

# PLACE AND GROWTH INTERNAL MEMORANDUM

**From:** Planning Policy, Conservation and Design Team

**To:** Senior Manager – Development Management (FAO David Lowin)

**Our Ref:** Application Response

**Your Ref:** 21/03644/OUT

**Ask for:** Chris Cherry

**Ext:** 1851

**Date:** 12 November 2021

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## APPLICATION FOR PLANNING PERMISSION PLANNING POLICY CONSULTATION RESPONSE

This response raises the key planning policy issues only.  
All material planning policies and associated considerations will need to be taken into account.

<b>Planning Application No.</b>	21/03644/OUT
<b>Address / Location</b>	OS Parcel 6372 South East Of Milestone Farm, Broughton Road, Banbury
<b>Proposal</b>	Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue
<b>Key Policies / Guidance</b>	<p><b>Cherwell Local Plan 2015</b> Policy SLE 4: Improved Transport &amp; Connections Policy BSC 1: District Wide Housing Distribution Policy BSC 3: Affordable Housing Policy BSC 4: Housing Mix Policy BSC 10: Open space, Outdoor Sport &amp; Recreation Provision Policy BSC 11: Local standards of Provision – Outdoor Recreation Policy BSC 12: Indoor Sport, Recreation &amp; Community Facilities Policies ESD 1 – 5 Mitigating &amp; Adapting to Climate Change Policy ESD 7: Sustainable Drainage Systems Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment Policy ESD 13: Local Landscape Protection &amp; Enhancement Policy ESD 15: The Character of the Built and Historic Environment Policy ESD 17: Green Infrastructure</p> <p><b>Saved Policies of the 1996 Cherwell Local Plan</b> 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</p>
<b>Key Policy Observations</b>	<ul style="list-style-type: none"><li>• The application site extends to approximately 3.11 hectares and lies beyond the western existing built-up edge of Banbury. It comprises 4 fields currently in agricultural use.</li><li>• A PROW runs east west along the northern boundary of the site.</li><li>• Immediately to the east of the northern parcel of land planning permission has recently been granted for residential development of 49 dwellings (ref</li></ul>

20/01643/OUT).

- It is proposed that vehicular access to this preapplication site will be via this permitted development
- To the north, beyond Withycombe Farm, is the new Banbury urban extension which was allocated for development in the 2015 adopted Local Plan (Policy Banbury 3: West of Bretch Hill).
- Immediately to the south of the site is the Broughton Road.
- All matters are reserved except for access, which is proposed from Broughton Road via Balmoral Avenue.
- The 2020 Annual Monitoring Report demonstrates that the District presently has a 4.7 year housing land supply for the period 2021-2026.
- As the Council cannot demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of the residential proposals will need to apply the 'tilted balance'
- The 'tilted balance' states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- However, recent case law has clarified that even where development plan policies are rendered "out of date" by housing land shortfalls, they remain "potentially relevant" to the application of the tilted balance and decision-makers are "not legally bound to disregard them".
- Moreover, case law has established that the provisions of the NPPF remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of development plan policies.
- The merits of providing additional homes (including affordable homes) on this site is noted and the proposal would assist in delivering new homes and meeting overall Policy BSC 1 housing requirements to 2031.
- Policy BSC 3 states that sites of 11 or more dwellings will be required to provide affordable housing. In Banbury the policy requirement is that 30% of the developed units should be for affordable housing. Advice should be sought from the Housing Strategy and Development Team as to the mix of affordable unit types and Policy BSC 4 will apply.
- The application site, if developed, will extend the current built up limits of Banbury into open countryside. The site is not allocated for development in the development plan. The proposals are therefore contrary to saved policies C8 and H18.
- Policy ESD 13 requires development to respect and enhance local landscape character. Proposals will not be permitted if they would, inter alia cause undue visual intrusion into open countryside, cause undue harm to important natural landscape features and topography, or be inconsistent with local character.

- Paragraph B.252 of the Plan lists key landscape, and landform features of value around Banbury which includes ironstone ridges and valleys; and Crouch Hill: an important landmark overlooking Banbury and the surrounding area.
- In assessing the proposals against the requirements of Policy ESD 13 the following published documents are relevant and material considerations.
- The application site is included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (part of Site Reference HELAA 035). In assessing this application site in the context of a wider site, it concludes: *'The remainder of the site is considered unsuitable for development as it lies in the open countryside surrounded by farmland and forms an attractive landscape setting to the approach to Banbury from the west'*.
- The Banbury Landscape Sensitivity and Capacity Assessment (September 2013) undertaken to inform the 2015 adopted Cherwell Local Plan considered this site in the context of a larger site, much of which was subsequently allocated for residential development under Policy Banbury 3 of the 2015 adopted Local Plan. The LCSCA states at para 4.9.11 *'In the south of the site, south of Withycombe Farm, the landscape becomes more intimate comprising smaller fields that are enclosed by hedgerows and hedgerow trees; these features are important to the setting of Withycombe Farm. The overall aesthetic quality of the site is medium...'*
- Paragraph 4.9.26 continues by stating *'....Residential development to the south of Withycombe Farm would not be appropriate as this would not be in keeping with the small scale valley along Broughton Road on the approach to Banbury.'*
- It is noted that the LVIA submitted in support of the application indicates that the site will be visible from the Broughton Road, when approaching from the west. The LVIA also states that the site will be visible from Crouch Hill, which the local plan identifies as an important local landscape feature. The photograph on page 22 would indicate that the development will clearly be visible as an extension into open countryside.
- It is noted that although residential development is not proposed in the fields adjacent to Broughton Road, extensive engineering operations are. The impact of these engineering operations on the landscape character of the locality should also be assessed.
- Detailed landscape advice should therefore be sought to fully assess the impact of the proposals and hence conformity of the proposals with the requirements of Policy ESD 13.
- The proposal exceeds the threshold which requires open space provision to be provided on site and due regard should be given to the requirements of Policy BSC 11.
- Proposals should be considered against and informed by Policy ESD 15 and consider matters such as public access, routes, views, urban spaces, development frontage, and building heights.
- The relationship of the development to the existing settlement pattern and

	<p>connectivity to existing services and facilities will also need to be considered.</p> <ul style="list-style-type: none"> <li>• Technical matters including access, traffic, biodiversity and ecology will require detailed consideration Advice should be sought from the County Council and relevant Council departments in this regard.</li> <li>• The Council is currently working on the review of the adopted Cherwell Local Plan 2011-2031 (Part 1) which will cover the period to 2040. This plan is the more appropriate context for the detailed consideration of this site for residential development. The application site has been submitted for consideration through the Local Plan Review 'Call for Sites'.</li> </ul>
<b>Policy Recommendation</b>	Objection, subject to specialist landscape advice.