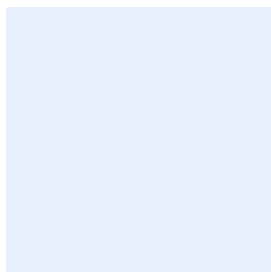

Planning Statement

Land South of Banbury Rise, Banbury



Planning Statement

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Appendices

Appendix 1: Draft Heads of Terms for Section 106 Agreement

1. Introduction

- 1.1. Savills are instructed by Bloor Homes Western (hereinafter 'the Applicant') to submit an outline planning application, with all matters reserved, except for access, to Cherwell District Council (herein 'the Council'). The application proposes:

Outline planning application for a residential development comprising up to 250 dwellings (with up to 30% affordable housing), public open space, landscaping and associated supporting infrastructure. Means of vehicular access to be determined via Edinburgh Way, with additional pedestrian and cycle connections via Dover Avenue and Balmoral Avenue. Emergency access provision also via Balmoral Avenue. All other matters reserved.

- 1.2. Bloor Homes is in the process of delivering a Local Authority Building Control (LABC) award winning residential development to the north of the application site, in the form of Banbury Rise. This new proposal would represent a seamless, logical extension to Banbury Rise in a southwards direction of growth, that would complement delivery already taking place. 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 proposal, all reports submitted as part of the planning application should be read.
- 1.4. The table below sets out the reports submitted as part of this planning application.

Table 1 - Technical Reports

Outline Planning Application Documents	Author
Agricultural Land Quality and Considerations	Kernon Countryside
Air Quality Assessment	BWB
Arboricultural Assessment	FPCR
Archaeological Assessment	Orion
Design and Access Statement	Pegasus
Ecological Assessment (incorporating BNG)	Ecology Solutions
Energy Strategy Assessment	Briary Energy
Flood Risk Assessment	BWB
Foul Water and Utilities Assessment Report	BWB
Geo-Environmental Report	Integral Geotechnique
Heritage Statement	Orion
Landscape and Visual Appraisal	FPCR
Lighting Strategy	Bloor Homes
Noise Assessment	BWB
Planning Statement (incorporating Affordable Housing and Draft Heads of Terms)	Savills

Statement of Community Involvement	Savills
Sustainability Statement	Savills
Sustainability Infographic	Savills
Sustainable Drainage Statement	BWB
Topographic Survey	Axis
Transport Assessment	PJA
Travel Plan	PJA

- 1.5. The proposal is also supported by a number of plans that are submitted for approval:

Table 2 - Plans to support the proposal – for approval

Title	Author	Reference
Site Location Plan	Bloor Homes	WE080-PD-039G
Pedestrian / Cycle & Emergency Access Balmoral Avenue	PJA	06104 SK 001 PO
Pedestrian / Cycle Access Dover Avenue	PJA	06104 SK 002 PO
Proposed Traffic Calming Existing Development to the North	PJA	06104 SK 003 PO

- 1.6. Additional plans are provided for illustrative purposes at this stage:

Title	Author	Reference
Concept Plan	Pegasus	P20-1853_02H
Indicative Masterplan	Pegasus	P20-1853_04C
Landscape Strategy	FPCR	10511-FPCR-DR-L-0001- Issue D

- 1.7. At present Cherwell District Council cannot demonstrate a 5 year supply of deliverable housing sites. Therefore the tilted balance, under Paragraph 11 of the NPPF, is engaged. It follows that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.
- 1.8. The site represents a sustainable development location and 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 and public open space comprising of new footpath networks linking to existing Public Rights of Way and the Banbury Rise development. The development will also provide new native woodland planting, formal and informal recreation areas, a minimum of 10% biodiversity net gain, bicycle infrastructure connecting to the wider network, and various economic benefits.

2. Site Location, Description, Context and Planning History

Site Location & Description

- 2.1. The site lies to the south of Banbury Rise and west of Bretch Hill (Dover Avenue, Balmoral Avenue and Thornbury Rise), approximately 1.8 km to the west of Banbury town centre. The land is located south of the A422, Stratford Road and north of Broughton Road; two primary routes into Banbury. The precise location of the site is set out within the Design and Access Statement and shown on the accompanying Site Location Plan.
- 2.2. The site falls within both Banbury Town Council and Drayton Parish Council boundaries.
- 2.3. The site comprises two arable fields which extend to an area of circa 14.09 hectares. Existing vegetation is limited to the site boundaries and a single hedgerow feature which runs across the central portion of the site, in an east-west direction.
- 2.4. The red-line area of the application incorporates the main vehicular access route through the southern phase of the Banbury Rise development, back to the existing adopted highway at Edinburgh Way.

Site Context

- 2.5. The site lies in the western part of Banbury in Oxfordshire. Banbury is the largest town in Cherwell District, and contains a wide range of services, facilities and employment 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.
- 2.6. The site is located approximately 1.8km west from the centre of Banbury as the crow flies, or 2km walking / cycling distance. There are bus stops on Bretch Hill that provide a frequent service to Banbury Town Centre including to Banbury Train Station. The bus stops closest to the site are at Bretch Hill, adjacent Chepstow Gardens and Dover Avenue.
- 2.7. Bloor Homes' recently consented Banbury Rise development is located to the north of the site, and to the east of the site are residential dwellings on Dover Avenue, Balmoral Avenue and Thornbury Rise. Land to the south is in agricultural use, and residential consent has recently been granted on land to the south east of the site which will extend the built form of the town. Withycombe Farm is located to the west of the site, beyond which lies open countryside. The farm track to Withycombe Farm runs along the western boundary of the Banbury Rise development.
- 2.8. A Public Right of Way crosses the site from its northern to western boundary (code: 191/8/10), which links to both Banbury Rise and Bretch Hill. A further route also runs within the site from its western edge (code 191/9/10). Additional Public Rights of Way route in the vicinity of the site, including along the southern most boundary.
- 2.9. According to the Environment Agency mapping the site lies within Flood Zone 1 and therefore has a low probability of flooding.

- 2.10. The site does not form part of a statutory landscape designation, and does not contain any listed buildings. The site is not subject to a conservation area designation. However, it is noted that Withycombe Farm and the attached stables to the west of the site are Grade II listed.

Planning History

- 2.11. There is no planning history associated with the application site itself. However the following applications are noted as to the context of the proposals

Land at Banbury Rise, Bloor Homes

- 2.12. Bloor Homes are in the process of successfully delivering a LABC award winning residential-led development in the form of Banbury Rise. Banbury Rise was granted outline permission in 2016 under reference 13/00444/OUT. Outline and subsequent reserved matters applications approved 161 dwellings for Phase 1, and a full application was approved for 319 dwellings which comprise Phase 2 and 3. Phases 1 and 2 are complete and Phase 3 (137 dwellings) is currently under construction with first occupations within the scheme now made. Phase 3 is expected to be complete in December 2023.
- 2.13. This allocated development site (Strategic Site 3 – West of Bretch Hill) has been built out in a southerly direction from the Stratford Road (A422). In total, the three consented phases of development will deliver a quantum of 480 dwellings, employment land, public open space and associated infrastructure.

Other Notable Applications

- 2.14. Notable recent planning consents in the surrounding area are set out in the table below. These are relevant to the application in terms of the principle of development and changing context of the immediate site surrounds:

Reference	Location	Proposed Development	Status
20/01643/OUT	Land North and West of Bretch Hill Reservoir Adjacent to Balmoral Avenue Banbury	Erection of up to 49 homes, public open space and other infrastructure, with all matters reserved except access – revised scheme of 19/01811/OUT	Appeal Allowed
21/03644/OUT	South East of Milestone Farm Broughton Road Banbury	Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue	Resolution to Grant

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:

Outline planning application for a residential development comprising up to 250 dwellings (with up to 30% affordable housing), public open space, landscaping and associated supporting infrastructure. Means of vehicular access to be determined via Edinburgh Way, with additional pedestrian and cycle connections via Dover Avenue and Balmoral Avenue. Emergency access provision also via Balmoral Avenue. All other matters reserved.

- 3.2. This application is made in outline therefore appearance, landscaping, layout and scale are to be considered through later 'reserved matters' applications. Access is proposed for consideration in detail at this stage, this comprises a main vehicular access (with pedestrian and cycle connections) via Edinburgh Way. Further, pedestrian and cycle connections are proposed along the eastern boundary of the site, via Dover Avenue and Balmoral Avenue. The Balmoral Avenue access is to provide access for emergency vehicles.
- 3.3. The illustrative masterplan highlights the key elements of the proposed development, which are summarised below:
- Up to 250 dwellings, including up to 30% affordable housing provision;
 - Large areas of public open space, concentrated along the western portion of the site (as an extension to the Banbury Rise linear park) and providing a buffer to Withycombe Farm;
 - Provision of a Locally Equipped Area of Play (LEAP);
 - Footpath and cycleway connections to the wider Public Right of Way network;
 - Sustainable urban drainage systems;
 - Vehicular access through the Banbury Rise development to the north to Edinburgh Way;
 - Emergency access provision through to Balmoral Avenue,
 - Pedestrian and cycle connections to Dover Avenue and Balmoral Avenue; and
 - Retention of existing vegetation, where possible, and new landscaping.
- 3.4. The accompanying Design and Access Statement, along with technical reports provides further details of the proposal.

Housing

- 3.5. The Applicant anticipates dialogue with the Council in respect of both the open market and affordable housing mix during the application process. It is envisaged that the S106 Agreement will establish the affordable housing mix required, with the mix for market dwellings likely being set through future detailed planning applications.
- 3.6. The density of residential development will reflect the density of existing housing in the area, such as at Banbury Rise, and exceed the minimum density for residential development set by Policy BSC2 of the Local Plan Part 1. As shown in the illustrative masterplan, the housing will be located to the east of the site, adjacent to the existing built form, and continuing the pattern of development from the Banbury Rise development to the north.

Access

- 3.7. The principle points of access, comprising pedestrian, cycle, vehicular and emergency details, as detailed at paragraph 3.2 (above) and technical drawings, prepared by PJA, are proposed for determination at this stage.
- 3.8. Further details concerning these proposals are set out within the accompanying Transport Assessment.

Landscaping and Open Space

- 3.9. The Indicative Masterplan and Landscape Strategy have been prepared to retain as much of the existing perimeter vegetation as possible.
- 3.10. The existing trees and hedgerows around the site boundary are to be retained apart from short sections of hedgerow to allow for a vehicular access route and pedestrian connectivity links. Large areas of Public Open Space will be created towards the west of the site, providing a complimentary extension to the existing linear park situated to the north. Within the Public Open Space there will also be a Locally Equipped Area of Play (LEAP), formal and informal recreation areas and new native woodland planting. The Public Open Space will provide a buffer around Withycombe Farm. There will be wider connections provided to the existing PROW network. Further consideration is set out within the following sections of the Statement.

Drainage

- 3.11. Preliminary drainage locations are shown on the indicative masterplan and comprise three main attenuation basins.

Implementation and Control over Development

- 3.12. The accompanying Design and Access Statement sets out design cues and principles for the proposal that will inform future Reserved Matters applications.
- 3.13. The Applicant and Landowner are willing to enter in to a Section 106 Agreement to control obligations on the site and in the surrounding area. There is also expected to be a detailed list of planning conditions attached to any decision notice. These will effectively control the delivery and character of the development and set out the timescale for delivery of infrastructure and financial payments.

4. Pre-Application Engagement & Consultation

- 4.1. Formal pre-application engagement has been held with both Cherwell District Council and Oxfordshire County Council in order to communicate the initial proposal and discuss the principle of development.
- 4.2. A meeting was held virtually with the Highways Officers at Oxfordshire County Council on 29th March 2022. Key points of discussion included:
- The proposed means of access and connection to the existing highway network;
 - The importance of pedestrian and cycle connectivity provisions; and
 - The approach to transport modelling.
- 4.3. A meeting was held virtually with Cherwell District Council on 10th May 2022, the key points of discussion with the Planning Case Officer included:
- The site location and sustainable credentials;
 - The principle of development, which was considered acceptable;
 - The housing land supply position and engagement of the tilted balance for decision making;
 - That the concept masterplan illustrated an acceptable form of development in principle;
 - The same design and layout principles that are established as part of the Banbury Rise development should be followed;
 - Consultation comments that had been sought;
 - That an Environmental Statement was not necessary to support the outline application which was subsequently confirmed in writing (dated 15th June, ref: 22/00808/SO);
 - The nature of planning application to be submitted and supporting technical reports required; and
 - Entering a Planning Performance Agreement (PPA) with the Council.
- 4.4. A written response was subsequently received which provided various consultee comments (e.g education, archaeology, recreation) on the proposals and confirmed principles set out above.
- 4.5. Consultation was also carried out with key stakeholders and members of the local community. Full details are set out within the accompanying Statement of Community Involvement, though engagement can be summarised as:
- Correspondence sent to local Councillors of Banbury Ruscote and Cropredy, Sibfords, Wroxton Wards;
 - Correspondence sent to Banbury Town Council;
 - Correspondence sent to Drayton Parish Council;
 - Circa 1,500 leaflets distributed to local residents providing access to further information; and
 - An interactive website consultation dedicated to the proposed development which provided opportunity for interested parties to learn more about the scheme and share their views between 12th April and 6th May 2022.
 - This extended consultation period was agreed due to overlap with the Easter Holidays.

- 4.6. The accompanying Statement of Community Involvement provides further information and summarises the feedback received.

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 not a Neighbourhood Plan that covers 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 developments of 11 or more dwellings will be required to provide at least 30% affordable housing on site. Cherwell's Interim Policy Guidance Note on First Homes (December 2021) states that of that quantum, 25% of the affordable housing provision should be for First Homes, 70% will be expected to be affordable/social rented and 5% 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 ESD4: Decentralised Energy Systems
 - Policy ESD5: Renewable Energy
 - 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

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. This document states that Banbury is one of two main towns in Cherwell, and the development strategy will result in over 14,000 additional people living in Banbury by 2031 reflecting both the economic potential of the area and the high level of housing need.

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 considered in determining 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...*
- ...i. the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*
- ...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 7 (in respect of heritage assets) and 8 (in respect of housing land supply) are relevant and considered later in this Statement.
- 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.

Cherwell Local Plan Review 2040

- 5.39. 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.
- 5.40. 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

- 5.41. 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.
- 5.42. 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.
- 5.43. 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.
- 5.44. 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.”
- 5.45. 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

- 5.46. 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.
- 5.47. 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

- 5.48. 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.
- 5.49. 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, with reference to Regulation 122(2) of the Community Infrastructure Levy Regulations.

Banbury Vision and Masterplan SPD

- 5.50. 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.
- 5.51. 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."

- 5.52. The document highlights the Banbury Rise site, to the north of the site, as a committed housing allocation at the time of publication. The Environmental Masterplan shows potential key green linkages along the western edge of the site.

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 2021 Annual Monitoring Report. This states the Council can demonstrate a 3.5 year supply of housing for the period 2022-2027. This has been confirmed in recent planning decisions such as Land South East of Milestone Farm, Broughton Road, Banbury (21/03644/OUT) and in pre-application discussions with Cherwell District Council.
- 5.55. The NPPF Paragraph 74 states that local planning authorities should 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 1.5 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 subject to two assessments which are considered in detail later in the Statement.

6. Planning Assessment

6.1. This section considers 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 application of policies in the Framework (NPPF) that protect areas or assets of particular importance provide a clear reason for refusing development; and
- Whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

6.2. 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

6.3. The site is located on the western edge of Banbury. Banbury is identified as a key focus of residential development in the adopted Cherwell District 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. This general location has previously been assessed by the Council to provide for sustainable development, as evidenced by the allocation and delivery of Banbury Rise, to the immediate north of the application site, coupled also with recent planning consents to the south east of the site. Whilst the application site does not benefit from a formal development allocation, the proposal is therefore in keeping with the spatial strategy of the Council and deemed a sustainable location for further development.

6.4. Delivery at Banbury Rise by Bloor Homes, which is subject to a LABC award, demonstrates the high quality form of development that can come forward on the application site. The public benefits of the proposal are considerable and include:

- Delivering up to 250 dwellings, incorporating 30% (up to 75) affordable units and thereby assisting in meeting housing need and the current housing supply deficit;
- Continuation of the Banbury Rise development allowing for build continuity and earlier delivery of the scheme;
- Delivery of a public area of open space, extending the existing Banbury Rise linear park;
- Providing connections to the wider Public Right of Way network;
- Delivering a net gain in biodiversity; and
- Economic benefits in terms of employment (associated with construction), workforce training and skills development opportunities, vitality to local services and potential financial contributions to improve facilities / services in the vicinity of the site.

6.5. Notwithstanding the above, paragraph 11 of the NPPF establishes a presumption in favour of development and how this should be applied in decision making. It is an important consideration that, by its own acceptance and evidenced in the District's 2021 Annual Monitoring Report, the Council cannot currently demonstrate a five year supply of housing. Paragraph 11d (and footnote 8) of the NPPF states that relevant policies for the supply of housing should be considered as out of date. Therefore the presumption in favour of sustainable development is engaged with a tilted balance in favour of residential development.

- 6.6. There are two limbs that requirement assessment under Paragraph 11d) of the NPPF which are considered in turn below.

Whether the application of Policies in the Framework (NPPF) that protect areas or assets of particular importance provide a clear reason for refusing development?

- 6.7. Footnote 7 of the NPPF identifies that this test applies to designated heritage assets. The accompanying Heritage Assessment identifies that whilst the site itself does not accommodate any such assets, a number are situated in vicinity of the site.
- 6.8. Withycombe Farmhouse is a Grade II Listed property. The accompanying Heritage Statement notes that this complex of buildings benefits from extensive natural screening to its boundary which largely hinders any notable visual connections between the site and the heritage asset. The assessment undertaken concludes the introduction of residential development will introduce some harm to its setting, though this is deemed to be at the lower end of less than substantial harm.
- 6.9. Paragraph 202 requires that where a development proposal will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits. These benefits are identified at Paragraph 6.4 (above) and include the delivery of market and affordable housing where there is an evident shortfall. The benefits of the proposal are considered to outweigh the harm identified to the heritage asset of Withycombe Farmhouse and this policy limb is not triggered in the determination process.
- 6.10. The Heritage Statement identifies further assets in the wider vicinity and concludes:
- No harm to the setting of the Drayton Conservation Area;
 - No harm to the setting of Wroxton Abbey Park and Garden (Grade II*)
 - A number of further heritage assets are located a substantial distance from the application site and benefit from intervening development and natural screening, resulting in no inter-visibility and that their settings will not be impacted by residential development proposed.
- 6.11. In applying the test at of Paragraph 11d limb (i), a clear reason for refusing development on heritage grounds is not applicable.

Whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole?

- 6.12. This section of the Planning Statement will assess the planning, environmental and technical considerations related to the development (excluding the matter of heritage as assessed above). 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

- 6.13. The Design and Access Statement (DAS), coupled with the Indicative Masterplan and Landscape Strategy, demonstrate the vision for the site. The proposed development represents a logical extension of the built up form of Banbury Rise, which can complement recent and consented development in the vicinity of the application site.

- 6.14. The masterplan illustrates a developable area and capacity of 250 homes which will deliver development at circa 35 dwellings per hectare and therefore in accordance with Policy BSC2. This takes accounts of site features and constraints and reflects development being delivered directly to the north at Banbury Rise

Section 5 of the DAS identifies that the proposal also comprises:

- Open space provision of circa 6.8 hectares, which is well in excess of that required by policy. This will provide amenity benefits to residents (new and existing) in different ways, such as active exercise, walking routes, leisure space and visual amenity. The location of the open space, concentrated along the western portion of the site will provide for a complimentary extension to the linear park successfully under implementation at Banbury Rise.
- A hierarchy of streets will be designed in accordance with Manual for Streets and the Oxfordshire Street Design Guide.
- An integrated pedestrian and cycle network within the site with links created between areas of existing and proposed residential development and the wider PROW network.
- A range of 2 to 3 storey residential development, reflecting the surrounding built form of Banbury. 2.5 and 3 storey buildings are to be predominantly focussed at key spaces to aid legibility.
- A range of development frontages with consideration given to the spaces they adjoin. The proposal will comprise a distinctive character and strong sense of place, drawing on influences on Banbury Rise and valued qualities of Banbury.
- Three proposed character areas which consideration afforded to street types, building heights and types, frontage setback, materials, architectural detailing, landscaping and boundary treatments.
- Creation of safe places based on principles of best practice and incorporation of natural surveillance and public lighting
- Proposed water management and planting strategies providing resilience to climate change and support biodiversity.
- Sustainable construction measures to reduce and conserve energy consumption and the carbon footprint of the development.

Housing Mix and Affordable Housing

- 6.15. A capacity of up to 250 dwellings has been assessed for the proposal and in turn this will provide for a quantum of up to 75 affordable dwellings (30%). This level of provision complies with Policy BSC3 of the Local Plan.
- 6.16. The Applicant proposes that the specific market housing mix be determined at the reserved matters stage. It is however envisaged that engagement during the determination period will enable consideration of a suitable affordable mix, to be incorporated with a S106 agreement and to have regard to Policy BSC 4 and the First Homes policy.
- 6.17. Bloor intend for this site to be a continuation phase of the Banbury Rise development to the north, which is currently under construction, therefore the delivery of this site would be a continuation of processes. This early commencement and delivery of housing would help to address Cherwell's lack of housing supply.

Agricultural Land Quality

- 6.18. Section 5 of the accompany Kernon Countryside report identifies that surveys undertaken consider the site to comprise Grade 2 'very good' quality land. The report notes that, around the periphery of Banbury, much of the land is of best and most versatile (BMV) quality, with few areas below such.
- 6.19. It is acknowledged that a loss of BMV land will result from development but soil resource can be managed to minimise such loss and the site is not considered 'significant development' of agricultural land, with reference to NPPF footnote 58.
- 6.20. The report concludes that whilst the loss of BMV is an adverse impact, this should be afforded no more than moderate weight in any planning balance exercise.

Air Quality

- 6.21. An Air Quality Assessment considers the construction phase dust impacts and operational phase road traffic emissions.
- 6.22. Measures are recommended for inclusion in a Dust Management Plan (DMP) to minimise emissions during construction activities. With the implementation of these mitigation measures the impact of the construction phase dust emissions is considered to be 'not significant'. The development was not predicted to result in any new exceedances of the relevant air quality objectives and the impact of the development on local air quality was predicted to 'negligible' in accordance with IAQM and EPUK guidance.
- 6.23. Local air quality monitoring, management and emission sources were reviewed, and it has be considered that the proposed development is suitable for the proposed residential use with regard to the current relevant air quality objectives.

Archaeology

- 6.24. A desk-based assessment has identified a moderate/high potential for Iron Age or Roman archaeological finds or features. It is noted that modern agricultural practice has caused a high level of truncation to archaeological features recorded north of the site and similar level of truncation may have occurred within this site itself. Therefore evaluation trial-trenching is anticipated and discussions are being held with Oxfordshire County Council regarding the timing and scope of these works.
- 6.25. Therefore the proposal 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

- 6.26. The tree survey has recorded information relating to all trees within the site and those adjacent to the site which may be of influence on any proposals. Trees were assessed for their Arboricultural quality and benefits within the context of the proposed development.
- 6.27. The species recorded on site are fairly typical for the setting. None of the assessed trees were considered as ancient or veteran trees in accordance with accepted methodologies and guidance. None of the trees assessed are protected by a Tree Preservation Order (TPO).

- 6.28. The assessment concludes that there is a variety of stock of trees and hedgerows mainly situated on periphery of the site. There is one Category A (High Quality/Value) tree which is located off site, in the rear garden of one of the adjoining properties on the eastern boundary. Please refer to the tree survey for further details on the stock of trees.
- 6.29. Some limited removal will be required to allow for vehicular and pedestrian accesses. To connect the site to the northern field parcel, a small section of low quality Category C hedgerow will require removing. This removal should not constrain the development due to both its quality and limited extent of the material to be removed. A single tree (T7), which is of Category B status, is also proposed for removal from the central hedgerow, again to enable access provision. Pedestrian and cycle links will connect the site to the Dover Avenue to the east, which will require a small amount of tree cover to be removed. This will lead to the loss of small amounts of low-moderate quality material, however due to the minimal quantity this should not constrain development. To the east of the development, pruning will be required to facilitate construction of the developable area.
- 6.30. Overall, the limited amount of vegetation removal required in order to facilitate the proposal would not be considered to significantly reduce the overall amenity value provided by the surveyed tree cover. New tree planting will mitigate for any removals. The majority of tree cover will be retained and incorporated into the development, and will continue to act as screening and buffer the development from views to the east. The proposal is therefore in accordance with Policies ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment), ESD 15 (Character of the Built and Historic Environment) and ESD 17 (Green Infrastructure of the Local Plan Part 1 and also NPPF Paragraph 174.
- 6.31. A substantial area of open space is proposed and, at an area of circa 6.9 hectares, is far in excess of policy requirements identified by Policy BSC11. This is concentrated along the site's western boundary and thereby provides a buffer to the Grade II Listed Withycombe Farm and open countryside. The open space will serve as a valuable extension to the existing linear park delivered as part of the Banbury Rise development and connect to the wider PROW network.

Landscape

- 6.32. A Landscape and Visual Appraisal (LVA) supports this planning application. The LVA 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 was completed early on in the design process and has informed the proposed site layout and quantity of development.
- 6.33. The LVA reports:
- The site and its immediate context have been assessed as having a medium landscape value overall.
 - The proposals have been designed to accord with Policies ESD13, ESD15 and ESD17 by responding to the local landscape character and visibility, respecting local topography and skylines, retaining and protecting local landscape and heritage features and integrating and enhancing green infrastructure.
 - The 'key site-specific design and place shaping principles' set within Policy Banbury 3 (development to the north) have been considered as many of those principles are also applicable to this application proposal.
 - The site and its immediate context are not covered by any statutory or non-statutory landscape designations at either a national or local level.

- Whilst there will inevitably be some adverse landscape and visual effects at the outset, it is judged that the effects of the proposed development and consequential effects will be localised and limited in their extent.
- In conclusion, the site and its immediate context has the ability in which to absorb change. The proposals will be appropriate within the local landscape and settlement context, and the effects resulting from the proposed development will not give rise to any unacceptable landscape and visual harm.

Ecology

- 6.34. A desk study, Habitat Survey and Faunal Survey have been carried out for the site. The majority of habitats within the site are considered to be of low ecological importance comprising arable land. The hedgerows and trees have relatively greater ecological value.
- 6.35. These surveys establish that there is a Badger Sett located on the site boundary, though is located adjacent to a large area of open space where not construction activities are proposed. Accordingly no impacts are anticipated as a result.
- 6.36. A single tree (T1) was identified as having moderate potential to support roosting bats. This tree is retained and would be unaffected by the development. The bat activity transect survey was undertaken across the site in June 2022 and the results can be seen in Plan ECO3 in the Ecology Assessment.
- 6.37. A number of common birds were recorded during the habitat survey. There are no notable records of reptiles or invertebrates on site.
- 6.38. The proposed development will mitigate and enhance the ecological value of the site. The provision of new trees and hedgerows will provide new foraging and navigational opportunities for bats, a range of common mammals and invertebrates. New hedgerow and tree planting should comprise native species wherever possible. The creation of new attenuation features will provide enhanced foraging opportunities for bats and diversify the habitats available to this faunal group. A sympathetic lighting regime could minimise light spillage into key areas and bat boxes to provide enhanced roosting opportunities within the site.
- 6.39. To safeguard any nesting bird species within the site, it is recommended that clearance of vegetation should be undertaken outside of the bird breeding season. New bird nest boxes should be provided on suitable trees/buildings within the site to enhance nesting opportunities.
- 6.40. In order to assess biodiversity net gain, a calculation was undertaken using the DEFRA Biodiversity Metric 3.1 Calculation Tool. It has been demonstrated that a biodiversity net gain in excess of 10% can be achieved as a result of the proposals.

Access and Movement

- 6.41. The accompanying Transport Assessment identifies:
- That the site is accessible via a range of walking and cycling infrastructure and by various public transport nodes.
 - A range of amenities are also located within a short walking distance of the site.
 - An analysis of collision data indicates that there are no existing highways safety concerns on the local network that would be exacerbated by the proposed development.

- The proposed access strategy is for vehicular access via the consented Banbury Rise development to the north, which itself has two vehicular access points. Emergency access is also proposed via Balmoral Avenue. The emergency access, along with a further point at Dover Avenue will provide additional pedestrian and cycle access into the existing neighbourhood.
- The network of Public Rights of Way surrounding the site are proposed to be enhanced / connected to (where within the Applicant's ownership).

- 6.42. The TRICS database has been used to forecast trip generation, which results in approximately 125 two-way vehicle movements in each peak hour. A study area has been agreed with Oxfordshire County Council in respect of junction capacity assessments and the results of the modelling will be presented in an Addendum report. The Addendum will also consider the requirement for any offsite improvements to mitigate any impacts which are identified to be unacceptable in NPPF terms. Early dialogue with OCC has identified that any impacts would likely be mitigated through a contribution towards local schemes identified to improve conditions and encourage active travel modes.
- 6.43. In conclusion, the Transport Assessment demonstrates the proposed development meets criteria of the NPPF. Development would not have an unacceptable impact on highways safety and the impacts and severity of these, along with requirement for any mitigation will be further assessed within the Addendum Report.
- 6.44. A Travel Plan is also submitted which identifies a number of measures to promote and encourage walking and cycling, public transport use, car sharing and to reduce the need to travel. Indicative targets are set out to reduce travel by single car occupancy. Precise targets would be established as part of the preparation of a full Travel Plan in consultation with OCC with monitoring proposed for a period of 5 years from first occupation. This time period is in line with the strategy agreed for the Banbury Rise scheme, immediately to the north. An Action Plan is also provided at Section 8 of the Travel Plan which includes responsibilities and methods of implementation.

Geo-Environmental

- 6.45. The accompanying report, prepared by Integral Geotechnique sets out a series of engineering considerations and recommendations to inform future development of the site. These are not considered prohibitive to future development.

Flood Risk & Drainage

- 6.46. BWB have prepared a Flood Risk Assessment which demonstrates that the site is located in Flood Zone 1 therefore there is low probability of the land flooding from rivers or the sea, and the site is predominately at a very low risk of pluvial flooding.
- 6.47. The proposed development is not at significant flood risk subject to the recommended flood mitigation strategies being implemented. The development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.
- 6.48. The accompanying Sustainable Drainage Statement provides further information on the drainage approach. The surface water drainage strategy proposes that the site is split into three sub-catchments which will each be drained by an infiltration basin. The necessary surface water storage is located at the lowest elevation of the site.

Foul Water and Utilities

- 6.49. BWB have prepared a Utilities Assessment Report to identify any existing infrastructure that may constrain the development, and to identify a strategy for the delivery of future supplies to the site. The assessment also considers whether any utility service diversions are required to accommodate the proposal.
- 6.50. The report provides further information on the existing utility providers, the infrastructure and whether diversions or new utility infrastructure will be required. The existing networks appear to be reasonably well established and the utility capacity should be able to be provided by the existing infrastructure or through further localised network reinforcement.
- 6.51. It is not anticipated that the utilities are a barrier to the development site. Further consultation with relevant companies will be undertaken in the future.

Noise

- 6.52. BWB have undertaken a noise constraints review to identify any noise sources which may influence the suitability of the site for residential use. The noise and vibration levels generated during construction phase will be a short-term, temporary impact and can be controlled through a CEMP.
- 6.53. Surrounding sources of noise are unlikely to pose a constraint to the residential development during the operational phase. Therefore it has been considered that no sources warrant further assessment and future noise levels in habitable rooms and outdoor amenity areas should meet British Standards without the need for mitigation.

Sustainability

- 6.54. Savills Earth have undertaken a Sustainability Statement which summarises key design aspects that demonstrate the proposed development's commitment and strategy to meet and exceed the sustainability and energy efficiency standards set out in relevant local and national planning policies.
- 6.55. The proposed development has been designed to be compliant with the recently updated 2021 iteration of Part L of the Building Regulations and achieves a 34% reduction in CO₂ emissions over the previous 2013 iteration of Part L.
- 6.56. The proposed development will minimise energy demand through a fabric first approach, including the use of low U-values, low air permeability and low thermal bridging to reduce heat loss. Energy efficiency will be maximised through the use of heat recovery systems such as Waste Water Heat Recovery, Flue Gas Heat Recovery, low energy lighting and advanced heating controls.
- 6.57. Passive measures such as solar lighting, natural ventilation and opportunities for cooling and shading will be maximised. Recycled and energy efficient materials will be incorporated into the proposal. Rooftop photovoltaic panels will be utilised to generate renewable electricity onsite.

S106 Agreement

- 6.58. Appendix 1 sets out Draft Heads of Terms anticipated in respect of any S106 Agreement to be advanced. The topics identified are anticipated for further discussions with relevant consultees during the determination period. The Applicant welcomes early engagement and does not consider Appendix 1 to provide an exhaustive list at this stage.
- 6.59. It is evident from the suite of technical documents that support the application that a high quality residential development can be delivered. No conflict with the policies of the NPPF are identified and no adverse impacts, which would significantly and demonstrably outweigh the benefits of development, are identified.

7. Planning Balance & Conclusion

- 7.1. The Design and Access Statement, Indicative Masterplan, Landscape Strategy and accompanying technical reports demonstrate, at this outline stage, the nature of residential development that can be successfully delivered. The Applicant's approach to design and delivery will echo that of the award winning scheme being implemented immediately to the north of the application site, at Banbury Rise by Bloor Homes. On this evidence an attractive, high quality residential environment can be delivered.
- 7.2. Banbury is the highest order settlement within the District (alongside Bicester). The western area of the town has been acknowledged as a sustainable location for development, based upon previous development allocation and planning consents in the area. The proposed development forms a logical extension to Banbury Rise with seamless connectivity and land use arrangements.
- 7.3. 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; and
 - Environmental – contributing to protecting and enhancing the natural, built and historic environment.

Economic

- 7.4. The proposed development will create jobs, training and skills development opportunities both directly and indirectly. The development will assist in ensuring there is an adequate local labour supply, as the new homes will allow people to find somewhere to live close to where job opportunities exist. The build continuity from the earlier phases of Banbury Rise will enable the retention of an existing labour force.
- 7.5. The development will also result in an uplift in Public Sector Revenues, such as through Council Tax and Section 106 contributions. Pre-application discussions have enabled initial dialogue as to the nature of contributions that may be sought and thereby informed the draft Heads of Terms provided at Appendix 1. Resident expenditure will also add vitality to existing local services and the economy; including increased patronage of public transport services.

Social

- 7.6. A significant social benefit of the development is that the additional residential accommodation will help meet both affordable and market housing requirements in the District. Policy compliant provision of affordable housing, at a level of 30%, will deliver up to 75 affordable dwellings for people in real need of housing, providing a mix in tenure and unit sizes and creating an inclusive and mixed community.
- 7.7. The proposed development will also provide publicly accessible open space, in the form of an extension to the existing linear park of Banbury Rise. This significant area of public open space will be available to residents of this site and the wider community. Its accessible location, in relation to existing PROW will enable enhancement to leisure routes and thereby promote healthy lifestyles.
- 7.8. The site is accessible by a range of transport measures and development will provide high quality homes within good access to shops, services and facilities.

Environmental

- 7.9. Appropriate mitigation can protect existing habitats and the vast majority of existing vegetation will be retained, thereby enabling existing natural features to be maintained and where possible enhanced in association with biodiversity net gain.. The Landscape Strategy demonstrates the ability to deliver a pleasant environment with significant new planting proposed, including native woodland, feature trees, parkland and orchard planting. A sensitive, transitional approach between the urban and rural landscape can be delivered and a minimum 10% gain in biodiversity will be achieved.
- 7.10. The site is in a suitable and sustainable location, with opportunity to walk, cycle or use public transport to access everyday services and facilities which are located in Banbury. Therefore dependence on the private car can be reduced. The application is supported by a Travel Plan which expands on the aim to reduce single car trips.
- 7.11. The proposed development seeks to address climate change through mitigation measures and adaption for buildings and future residents to cope with the changing climate. To reduce greenhouse gas emissions a number of sustainable measures and high-quality design principles will be incorporated. The proposal seeks to include measures to adapt to the changing climate such as hotter drier summers.
- 7.12. The application proposal will deliver a highly sustainable form of development.
- 7.13. Whilst the site itself is not subject of a development plan allocation, pre-application discussion have confirmed that Paragraph 11d of the NPPF is triggered, as a result of the shortfall in housing supply. Consequently, the presumption in favour of sustainable development is engaged with a tilted balance in favour of residential development.
- 7.14. 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.
- 7.15. A single heritage asset, in the form of the Grade II Listed Withycombe Farm complex, is assessed to experience harm to its setting as a result of the development proposed. That harm is assessed to be at the lower end of less than substantial. The public benefits identified by this Statement are considered to outweigh the harm and do not therefore present a reason for refusing the proposal under the first limb (NPPF, 11di).
- 7.16. A suite of technical information accompanies the application which confirms the deliverability of the scheme. Appropriate mitigation can be provided in respect of matters such as landscaping, ecology, drainage and highways matters. There are no physical, environmental or technical constraints to the delivery of the proposed scheme and therefore no adverse impacts that would arise such as to significantly and demonstrably outweigh the benefits identified.
- 7.17. This proposal by Bloor Homes; the developers of Banbury Rise, can deliver a highly sustainable form of development and it is respectfully suggested that a presumption in favour should be applied to the determination of the application.

- 7.18. Finally, should this application be approved, Bloor are committed to the early delivery of the proposed new homes through seamless build continuity from their existing scheme of Banbury Rise. Bloor will be willing to commit to a planning condition to ensure early submission of a Reserved Matters Application and commencement of development within a year. It is respectfully requested that outline planning permission is granted.

Appendices

Appendix 1: Draft Heads of Terms for Section 106 Agreement

- 1.1 Following a review of the Development Plan and the IDP, and pre-application discussions, the Applicant anticipates that the following matters will need to be considered in respect of a Section 106 agreement accompanying any planning permission for this application. These matters will be subject to detailed discussion as part of the determination process for the application and need to be considered against the tests set out in paragraph 57 of the NPPF, with reference to Regulation 122(2) of the Community Infrastructure Levy Regulations and, where relevant, any viability considerations.
- 1.2 **Affordable Housing** – Up to 30% of the total number of houses to be provided as affordable dwellings in line with the Council's adopted policy position with appropriate housing mix and tenure for discussion.
- 1.3 **Highways / Transport** – The provision of road, footpath and cycleway improvements in and around the site and contribution to improve conditions for and encourage increased uptake of active travel.
- 1.4 **Education** – A contribution to the provision of primary, secondary and early years school education at Banbury, as necessary.
- 1.5 **SuDS** - To provide the necessary SUDS scheme to attenuate the surface water run-off from the site and provide a management plan for the long-term maintenance and management of the approved SUDS scheme.
- 1.6 **Community Use** - A financial contribution to off-site provision.
- 1.7 **Open Space and Play** –The provision of publicly accessible open space. The open space will include play facilities (proposed in the form of a Locally Equipped Area of Play, LEAP).
- 1.8 **Sports** – a financial contribution towards the enhancement of indoor and/or outdoor sports facilities in the vicinity of the site.
- 1.9 **Public Art** – a financial contribution towards the provision of such within the vicinity of the site.
- 1.10 **Community Development Worker** – a financial contribution towards employment of such to integrate residents into the community.
- 1.11 **Community Development Fund** – a financial contribution towards such to include initiatives to support groups for residents of the development.
- 1.12 **Legal Fees** – To cover the Council(s) reasonable legal fees.