragraph 11 of the NPPF, development plan policies that are most important for determining residential applications are considered out-of-date as the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.3. Given the absence of relevant development plan policies in terms of residential development, the presumption in favour of sustainable development is engaged as per Paragraph 11 of the NPPF and Policy PSD1 of the Cherwell Local Plan Part 1.
- 8.4. This Planning Statement and associated technical reports demonstrate that there will be a minor landscape impact and minor impact from loss of agricultural land as a result of the proposed development. However, these impacts are outweighed by the benefits of the scheme. It is clear that the site provides a much needed residential development, including 30% affordable housing, in a sustainable location which is in keeping with the character of nearby uses. The development will provide various economic, social and environmental benefits, including providing a 10% net gain in biodiversity.
- 8.5. Therefore, considering the above, outline planning permission should be granted without delay in accordance with Cherwell Local Plan Part 1 Policy PSD 1 (Presumption in Favour of Sustainable Development), Paragraph 11 of the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

