



PLANNING STATEMENT
(Incorporating Statement of Community Involvement)

On Behalf of:

Manor Oak Homes

In Respect of:

Outline application for up to 114 dwellings

At:

Land at Hanwell Fields, Banbury

Date:

September 2024

Reference:

03222/S0005

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1.0 INTRODUCTION

Introduction

- 1.1 This Planning Statement has been prepared on behalf of Manor Oak Homes (“the applicant”) in support of an outline planning application in respect of land north of Dukes Meadow Drive, Hanwell Fields, Banbury (“the application site”). The application seeks outline planning permission for up to 114 dwellings, with all matters apart from access reserved for future consideration (“the proposed development”). The proposal will represent the second phase of our client’s proposed development at the site following the grant of planning permission for the 78-dwelling first phase immediately to the south on 3rd May 2024 (application reference 21/03426/OUT).
- 1.2 This submission follows two other applications designed to secure the second phase of the development: firstly an initial 176-dwelling application, made in September 2022 (application reference 22/3064/OUT), where issues were raised by officers in respect of scale, drainage, biodiversity, and landscape impact resulted in a recommendation for refusal to committee, prior to its withdrawal; and secondly a reduced scale scheme of 117-dwellings, further amended to 114-dwellings during the course of the application, made in November 2023 (application reference 23/03366/OUT) which was refused by members following a positive recommendation by officers.
- 1.3 It is the latter of these two applications that serves as the basis for this resubmission. Whilst strong encouragement has been taken from the clear recommendation of officers that the eventual 114-dwelling proposal represented sustainable development upon the weighing of the planning balance it is recognised that members continued to hold concerns. The eventual reasons for refusal focused on two main issues, those being the impact of the proposal on local character and the conflict of the scheme with the development plan.
- 1.4 Both matters would benefit from further deliberation by the Council, not least considering the inspector’s findings as part of the very recent appeal decision¹ in respect of land at Warwick Road, Banbury, around 1km to the west of the site. Whilst this was received prior to the committee meeting the Council had insufficient time to assess its full connotations – the appeal decision was issued on 29th July with committee falling on 1st August. This decision judged that a 170-unit scheme on a more prominent site would neither result in overriding harm to the landscape nor threaten coalescence with Hanwell despite it lying some 100m from the village. It also concluded that the Council cannot demonstrate a sufficient supply of housing land, echoing the sentiments of a previous inspector presiding over an appeal at Heyford Park².

¹ Appeal Ref: APP/C3105/W/24/3338211

² Appeal Ref: APP/C3105/W/23/3326761

- 1.5 There were also several points raised by consultees towards the last application that were either not fully resolved or required the publication of a written update on the day of the committee for clarity. Specifically, these matters related to ecology and heritage.
- 1.6 In summary, then, this submission once again seeks permission for the 114-unit scheme previously considered by the Council. However, it is now supported by the additional following information:
- An updated Landscape and Visual Impact Assessment that consolidates the positive response of the Council's landscape consultant towards the previous application with the analysis of the applicant's own advisor and responds to the specific concerns raised by the Council in the first reason for refusal;
 - A comprehensive Ecology Assessment which reiterates the findings included in the previous report submitted in support of the refused application whilst incorporating the detailed response to the remaining concerns of the Berkshire, Buckinghamshire, and Oxfordshire Wildlife Trust submitted to the Council on 8th March 2024 (during the previous application); and
 - An updated Planning Statement (this document) which incorporates a review of the officer comments included in the committee report towards the last application, the key findings of the Warwick Road inspector, and an updated assessment of the Council's housing land position.
- 1.7 In any event and irrespective of the estimated supply position it is incumbent on the Council, as with all local planning authorities, to consistently respond to the requirement of the National Planning Policy Framework in ensuring that the supply of local homes across Cherwell is significantly boosted. Delivery of new homes should most appropriately take place adjacent to the largest and most sustainable settlements such as Banbury. This point was recognised by officers in recommending the grant of planning permission to members and formed a central pillar of the inspector's reasoning in respect of the Warwick Road appeal.
- 1.8 The application proposal comprises the construction of a mixture of new homes at the site including a range of smaller dwellings, bungalows and family properties intended to help meet the needs of all sectors of the community. Of the maximum 114 dwellings proposed 35 of them (over 30%) will be affordable in tenure.
- 1.9 Accordingly, in considering this submission and bearing in mind what the applicant considers to be the continued deficit of new homes allied with the very similar physical characteristics of the site to the first phase land the Council's conclusions in respect of the initial consent remain relevant. Summarising the merits of the now approved first phase proposal for up to 78 dwellings it was confirmed at paragraph 10.2 of the committee report relating to the application that:

"The proposed application site is located close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The proposal

would have some limited impact on wider landscape views, but this harm would not outweigh the benefits of the proposal, especially when considered within the context of the Council being unable to demonstrate a 5-year housing land supply.”

The Application

- 1.10 To demonstrate that the application site represents an entirely sustainable and unconstrained location for a new residential development of up to 114 dwellings this application is supported by a range of technical studies, as follows:
- Design and Access Statement, prepared by Thrive Architects;
 - Landscape and Visual Impact Assessment, prepared by Aspect Landscape Planning;
 - Ecological Appraisal, prepared by Aspect Ecology;
 - Arboricultural Impact Assessment, prepared by Aspect Arboriculture;
 - Transport Statement, prepared by MAC Consulting;
 - Framework Travel Plan, prepared by MAC Consulting;
 - Flood Risk Assessment and Drainage Strategy, prepared by MAC Consulting;
 - Archaeology Desk Based Assessment, prepared by TVAS;
 - Archaeological Evaluation, prepared by TVAS;
 - Heritage Statement, prepared by Asset Heritage; and
 - Sustainability Statement, prepared by Manor Oak Homes.
- 1.11 The Statement proceeds on the following basis: **Section 2** describes the application site and its context; **Section 3** summarises the development proposals; **Section 4** provides a summary of the pre-application engagement that was undertaken; **Section 5** reviews relevant planning policies at local and national level, **Section 6** provides a planning assessment of the proposals with a summary and conclusions provided at **Section 7**.

2.0 SITE DESCRIPTION AND PLANNING HISTORY

- 2.1 The site, extending to approximately 6.02ha including the land required for access and drainage, comprises the eastern extent of a larger field lying to the immediate north of Dukes Meadow Drive and the 3.4ha of land subject of the first phase of our client's proposed development, which will ultimately accommodate up to 78 new dwellings. It represents an approximate 45% portion of the larger field which comprises set aside agricultural land.
- 2.2 The field is bound by a prominent established hedgerow and treeline along its northern and eastern edges and then by the Dukes Meadow Drive corridor to the south, a route which represents Banbury's northern distributor road and one of the town's principal locations for residential growth. The western boundary of the application site is currently undefined on the ground due to the site comprising the eastern portion of a larger field (it will essentially split the field approximately 1/3 to 2/3). The site is then separated from the main carriageway of Dukes Meadow Drive by a combination of the first phase land and a grassy embankment which comprises highways land.
- 2.3 The site lies immediately to the north of the built-up area of Banbury and opposite a substantial area of modern housing, community facilities and open space comprising the recent Hanwell Fields development at the town. The existing development is characterised by a range of contemporary housing styles featuring a mixture of terraces, townhouses and predominantly apartments, many of which comprise 'landmark' building fronting onto Dukes Meadow Drive including those opposite the site, themes which have been incorporated into the first phase proposal. To this end it sits in the context of existing recent residential development.
- 2.4 Furthermore, it is then well related to two current and significant Local Plan allocations at the town – Banbury 2 to the east and Banbury 5 to the west – which clearly establish the northern approaches to the town as an established direction of both current and future growth. The committed growth at the town is then extended further to the west and to the northwest courtesy of allocation Banbury 18 and the recently allowed Warwick Road development. The approximate extent of the application site and its relationship with the first phase land (demarcated in blue) is shown on **Plan 1**. The relationship of both phases with the commitments referred to above is then shown on **Plan 2**:



Plan 1: Site Location Plan



Plan 2: Site Context Plan (residential commitments shown in blue and green)

2.5 The site almost entirely comprises rough grazing land. There are no adjacent heritage assets. The site is located within Flood Zone 1 and thus at the lowest risk of flooding. There are no known surface water flooding issues either on the site or in the general locality. The site does not comprise any ecological designations. Whilst the site rises from east to west it also slopes gently from north to south lending it a close visual relationship with the existing development at Hanwell Fields. In this respect it also shares almost identical characteristics with the first phase land.

- 2.6 In terms of access the site is well related to an existing three-spur roundabout affording access from Dukes Meadow Drive to the existing Hanwell Fields development to the south. A fourth spur of the roundabout will then be implemented pursuant to the approval of the first phase proposal which will also deliver a new bus stop and public footpath improvements.
- 2.7 The site is then in a highly accessible location in all respects offering walking and cycling links to a wide range of shops, amenities, and facilities as well as onward public transport services. Along with the site lying within an 800m walking distance of the nearest bus stop at Ferriston (which is adjacent to the nearest doctor's surgery) to the south it also lies immediately adjacent to a range of services at Hanwell Fields local centre.
- 2.8 In considering the location of the first phase land and its relationship with these local services and facilities the committee report for application reference 21/03426/OUT concluded:

"The proposed location of the site is immediately opposite an existing local centre containing a convenience store, food outlets, other retail premises, dentist, public house, community centre and primary school. These are ideally located and provide safe/convenient pedestrian access to these facilities from the site."

- 2.9 The application site is functionally related to the adjoining land to the south and would benefit from similar levels of accessibility.

Planning History

- 2.10 As has already been referenced above this submission seeks to build on the principle of development established at this location to the north of Duke's Meadow Drive by the Phase 1 proposal. It follows two previous applications at the site:
- Application Reference 22/03064/OUT for up to 176 dwellings, withdrawn 14th June 2023 (**'the first application'**); and
 - Application Reference 23/03366/OUT for up to 117 dwellings (revised to 114 dwellings prior to determination), recommended for approval by officers but refused by members at committee, decision dated 12th August 2024 (**'the second application'**).
- 2.11 Prior to the withdrawal of the first application the Council issued its officer report which recommended its refusal to the members of Cherwell's Planning Committee on five separate grounds. These were to be:

- Its location outside of the built-up limits of Banbury contrary to an up-to-date development plan, its visual prominence within the open countryside beyond, and its additional potential to threaten the coalescence of Banbury and the village of Hanwell to the north;
- Insufficient detail to demonstrate that sufficient surface water drainage can be provided at the site;
- Insufficient detail to demonstrate that the proposal would not harm flora and fauna and would secure a 10% biodiversity net gain;
- The absence of a completed legal agreement resulting in an inability to secure the necessary affordable housing and infrastructure required to make it acceptable in planning terms; and
- Complementary to the first reason for refusal, the general impact the proposal would have on the wider landscape.

2.12 The second application, initially for 117-dwellings, was informed by a thorough review of the officer comments and the putative reasons for refusal for the 176-unit scheme. It provided significant amendments to the design and scale of the proposal, along with additional technical surveys, which sought to demonstrate that each of these grounds for the Council's opposition to the previous application have been demonstrably overcome. Significant ground was made as a result with the drainage and ecology reasons for refusal being entirely overcome. Indeed, the revisions to the scheme, determined based on a revised 114-dwelling proposal comprising bungalows around the upper slopes of the site (resubmitted as part of this current application), led to an entirely positive response from the Council's independent Landscape Consultant, Lanpro. Concluding the assessment of the supporting Landscape and Visual Impact Assessment (LVIA) and its findings Lanpro agreed:

"...in Landscape and Visual terms it is considered that the level of harm assessed within the LVIA is correctly assessed and mitigation to address identified harm is acceptable and compliant with both national and local plan policy."

2.13 Ultimately, in balancing this and all other considerations the officer report to committee concluded as follows:

"Despite the Council currently being able to demonstrate a 5-year housing land supply, it is considered that the proposal would demonstrate a sustainable development with the proposed application site being located close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The development would not cause harm to the local highway network or flood risk. It is considered that the proposal would have some limited impact on wider landscape views, but this harm would be sufficiently mitigated through appropriately worded conditions and so not outweigh the benefits of the proposal, housing developments of this kind should be located close to the most sustainable locations within the district, Banbury is the most sustainable town and as such can accommodate a development of this size thus boosting the districts overall housing supply."

2.14 Despite both the clear endorsement of the proposal by Lanpro and the positive assessment of the application upon the application of the planning balance members voted to refuse the scheme on two main grounds – conflict with the development plan and landscape impact. The latter reason of course was entirely at odds with the findings of the robust LVIA undertaken by the applicant’s landscape consultant and the supportive peer review undertaken by the Council’s own landscape specialist. It is on this basis that the refusal has since been appealed by the applicant (appeal reference APP/C3105/W/24/3350865 – currently awaiting publication of a timetable by the Planning Inspectorate). The first reason for refusal was as follows:

“Cherwell District Council is able to demonstrate a 5-year housing land supply meaning that the relevant development plan policies are up to date. The application site is located within open countryside and is not allocated for development. The proposed development by virtue of its visually prominent position, is such that it would breach Banbury’s contained environmental setting, giving rise to a risk of coalescence between Banbury and Hanwell, causing undue visual intrusion into the open countryside, fundamentally changing the undeveloped characteristic of this parcel of open arable land, creating a prominent urban built form, inconsistent with the local character, to the detriment of the rural landscape. As such, the proposed development would be contrary to Policies BSC1 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies H18, C8, C15 and C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.”

2.15 Accordingly, this resubmission seeks to provide an updated analysis of all the remaining matters raised in respect of the refused scheme and comprises what we hope to be a helpful review of theses. This will allow fresh consideration of the proposal and its merits, particularly against the context of the Council’s deficient housing land supply.

3.0 THE PROPOSAL

3.1 Planning permission is sought for the following:

"Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access"

3.2 As with the permitted first phase of development it is the intention of the applicant to deliver a sensitively designed residential development that would respect the landscape setting of the site whilst forming a natural extension to the built-up area of Banbury. The proposal will serve as a natural extension to the 78-dwelling first phase and will present a similar form of development consisting of a variety of development parcels all accessible from a main spine road which would gently curve and climb with the contours.

3.3 On review of the 176-unit first application concerns were raised by the Council in respect of character, appearance, and the prevailing landscape in respect of scale and the relationship of the development with the countryside beyond. In addition, it was identified that a section of the site comprises Adder's Tongue Fern, a species of flora which should be retained wherever possible.

3.4 Accordingly, the scale of the proposal was reduced significantly as part of the second application with the built form drawn back from the northern boundary and the developable area reduced to allow the retention of the Adder's Tongue Fern in situ. These were further revised during that application to consider the initial comments offered by the Council's landscape officer. Accordingly, it was determined based on the 114-unit scheme that now once again comprises this application.

3.5 The development subject of this application will be led by the following key principles:

- The delivery of up to 114 dwellings in total of a range of sizes, types and tenures;
- Development at an approximate density of 20dph (gross), 30dph (net) which is lower than that of nearby proposals at Sites Banbury 2 and Banbury 5 as well as the first phase of development immediately to the south;
- Consequently, a development that incorporates approximately 40% of the site as open space and public amenity land;
- The provision of just over 30% affordable housing on site (35 dwellings) with an overall mix in line with the general requirements of the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) and the more specific comments provided by the Council's Housing Strategy team towards the previous withdrawn application;

- A layout characterised by a combination of formal and informal planting representative of the settlement edge character of the site and reflective of the first phase of development to the immediate south;
- The use of levels and building heights across the site to ensure the proposal does not sit prominently within the landscape when viewed from the south and east – the fringes of the site on the higher land will accommodate single storey bungalows;
- Vehicular access drawn from the adjacent Dukes Meadow Drive / Lapsley Drive roundabout via the first phase (as already approved);
- A secondary emergency access at the southeast corner of the site directly on to Duke’s Meadow Drive;
- Then, opportunities for additional cycle and pedestrian links to and from the first phase of development along the southwestern boundary;
- Both a LAP and a LEAP are integrated as part of the open space which provides a buffer between the northern edge of the developable area and the open countryside to the north;
- A proposed perimeter block style layout in keeping with the existing development on the southern side of Dukes Meadow Drive and taking cues from the emerging developments at Sites Banbury 2, Banbury 5 and of course the first phase; and
- An integrated SUDS drainage system using a series of surface attenuation ponds to ensure discharge can be maintained at greenfield rates. This is designed to link in with the first phase of development.

3.6 A detailed analysis of the evolution of the application scheme can be found in the Design and Access Statement provided in support of this submission. It explains the positive approach taken by the applicant towards the revision of the 176-dwelling first application and how the revised scale, form, and layout has entirely overcome any valid concerns raised in respect of the previous proposal. It then explains the further rationale of the reduction of the 117-dwelling scheme submitted as part of the second application to now comprise the 114-dwelling proposal that is once again before officers. This document also provides a description of the parking, refuse, and drainage strategies whilst similarly providing an overview of the way in which sustainable design and build techniques have and will be incorporated into the scheme.

3.7 Lastly, this submission explores the relationship of the proposal with the 78-dwelling first phase proposal and explains the way in which it would form a natural and proportionate extension to the Banbury urban area. Indeed, comparable to the 78-unit first phase of development the application proposal shares almost identical physical characteristics which will ensure it maintains a similar character and relationship with the urban area to the south, the open countryside, and Hanwell village furthest to the north. Indeed, in respect of prominence in the landscape the highest dwelling (a bungalow) proposed as part of the application scheme is a whole 10m lower in the landscape (AOD) than the equivalent highest dwelling proposed as part of the first phase:

	Phase 1 (permission granted)	Phase 2 (this application)
Site Area	4ha	6.02ha
Unit Numbers	78	114
Density (gross)	19.5dph	20dph
Density (net)	30dph	30dph
Development / Open Space Ratio	60:40	60:40
Site gradient	1:10	1:10
Highest dwelling (AOD)	129m	119m
Maximum building height	4-storeys	3-storeys
Distance of nearest dwelling from Hanwell	1.35km	1.35km

- 3.8 A parameter plan showing both the proposed development parcels along with the maximum upper storey heights across the site is included as part of this submission. This plan is offered for approval to ensure that the key principles of the proposal will be adhered to at detailed reserved matters stage.
- 3.9 The application proposal then ultimately seeks to secure permission for up to 114 new dwellings in a district where the applicant is clear there is a continuing shortfall in housing supply. The proposed development can be delivered swiftly and in parallel with the first phase of development if a second developer acquires the site. This swift delivery could be assured through the application of bespoke conditions requiring submission of reserved matters within 18 months and a shortened implementation period thereafter.

4.0 STATEMENT OF COMMUNITY INVOLVEMENT

Pre-Application Enquiry

- 4.1 Whilst this application was not preceded by any formal pre-application engagement with Cherwell District Council it has been influenced by the continuous engagement with officers in respect of the delivery of residential development to the north of Dukes Meadow Drive since July 2021. This began with an initial pre-application enquiry in respect of the applicant's first phase of development where officers made it clear that development in this specific direction on the northern edge of Banbury could be supported due to its unconstrained nature and high levels of accessibility.
- 4.2 At the point of the first phase application for 78 homes on land adjacent to the application site the delivery of residential development on land under the control of the applicant was a crucial source of new homes which would contribute towards the current shortfall of housing locally. Now, reflecting on our updated conclusions that the Council cannot demonstrate a sufficient supply of housing land the position must be the same.
- 4.3 The acceptability of growth at this location was then corroborated through a recommendation by officers to the Council's members that that the first phase of development be granted permission. This recommendation was supported by a positive officer report which outlined the merits of housing delivery to the north of Dukes Meadow Drive and the urgency to delivery new homes at sustainable locations across the district due to a deficit in housing land.
- 4.4 The first application at the current site, for a Phase 2 development of up to 176-dwellings, represented a similar opportunity to engage fully with both officers and key stakeholders to gain a more detailed understanding of the site and its constraints. It transpired that the scale of the scheme did not allow the delivery of a form of development sensitive to the site and its constraints, a point accepted by the applicant. The discussions held during its determination period allied with the extensive comments provided in the subsequent committee report provided a detailed insight into the revisions that should be made by the applicant to present a scheme that would be acceptable to officers.
- 4.5 Accordingly, the second application was submitted for 117-dwellings. This returned positive comments from officers who identified from an early stage of the application that, if the landscape impact of the proposal was considered acceptable by the Council's landscape officer, the proposal would likely be supported. In fact, it was the Council's external landscape consultant that endorsed a slightly amended scheme of 114-dwellings leading to a firm officer recommendation to members in the report to committee. Despite the subsequent refusal of this proposal by members the applicant maintains that there is strong merit to the scheme – a point clarified by the updated suite of information included with this application

which comprehensively responds to any remaining concerns that may exist in respect of ecology, landscape, and heritage impact.

Public Consultation

- 4.6 Prior to the submission of the withdrawn 176-unit first application the applicant issued a consultation leaflet in August 2022 to the 267 addresses within the vicinity of the site that were contacted prior to the first phase application. Notification was also sent to the Hanwell Fields Residents Group, Hanwell Parish Council, Banbury Town Council and the three Ward Councillors. This leaflet sought to raise local awareness of the applicant's intent to secure the second phase of development prior to the Council's own public consultation and provided means to contact the applicant directly with any comments that may shape the scheme.
- 4.7 Following this consultation a response was received from the Hanwell Fields Residents Group and Hanwell Parish Council. There were no public responses from individual recipients. The main points raised related to the pressure of additional homes on local shops, services and facilities at Hanwell Fields and impact on the intervening countryside between Hanwell and Banbury.
- 4.8 These points were all noted and referred to in the information accompanying the withdrawn application. It is considered that the reduction of the scheme from up to 176 dwellings to an eventual upper limit of 114 dwellings as part of the second application represents part of the same iterative process that will help further alleviate any concerns presented by the Residents Group and the Parish Council. Any pressure that may exist on local shops and services will be mitigated, particularly in light of the Section 106 agreement that will be secured as part of any permission, and any perceived landscape impact will be removed entirely.
- 4.9 Then, the applicant has also acknowledged the full suite of responses from both the public and parish councils³ towards the most recent second application. The key concerns raised by the public and the parish councils towards the previous application, along with the applicant's response in respect of this submission, can be summarised as follows (in the order raised by the committee report at paragraph 6.2):
- **Harmful increase to traffic levels in and around Hanwell:** there will inevitably be an increase in traffic locally. However, it is clearly demonstrated by the accompanying Transport Assessment that there is sufficient capacity in the local road network to accommodate it. In any event no objection was received from highways towards the previous application. Also, it is considered very unlikely that little if any of the traffic generated by the proposal will enter Hanwell village as it does not comprise a

³ Responses were received from Hanwell Parish Council as well as Banbury Town Council

through road of any significance. Any traffic heading north will either travel via Warwick Road or the A423.

- **Erosion of gap to Hanwell village:** there is little evidence of any threat to either physical or visual coalescence due to the significant distance between the site and the nearest property at Hanwell (1.35km). It is important to reiterate that the proposals also include a significant landscape buffer along its northern fringe. No harm of coalescence was identified in the LVIA submitted in support of the previous application, a conclusion that was not questioned by the Council's own landscape consultant.
- **Loss of greenness and openness of countryside:** this is an inevitable consequence of any development on previously undeveloped land. In any event the site comprises rough grassland on sloping fields, land which is unsuitable for arable crops and as demonstrated by the LVIA can accommodate residential development without harm to the landscape.
- **Visually prominent site, particularly from the east:** as concluded by the LVIA whilst the proposal would be visible it will not result into any significant harm to the area, particularly considering the prevailing urban edge character.
- **Impact on Heritage and Hanwell Conservation Area:** there is absolutely no intervisibility between Hanwell and the site and accordingly no impact on the setting of the conservation area. This is corroborated by the accompanying Heritage Statement.
- **Flood risk:** there were no concerns raised in respect of drainage during the previous application and consequently no objection on this basis. This submission should be considered similarly.
- **Contrary to CLP 2015:** whilst this point was alleged by members in refusing the previous application it is debatable to what extent the scheme conflicts with the Local Plan, if at all. Then, any conflict must be considered against the Council's necessity to maintain an adequate supply of housing land in sustainable locations.
- **Contrary to HELAA assessment:** as was clarified by officers at the committee meeting where the previous application was considered the site comprises only a small portion of a much wider parcel of land considered by the HELAA. The aspects of the larger parcel that were judged to be potentially unsuitable for development in the report lie further north and west and do not comprise the land immediately adjoining Banbury.
- **Beyond built up limits of Banbury:** the Local Plan does not identify a definitive boundary of what comprises the 'built up limit' of the town. It is important to recognise that the application site lies within the northern fringe of the town which is characterised by recent and significant northward growth, the first phase development adjoining the site included.
- **Impact on climate change:** this application is accompanied by a comprehensive Sustainability Statement that identifies all of the ways in which the proposal will accord with the Council's policy expectations in respect of carbon reduction and climate change.

- **Lack of additional local facilities proposed:** a Section 106 agreement will be provided in support of any eventual approval of this application that will secure sufficient infrastructure upgrades to accommodate the increase in households.

5.0 PLANNING POLICY REVIEW

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of Section 38(6) of the Act the development plan relevant to this application comprises the saved policies of the Cherwell Local Plan 1996, the Cherwell Local Plan 2011-2031, and the Cherwell Local Plan 2011-2031 Partial Review which introduced an additional housing requirement to the policies of the development plan relating to the unmet needs of Oxford.
- 5.2 Regulation 10A of the Town and Country Planning Act requires a review of Local Plan policies to be undertaken five years from the Plan's adoption date to ensure consistency with national policy. This does not result in plans becoming automatically out of date, but a review enables Local Planning Authorities to decide whether policies (whether one or more policies or the entire plan) require updating, and if so to update them as necessary. The Council undertook a review of the current Local Plan 2011-2031 in December 2020, a little over five years after its adoption in July 2015. The results of this review, which concluded that the plan remains consistent with the objectives of national policy, were agreed by the Council's Executive on 4th January 2021. To this end it was confirmed that the plan remains the starting point for decision making and, importantly in the context of this application, continues to present an up-to-date housing requirement against which the district's supply must be assessed.
- 5.3 In addition the Council is currently undertaking a full review of the Local Plan. This will in time seek to roll forward housing and employment requirements for the period until 2040. An initial Call for Sites and issues consultation took place in Summer 2020 towards which the applicant submitted details of its land north of Duke's Meadow Drive (the application site plus the adjoining land). The plan has moved slowly since this point: an updated Local Development Scheme charting the next steps of the plan and associated timescales was published in September 2021 which identified that the Council was proposing the publication of the first draft (Regulation 18) of the Local Plan Review in June 2022. This draft was only made available for consultation in September 2023 representing a 15 month delay. Based on the timescales provided by the most recent Local Development Scheme, which was published alongside the draft plan, its adoption is now not anticipated until December 2025. We would anticipated further delays resultant of the revisions to the National Planning Policy Framework. The plan therefore remains at an early stage in its production and carries minimal weight in decision making.

National Planning Policy

- 5.4 National planning policy is provided for by the National Planning Policy Framework (NPPF), published in December 2023, as well as the Planning Practice Guidance (PPG) which was launched in March 2014 and has been continually updated since. The NPPF exemplifies the Government's push towards efficiency in

the planning system and embodies a pro-development stance in order to achieve the overall aim of boosting significantly the supply of housing to meet local needs and achieve sustainable development.

5.5 One of the key priorities of the NPPF is to ensure that local planning authorities (LPAs) maintain a strong and consistent supply of housing with paragraph 60 of the Framework confirming the Government's objective of *"significantly boosting the supply of homes"*. Specifically, paragraph 74 requires LPAs to *"identify and update annually a supply of specific deliverable housing sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies"*. It then directs that the Government's own local housing need figure may be used in instances where a plan is over five years old unless, such as in the instance of Cherwell, it has been reviewed and found not to require updating.

5.6 In the event that a Council cannot demonstrate a minimum of five years' worth of housing against the relevant housing figure, or four years where a Council has published a draft plan which includes housing allocations such as in Cherwell, paragraph 11(d) of the NPPF directs that this would render the most important policies for determining the application as out-of-date. In this instance planning permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies (of the Framework) as a whole"*.

5.7 Also of relevance to this application are the following sections of the NPPF:

- Section 2. Achieving sustainable development
- Section 4. Decision-taking
- Section 5. Delivering a sufficient supply of homes
- Section 9. Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change; and
- Section 15. Conserving and enhancing the natural environment.

Development Plan Policy

5.8 The following saved policies are of relevance to the consideration of this application:

Cherwell Local Plan 1995 (Saved Policies)

- Policy H18: New dwellings in the countryside
- Policy C8: Sporadic development in the open countryside
- Policy C15: Coalescence of settlements
- Policy C28: Layout, design and external appearance of new development

- Policy C30: Design control

Cherwell Local Plan 2011-2031

- Policy SLE4: Improved transport connections
- Policy BSC1: District wide housing distribution
- Policy BSC2: The effective and efficient use of land, brownfield land and housing density
- Policy BSC3: Affordable housing
- Policy BSC4: Housing mix
- Policy BSC10: Open space, outdoor sport and recreation provision
- Policy BSC11: Local standards of provision – outdoor recreation
- Policy BSC12: Indoor sport, recreation and community facilities
- 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 ESD6: Sustainable flood risk management
- Policy ESD7: Sustainable Drainage Systems (SuDS)
- 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

Supplementary Planning Guidance

5.9 The following adopted supplementary guidance is also of relevance to this application:

- Residential Design Guides (July 2018)
- Developer Contributions (February 2018)

6.0 PLANNING ASSESSMENT

- 6.1 Principally this statement, and indeed this submission, seeks to rebut the refusal of application reference 23/03366/OUT through the presentation of updated evidence justifying the principle of the scheme. As before the proposals seek to secure up to 114 dwellings at a demonstrably sustainable location on the edge of the district's largest and most sustainable town, Banbury.
- 6.2 The reasons for the refusal of the previous application raised concerns in respect of the following abridged issues:
- The principle of development and the conflict of the proposals with the development plan;
 - Landscape impact by virtue of the sloping nature of the site and its relationship with the landscape beyond the built-up extent of Banbury;
 - The threat of coalescence of Banbury and Hanwell; and
 - An incongruous urban form on the edge of the Banbury.
- 6.3 There was also an additional reason for refusal relating to the lack of a Section 106 agreement, a document which will be prepared in partnership with the Council as this resubmitted application progresses.
- 6.4 In respect of the principle of development a clear argument is once again made that if the application proposal is considered to result in conflict with the development plan this contravention would be limited at worst. In any event we consider that the correct interpretation of the spatial strategy of the development plan offers support to the delivery of the site, not least due to the lack of any definitive position on the acceptable development extent of Banbury.
- 6.5 In any event updated evidence is presented that clearly shows the Council cannot demonstrate a sufficient housing land supply. To this end the 'tilted balance' described by paragraph 11(d) of the NPPF is triggered and the weight to be attributed to the provision of housing increased substantially.
- 6.6 The applicant strongly refutes the alleged landscape and character impact described by the first reason for refusal, a position amplified by the comments of the Council's own landscape consultant and the officer report to committee. Evidence is provided in support of this application to reiterate the way in which any impact can clearly be mitigated through design and landscaping.
- 6.7 Then, there is simply no threat of the coalescence of Banbury with Hanwell posed by the application scheme – the site lies approximately 1.25km from the village and is separated by substantial intervening

landscaped features. Regardless, this matter will be investigated with reference made to the recent appeal at Warwick Road that considered the issue of coalescence in detail.

6.8 Lastly, the form and appearance of the development entirely accords with its urban edge setting, one characterised by significant urban sprawl to the south and increasingly to the east and west. The proposal has been designed in such a way as to aid the transition from urban to rural whilst suggesting illustrative designs in the accompanying Design and Access Statement which draw on the existing and emerging development on three sides of the site.

6.9 The previous application drew no objection in respect of all other matters. Whilst initial concerns were raised by the Wildlife Trust in respect of impact on ecology and habitats these were addressed to the satisfaction of officers prior to its determination. To help clarify this point the Ecological Appraisal provided in support of this resubmission has been updated to account for the additional detail provided in response to the Wildlife Trust's comments. Otherwise, this application reiterates the evidence and related planning case for the proposal that satisfied all other stakeholders and technical consultees.

6.10 This submission now addresses all the key outstanding issues from the previous application principally through the adoption of the following approach:

- An extensive review of the housing land supply position across the district which demonstrates that there remains a clear and pressing need for new homes, a benefit that would outweigh any narrow conflict with the spatial strategy of the development plan;
- A reiteration of the provisions of the development plan that broadly support the delivery of new homes in sustainable locations adjacent to higher order settlement; and
- An updated review of the landscape and character implications of the proposal, reflecting on a 114-dwelling scheme which has been designed taking a landscape-led approach at the site, and drawing on the comments made by the Council's own landscape consultant, Lanpro, addressing any concerns where they are found to exist.

6.11 Ultimately, this submission demonstrates the way in which the revised proposals are sustainable in all other respects. It is important to restate that that no unresolved objection was received towards the previous application. Accordingly, this section presents a summary of the applicant's position in respect of each of the following topics in order:

- **Principle of Development**
- **Housing Need and Mix**
- **Design, Layout and Amenity**
- **Landscape and Character**

- **Ecology**
- **Highways and Access**
- **Flooding and Drainage**
- **Trees**
- **Heritage**
- **Archaeology**
- **Sustainability**
- **Planning Balance**

Principle of Development

- 6.12 As with the 78-dwelling first phase of the development the principle of the application proposal is largely established through a combination of its adherence with the broader development strategy of the district, which seeks to direct new homes to the most sustainable locations such as the application site, allied with the pressing need for new housing to meet what the applicant considers to be a significant shortfall in supply.
- 6.13 The council's current claimed housing land supply position, as confirmed by its most recent Housing Land Supply Position Update (published in January 2024) is 5.8 years for the 2023-2028 period. Even if this position were robust, it would only represent a 571-dwelling surplus. In fact, our more detailed analysis of the Council's trajectory is sufficient to demonstrate that this supply position is significantly overstated and that the Council can only demonstrate an approximate 2.97-year supply.
- 6.14 This submission then seeks to build upon the Council's endorsement of up to 78 dwellings on the parcel immediately to the south which received outline planning permission on 3rd May 2024. The application site shares a similar location and environmental attributes to the approved first phase land – indeed, the application scheme has been designed to represent a natural extension of the same development. In considering the sustainable location of the site, its lack of overriding environmental constraints and a deficit in housing land supply, paragraphs 9.7 and 9.8 of the committee report prepared in support of the now approved first phase neatly concluded as follows:

"In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly. Socially, the development would provide needed market and affordable housing on the edge of a sustainable main settlement and immediately alongside a wide range of local community facilities that are served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of habitats available for wildlife and the setting of the site. The site is well contained by natural topography and established hedgerows and relates reasonably well to the existing built form. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and can be considered to be sustainable."

- 6.15 Similar phraseology and wording was used at paragraph 9.28 of the Committee Report prepared in support of the refused second application – this obviously led to a positive recommendation by officers to members.
- 6.16 The remainder of this section starts with a summary of our analysis in respect of housing land supply, then considers the spatial strategy more broadly, before concluding that there would be no adverse impacts caused by the development that would outweigh its significant benefits. Accordingly, and as defined by the NPPF, the application proposal is sustainable in every respect. Our analysis draws on the suite of revised technical documents prepared by the applicant's consultant team – the Landscape and Visual Impact Assessment in particular – which should allow the Council to reconsider the application scheme in a positive light.

Housing Land Supply

- 6.17 The housing land supply situation across the district is perilous. There are extensive grounds upon which to conclude that the Council cannot get close to demonstrating a sufficient supply of housing land under any scenario, a position which it is clear from the officer commentary set out in the committee report for the previous application is largely being ignored. Paragraph 9.24 of the report confirms that in the eyes of officers *"the Council's housing land supply position (is) 5.8-years"* and that this *"therefore means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan"*.
- 6.18 As was made clear by the analysis in our planning statement submitted in support of the second application we strongly disagree with this summary. Then, as has been made clear by consecutive recent appeal inspectors in respect of sites at Heyford Park and Warwick Road there is strong reason to suggest that the very premise of the Council's supply calculations is incorrect, that insufficient consideration has been given to the now statutory need to supply additional homes to meet Oxford's needs within the district.
- 6.19 The current NPPF provides safeguards in respect of the presumption in favour of sustainable development to local planning authorities that cannot demonstrate an adequate 5-year supply of housing land but can demonstrate a greater than 4-year supply. Paragraph 226 of the Framework states that *"certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites to provide a minimum of four years' worth of housing"* applicable in instances where those authorities *"have an emerging local plan that...has reached Regulation 18 stage, including both a policies map and proposed allocations towards meeting housing need"*.
- 6.20 We agree that the Council is able to benefit from this current allowance. The recent Regulation 18 draft plan, whilst carrying no weight in the decision-making process, meets this requirement of the NPPF. It is

largely on this basis that the Council considers it can demonstrate a robust housing land supply that avoids the provisions of paragraph 11(d) of the NPPF. There are, however, several matters that must be considered when concluding on the correct housing land supply position for the district and then weighing the benefit of the provision of new homes in the overall planning balance. When all the following issues are considered it is clear that the need for new homes in Cherwell is compelling, contrary to the Council's position:

- **Consideration of the change in supply since the February 2023:** Firstly, we understand that the Council considers through the issue of various housing land supply updates over the past 18 months that its position has strengthened since this time – from a 3.8-year supply pre-February 2023 to a 5.8-year supply as of January 2024. This, however, is less to do with increased supply and instead by virtue of both a review of the Local Plan against national policy and then the publication of the NPPF in December 2023 that no longer requires the inclusion of a 5% buffer along with the slight drop in its local housing need figure.

To set the context, the first phase application (reference 21/03426/OUT) for 78 dwellings on land immediately to the south of the application site received a resolution to grant planning permission at the April 2022 Planning Committee as it was conceded by the Council that at the time it was unable to demonstrate a sufficient 5-year supply of housing land – the Council's most up-to-date Annual Monitoring Report at the point of committee concluded a 3.8-year supply. It was on this basis, and that the location of the proposed development was sustainable in every other respect, that members agreed with the officer recommendation that permission should be granted.

Since then, the Council has undertaken a Regulation 10A Review of its Local Plan in January 2023 which found its housing requirement included as part of Policy BSC1 to be out of date. On this basis it was chosen to revert to the use of the Government's Local Housing Need (LHN) figure. By virtue of the annual requirement dropping from the Local Plan figure of 1,142 dwellings to the LHN figure of 742 dwellings this immediately allowed the Council to demonstrate a supply of 5.4-years, as of February 2023. This improved position was not achieved due to an increase in supply but instead a drop in the base requirement.

The Council has since refined its supply position further based on a decrease in the LHN figure to 710 dwellings per annum and a removal of the 5% buffer by virtue of the allowances provided by the most recent NPPF dated December 2023. It is now claimed that there is a 5.8-year supply in Cherwell. Once again, this improved position was not achieved through an increase in deliverable sites but purely by way of a technicality.

- **Scrutiny of the supporting housing trajectory:** In any event we consider that even against this lowered annual requirement the Council's position is still significantly overstated. The trajectory that supports this calculation is now also over 18 months old (a matter in itself that would be subject to challenge) and many of the assumptions have fared poorly over time. On this basis we have tested this position through our own recent review of the full range of sites and the trajectory, many of the findings of which are seconded by the concerns raised by other site promoters towards a series of recent appeals in Cherwell.

In summary we consider that at least 19 of the sites in the trajectory are undeliverable. In addition the Council's assumptions in respect of the small site and windfall allowances are optimistic. In conclusion it is our view that at least 1,949 dwellings in the trajectory are challengeable, an exercise that will form a key component of the current appeal against the previous refusal. We will be submitting expanded evidence on these matters towards the parallel appeal in due course.

- **Whether the supply is less than 4-years:** Assuming the figures provided by the Council at paragraph 9.15 of the committee report remain the most up-to-date expression of supply, the appellant's calculations would result in the reduction of the deliverable supply from 4,038 dwellings to only 2,089 dwellings. Based on a 703dph requirement (the current LHN figure) with no buffer this represents only a **2.97-year supply** significantly below the 5-year expectation and critically some distance below the 4-year target at which point the Council would avoid the presumption in favour of sustainable development triggered by paragraph 11(d) of the NPPF. The appellant considers that the Council is unable to demonstrate a sufficient supply of housing land even based on its own calculations and methodology.
- **The correct basis for establishing the housing requirement:** Then, the findings of two consecutive appeal inspectors in respect of sites at Heyford Park (appeal reference APP/C3105/W/23/3326761) and Warwick Road, Banbury (appeal reference APP/C3105/W/24/3338211) provide further grounds to doubt the supply position. Whilst the first of these is subject to a current High Court Challenge by the Council it remains material at this moment. These appeal decisions suggest that the issues faced by the Council are more fundamental than simply a deficient trajectory – the very basis of its approach towards the calculation of supply is flawed.

Upon the partial review of its Local Plan in 2020 it was agreed that 4,400 additional homes would be delivered in Cherwell over the remainder of the plan period until 2031 to meet the needs of Oxford. Resultantly the Heyford Park inspector agreed with the appellant's position that the supply for the district, based on the trajectory agreed between parties at the point of this appeal (5th March 2024) was even more drastic at somewhere close to 2.24 years. This position was corroborated verbatim by the recent decision of the Warwick Road inspector. Irrespective of the outcome of the forthcoming

High Court hearing the need to significantly bolster the supply of new homes across the district to meet the needs of Oxford will remain compelling.

- **The implications of the forthcoming update to the NPPF:** Whilst the draft NPPF does not currently carry weight there is a clear direction of travel under the new government to escalate the delivery of new homes. It is therefore relevant to identify the potential impact of the emerging NPPF which is highly likely to be adopted prior to the determination of this application. On current drafting the new Framework seeks to introduce an updated Local Housing Need methodology that would increase Cherwell's annual requirement from just over 700dpa currently to approximately 1,095dpa whilst reintroducing the need for a 5% buffer as a minimum. If adopted these measures would result in the Council only being able to demonstrate an approximate 3.5-year supply based on its own figures and methodology, or a 1.8-year supply at best based on our own conclusions in respect of the deliverability of the sites comprising the current trajectory.

6.21 Our analysis above makes it clear that the Council must face the reality that it cannot provide a five-year supply of housing land currently and, upon the advent of the new NPPF, will find itself with an insurmountable challenge unless it begins granting a series of fresh consents for new homes immediately.

The Spatial Strategy

6.22 There is a clear need for additional housing permissions to be secured across Cherwell. This is not just a challenge for just now but indeed one that will become even more pressing moving into 2024 when the Council's supply position will likely deteriorate further. There are implications of this deficient housing land supply in respect of the Council's decision making. Firstly, the 'tilted balance' described by Paragraph 12(d) of the NPPF is triggered which presents a strong presumption towards the grant of permission for residential development. Then, accordingly the weight to be given to housing delivery in the planning balance is greatly enhanced whilst the weight to be attributed to any conflict with the development plan must be decreased accordingly.

6.23 In any event, and on review of the development plan strategy, it is then noted that the framework of policies does not seek to present any outright presumption against unallocated land in sustainable locations in the district from coming forward for development (i.e. edge of settlement as opposed to within the built-up area). This is despite the previous application being refused due to alleged conflict with **Policies BSC1, C8, and H18**.

6.24 Paragraph A11 of the plan, in describing the construction of its spatial strategy states that "*most of the growth in the District will be directed to locations within or immediately adjoining the main towns of Banbury and Bicester*" confirming that the application site is adjacent to one of the principle growth points. The plan then goes on to describe Banbury and its role as a focus for growth in the district thus:

"Paragraph C.4: We are taking a conscious decision to concentrate growth at Bicester and to a lesser degree at Banbury, to secure economic benefits, especially in their retail, commercial and manufacturing roles. The two towns (Banbury and Bicester) are the most sustainable locations for growth in the District and are the right places to meet the economic and social needs of the District whilst minimising environmental impacts.

Paragraph C.108 Banbury is the District's largest town with its own sub-region. It is a focus for major retail developments, employment, housing and cultural and community uses that attract large numbers of people."

6.25 Importantly, when seeking to guide development at the town, it is then noted that Banbury does not have a defined settlement limit. Instead, the plan seeks to take a more holistic approach with a focus on matters such as accessibility and protection of the natural environment to ensure that proposals do not contravene the overall sustainability objectives of the district. Whilst delivery of new development at Banbury is further guided by the town's Masterplan SPD (adopted in 2016) this document does not introduce any additional spatial requirements or restrictions and instead principally sets a framework within which the strategic allocations at the town should be delivered.

6.26 This relatively loose function of the plan's spatial strategy was described best in the committee report relating to application reference 22/02101/OUT for 250 dwellings on land at Withycombe Farm, Stratford Road, Banbury, where the Council's planning committee agreed with a resolution to grant planning permission for 250 houses on an unallocated site on the edge of Banbury. In doing so it agreed with the following interpretation of the function of the Local Plan described by officers:

"The site is not an allocated housing site within the CLP 2015 however, it is well related to such allocations and other consents. As referenced at paragraph 9.5 above, the recently published agenda papers for the Council's Executive on the 6 th February 2023 relating to the Council's Annual Monitoring Report and Housing Land Supply Statement sets out that the Council would have a 5.4-year housing land supply (excluding the partial review area) for the period 2022-2027 (commencing 1 April 2022) calculated in accordance with the Standard Method. Should this be approved by the Executive, then the Council would be able to demonstrate a five-year housing land supply. Nevertheless, the District's spatial strategy is to focus most of the growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester, which this proposal would be. It would represent a natural continuum."

6.27 We are unclear why this same approach, and indeed same wording, did not form part of the Council's consideration of the second application as it clearly represents the correct interpretation of the adopted development plan – to secure sustainable growth at towns such as Banbury.

6.28 Reflecting on this, the corollary is that if all the site-specific constraints relating to the application site are overcome then its similar relationship with Banbury allied with its high level of accessibility to local

amenities should result in similar support from the Council. It is the applicant's clear position that there are no constraints – landscape setting amongst them – that are not successfully mitigated by the proposal.

- 6.29 Turning to address the specific policies cited by the main reason for refusal of the second application, **Policy BSC1** firstly sets out the proposed distribution of housing across the district. In total, it is anticipated that 22,840 new dwellings will be delivered in Cherwell between 2011 and 2035. Tellingly, almost exactly a third of these are to be delivered at Banbury – 7,319 dwellings. This policy clearly presents the central role the town has in meeting the housing needs of the district. Indeed, it is made clear by the Warwick Road inspector at paragraph 14 of his decision that "*the scheme accords with Policy BSC1 insofar as it seeks to direct growth to Banbury*" (our emphasis).
- 6.30 **Policy C8** seeks to guard against "*sporadic development in the open countryside*". As concluded neatly by the Warwick Road inspector on consideration of a scheme similarly abutting Banbury "*the proximity of the...site to the northern edge of Banbury means that the development would be a logical northern extension to Banbury. Accordingly, I do not consider it could reasonably be described as 'sporadic' which implies something unplanned, scattered or isolated*". This application would accord with Policy C8 on a similar basis.
- 6.31 Whilst saved **Policy H18** of the Cherwell Local Plan 1995 does describe only a narrow range of instances where housing would be allowed on land classed as countryside (that is falling outside defined settlement limits) we would contend that the force of this policy must be reduced due to the flexibilities introduced by the Local Plan 2011-2031 which include the removal of settlement boundaries and the clear promotion of land in sustainable locations adjacent to the district's larger settlements. In any event, if it is concluded that there is conflict with the significantly dated Policy H18 this should be assessed in the context of the further reduction in the weight to be attributed to it due to the Council's deficient housing land supply. Once again reflecting on the Warwick Road inspector's conclusions he is clear that "*of those policies cited in the first reason for refusal, only Policy H18 would be breached by the proposed development*". This is then only due to its prescriptive nature, providing a 'closed list' of allowances.
- 6.32 Accordingly, and taking all the above into account the principle of development should be considered thus:
- The Council cannot demonstrate a sufficient supply of housing land and the presumption in favour of sustainable development described by paragraph 11(d) of the NPPF must apply;
 - As with the successful first phase application, and indeed the Warwick Road site allowed at appeal, the site is located next to one of the district's principal growth points presenting it as a preferred location for new growth;

- Similar to the council's consideration of the first phase application it is clear that where any potential conflict with the development plan can be identified (anticipated to once again be in respect of landscape impact only) it is minor and narrow in nature;
- In any event, and as directed by the NPPF, this conflict must then be weighed against the benefits of the proposal including its contribution to the district's housing land supply. As correctly concluded by the council in respect of the first phase application, planning permission should then be granted unless any adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.33 The remainder of this section now assesses both the benefits of the proposal and the way in which it seeks to address the limited number of site constraints, drawing on the suite of technical information provided in support of the application where necessary. Where relevant it clearly highlights the updates to the technical evidence provided in support of this application following the refusal of the second application. It then concludes with the overall planning balance, factoring in all the economic, social and environmental benefits and weighing them against the limited harm resultant of conflict with the out-of-date policies of the development plan. This exercise concludes with a strong presumption in favour of the development.

Housing Need and Mix

- 6.34 No objection was raised to either the first or second applications in respect of the mix of new homes to be provided in respect of size, type, or tenure. As such a similar approach has been taken in specifying mix this time around.
- 6.35 Fundamentally this application is designed to contribute towards meeting both the quantitative and qualitative housing needs of both Banbury and Cherwell as a whole. Whilst its principal aim is to help overcome the shortfall in housing supply across the district it similarly seeks to deliver a housing mix that is entirely in line with local needs through reference to both the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 in respect of both the market housing and affordable housing. The proposals also include a generous proportion of bungalows suited to the needs of older households – 14 of the 114 dwellings, or just over 12%.
- 6.36 In line with the Housing Team's requirements the proposal will provide just over 30% of all dwellings as affordable housing featuring a tenure split in favour of affordable rented properties. The breakdown in respect of the intermediate tenure types is then guided by the requirements of national policy to secure a specific level of product relating to affordable home ownership. It is noted that paragraph 66 of the NPPF requires 10% of the total number of homes on the site to be made available for affordable home ownership as part of the overall affordable contribution on the site. This would require 11 properties to be delivered as affordable ownership products (rounded), to be counted towards the overall affordable

housing element of 35 units (rounded up). As per the council's own 'First Homes Interim Policy Note' there is then a requirement for 25% of all affordable housing to be provided as 'First Homes'. In which case 9 of the 11 affordable ownership properties would fall within the 'First Homes' typology.

6.37 We are, however, also aware that the split of 70:30 in favour of affordable rent requested by the HSDT would itself then require 25 properties (rounded up) to be delivered as affordable rented housing. The 11 affordable ownership and 25 affordable rental properties combined (11 + 25 = 36) would exceed the 35 affordable units in total required by **Policy BSC3**. Paragraph 65 of the NPPF states that the 10% element of affordable ownership should be provided unless it would "*significantly prejudice the ability to meet the identified affordable housing needs of specific groups*". It is contended that a shortfall of only one rented unit, with 25 provided, would not result in significant prejudice in respect of meeting need – therefore the required 10% element of affordable home ownership properties is proposed which would result in a ratio of 69:31 in favour of rented properties. This would result in an overall affordable housing mix (by typology) of:

- 69% Affordable rent;
- 25% First Homes; and
- 6% Other affordable home ownership products

6.38 Based on this tenure split and taking into account the advice provided by the Council's Housing Strategy team towards the withdrawn application it is proposed to provide the following detailed mix on-site which can be secured as part of the Section 106 agreement:

PRIVATE				
House Type	No of Bedrooms	SqFt (GIA)	No	Total SqFt
1B Flat	1	625	3	1875
1B Fog	1	625	1	625
2B Maisonette	2	755	2	1510
2B.1	2	850	19	16150
2B Bungalow	2	747	3	2241
3B.1	3	1200	19	22800
3B.2	3	1350	1	1350
3B.3	3	1050	9	9450
3B Bungalow	3	1025	11	11275
4B.2	4	1475	10	14750
4B.3	4	1675	1	1675
TOTALS			79	83701

AFFORDABLE RENTED / SHARED OWNERSHIP				
House Type	No of Bedrooms	SqFt (GIA)	No	Total SqFt
1B Maisonette	1	625	2	1250
1B flat	1	625	6	3750
2B Maisonette	2	755	2	1510
2B Flat	2	755	8	6040
2B House	2	850	4	3400
3B House	3	1001	10	10010
4B House	4	1242	3	3726
TOTALS			35	29686

6.39 In respect of affordable housing need across the district it is noted that Cherwell has performed well in delivering against its annual requirement of 190 dwellings over the plan period of the current Local Plan, that is 2011-2031. This figure has been exceeded in each of the last 7 completed monitoring years up to 2020/21 (the last published monitoring report is dated December 2021). That said, affordability is still problematic in the district with the most recent Office for National Statistics update showing that the affordability ratio (median house price to median gross annual workplace-based earnings) is 9.55 as of 2022. This comfortably exceeds the average for England of 8.3. Set in the context of a deficient housing supply for the following five-year period the ability to secure an additional development site at Banbury which yields a policy and SHMA compliant mix of new affordable properties will help ensure that the strong supply of such properties in Cherwell does not falter.

6.40 Based on the proportion of affordable dwellings at the site (just over 30%) and the proposed mix which would be broadly in line with the SHMA the application proposal would accord fully with **Policies BSC3** and **BSC4** of the Local Plan 2011-2031.

Design, Layout, and Open Space

6.41 This application is supported by a Design and Access Statement, prepared by Thrive Architects, which explains the rationale behind the parameter plan which is offered as a drawing for approval as part of the application submission. There was no objection to the illustrative design of the second application scheme, albeit it is noted that the first reason for refusal alleges that the proposal would create a "*prominent urban built form, inconsistent with the local character*". The design rationale is explained below, which includes commentary on the concerns raised by the reason for refusal.

6.42 Fundamentally the design approach to the site mirrors that of the first phase of development and once again seeks to respond positively to its principal constraints, these being the urban fringe character of the parcel and its sloping relief. Paragraphs 9.37 to 9.39 of the committee report accompanying the withdrawn 176-dwelling proposal required greater assessment of the character of the northern edge of Banbury in justifying the design approach along with further consideration of the change of levels across the site from an engineering perspective. This analysis has been undertaken and is explained in greatest detail in the accompanying Design and Access Statement.

6.43 Following this depth of analysis, allied with what is by now their extensive understanding of the site and its context, we are pleased to confirm that the framework developed by Thrive Architects can ensure the delivery of a development that responds fully to the character and topographical constraints of the site and one which is carefully zoned in respect of building heights and orientation. Any detailed proposal at reserved matters stage will incorporate a palette of design and materials which responds positively to the transition on the site from the modern urban development to its south (including the first phase of up to

78 dwellings) through to the expanse of open countryside to its north and west. In short, it would comprise a built form that is entirely consistent with local character.

- 6.44 The layout and form of the proposed development is largely constraint-led and seeks to locate the built form away from the northern boundary of the site to rule out any prominence in the landscape or excessive encroachment to the north. This positive approach is further enhanced by the location of bungalows around the periphery of the site to ensure that the skyline is not breached.
- 6.45 The proposed design, massing, and scale of the properties on site will work positively with the contours, which rise by approximately 18m from the position of the lowest property at the eastern end of the site to the most elevated property to the west (an identical gradation of built form to that secured as part of the first phase). A series of sections demonstrating the site levels are included as part of this submission.
- 6.46 It is then proposed that the storey heights of the buildings naturally decrease from the 2-storey properties at the eastern end of the site to single storey bungalows at its upper western extent. Whilst some 3-storey buildings are proposed they will only be located immediately at the entrance to the site and either side of the access road to help create a gateway feature. Similarly, the proposed densities on site respond to the topography, with medium to high density development on the lower slopes to the east reducing to low density on the upper slopes at the western end. Once again, this approach is entirely consistent with both the first phase proposals and the form of development along the southern side of Dukes Meadow Drive.
- 6.47 This design approach, which seeks to use the levels of the site to guide both the height, massing, and density of development was adopted by the first phase proposals which also included a 4-storey 'landmark' block closest to the roundabout. This block will continue to be the most prominent building across both two phases. As illustrated by the Design and Access Statement the design of the properties will then utilise a range of materials which will provide a more modern aesthetic at the gateway of the site, in keeping with the properties at Hanwell Fields to the south, transitioning into more traditional design at the edges of the site closest to the open countryside.
- 6.48 Based upon the illustrative design approach for the site described above to be guided by the parameter plan included as part of this submission the application scheme would accord fully with saved **Policies C28 and C30** of the Cherwell Local Plan 1995 and **Policies BSC10 and BCS11** of the Cherwell Local Plan 2011-2031. Contrary to the reason for refusal the key to the design approach is its consistency with both the first phase proposals and the form and appearance of the significant level of development in the surrounding area.

- 6.49 The landscaping strategy for the site seeks to retain all the existing hedgerows and trees around its perimeter whilst introducing additional substantial verges along the northern and western boundaries which will accommodate a new circular footpath link around the perimeter of the site along with complementary areas of both formal and informal public open space. The delivery of this green fringe to the site will then be further complemented by the provision of an extensive landscaped corridor running east to west through the heart of the development. Once again this will include public open space (including a LAP) with a public footpath dissecting the corridor and providing an additional walking link to the entrance of the site.
- 6.50 In total approximately 40% of the site will be provided as open space across a range of typologies. This comprises the provision of 2.05ha of natural and semi-natural open space around the periphery of the development, forming a significant buffer between the build form and the countryside beyond, as well as formal play space. The remainder of the open space and landscaping comprises amenity green space within the development parcels, tree breaks, and the SUDS basins. These facilities will complement the Local Area of Play (LEAP) to be provided as part of the first phase. In total, this level of provision significantly exceeds the requirements of **Policy BCS11** of approximately 0.65ha⁴ (rounded) across the general open space and play space typologies, the amount expected based on the amount required per 1,000 people.

Landscape and Character

- 6.51 The second application was refused on the alleged grounds that it would impact adversely on the local landscape character in ways including a breach of the contained developed area of Banbury, the introduction of a prominent built form into the landscape, and an increased threat of coalescence with Hanwell village to the north. These conclusions were reached by the Council despite an entirely positive review of the proposals by its own landscape consultant, Lanpro. Regardless, the applicant acknowledges that one of the key constraints at the site is its relief and the way in which any development can work with its sloping nature to deliver an attractive urban-edge scheme. The LVIA provided in support of this application builds upon the report which was peer reviewed and commended by Lanpro as part of the previous application through the inclusion of a review of the reason for refusal.
- 6.52 Paragraph C.110 of the adopted Local Plan describes the setting of the site, and Banbury more widely, as follows:

"Banbury faces topographic and historic landscape constraints important to the setting of the town including the River Cherwell valley to the east, a steep sided valley and villages to the west, rising landform and village conservation areas to the north and an open aspect and village to the south beyond the Salt Way. These are all barriers to growth that have shaped how the town has grown and which will affect its growth in the future."

⁴ Based on an average household size of 2.4 people so a maximum of 423 new residents in total set against the 'up to' figure of 176 units

6.53 At the outset, however, it is important to place the site in more accurate and localised context. The reason for refusal refers to Banbury's "*contained environmental setting*". However, over time the town has grown significantly beyond its traditional core with its northern extent, and the immediate setting of the site, now characterised by extensive modern residential development along the southern side of Dukes Meadow Drive as well as at the emerging strategic development sites of Banbury 2 and 5 to the east and west. Indeed, on this basis it continues to grow. It is these developments that largely comprise the local receiving environment, albeit the character of the landscape to the north is similarly noted. The town is not contained – it is growing.

6.54 Reflecting on this characterisation of the town the site, albeit as part of a far larger parcel comprising the higher and more prominent land to its immediate west which lies above the 127m contour, was previously assessed by the Council's 2014 SHLAA and 2018 HELAA which each concluded the following:

"Development would be prominent on the landscape, particularly when viewed from the east, on one of the highest points in the vicinity..."

6.55 The application site, like the first phase land, represents the lower slopes of the larger extent of land considered by the two studies referenced above. As referenced above it then visually lies in the context of the urbanised corridor of Dukes Meadow Drive, the significant built-up area of Banbury and importantly the 78 dwellings that will be delivered as part of the first phase (it is of this development that the application proposal will form a natural extension). Whilst it will be subject of views from the east, most frequently received by drivers and pedestrians approaching the site along Dukes Meadow Drive, any new development will inevitably be read in the context of the existing residential and commercial buildings on the southern side of the road and the first phase which extends along the northern edge of Dukes Meadow Drive and when complete will represent a more urbanising feature on the northern edge of the road corridor.

6.56 Due to the siting of the proposed development – to be contained on the lower contours of the land under the applicant's control and sandwiched between a combination of the first phase of development, the highway verge, and the existing field boundary to the north – it will be both visually but also physically well-related to the existing Banbury urban area. Then, a combination of undulations in the landscape and the visually contained nature of the site will ensure that it does not result in any harmful visual encroachment into the open countryside and, through the careful siting of the taller buildings on the lowest land adjacent to the Dukes Meadow Drive corridor, will remove the possibility of any intervisibility with Hanwell Conservation Area to the north.

6.57 In any event the LVIA notes that there are already several available views of the northern urban edge of Banbury from the Conservation Area including the large commercial sheds at Noral Way. As is

demonstrated by the viewpoint analysis included in the LVIA there is then no possibility of any of the new dwellings being perceptible from even short-range views from the public footpath due to the contours of the land and the strengthened landscape break that will now fringe the northern edge of the site.

- 6.58 Whilst it is accepted that longer range views of the site will be available the LVIA considers that it resides within a changing environment, illustrated through the establishment of Hanwell Fields, the more recent Banbury 5 development parcel to the west and of course the first phase of development to its immediate south. It is also notable that further development has been approved within the Banbury 2 development parcel to the east which will further establish the presence of built form beyond the northern edge of Dukes Meadow Drive and indeed the northern edge of Banbury as a key direction of growth.
- 6.59 Based on this limited visibility allied with the urban context of the site the LVIA concludes that the site's immediate and localised visual environment has capacity in visual terms to integrate a sensitive, high quality, residential development. Accordingly, it is concluded that any significant landscape harm would be avoided and can be mitigated by on-site planting and design measures. Any perception of the change of the site character from an existing field to a new residential development would be received in close context with the urban area of Banbury and the first phase of development. Importantly, and as illustrated by the comments of Lanpro set out at Section 2 of this statement, all these conclusions have been corroborated by the Council's own independent landscape consultant.
- 6.60 The reason for refusal also alleges a combination of coalescence, visual intrusion into the open countryside (so beyond merely a localised impact), the creation of a prominent urban built form, and inconsistency with local character, all resulting in a scheme which is detrimental to local character. Notably the wording of the reason for refusal is identical to that included in the decision notice for the nearby Warwick Road scheme (since allowed at appeal) despite the drastically varying characteristics of both sites and schemes. Taking them in turn in the context of this application, however, the following conclusions should be drawn:
- **Coalescence:** There will be no threat of coalescence between Banbury and Hanwell village whatsoever – either physical or perceived. This was not identified as a concern by officers during the application nor by the Council's landscape consultant. In any event the matter of coalescence between the two settlements was considered in respect of the Warwick Road appeal which represents a scheme which will draw Banbury within a matter of metres of the southern extent of Hanwell. Despite this the inspector opined that *"in doing so, it would increase the size of Banbury and extend its northern edge further towards Hanwell. However, the appeal site does not itself adjoin the settlement boundary of Hanwell and as such, the appeal scheme would not physically unify the two settlements"*. In comparison the application site lies around 1.25km from the village.

- **Visual intrusion into the open countryside:** The application scheme will of course be visible from several vantage points. It would represent the development of an open field with up to 114 new homes. However, it is universally accepted by both the applicant's and the Council's landscape consultant in their response to the previous application that the proposal would not be appreciable from any viewpoint within the land considered open countryside beyond its northern or western boundary.
- **The creation of a prominent urban built form:** There are two key issues raised by this limb of the reason for refusal: firstly, should the built form be considered as prominent in the landscape considering the slew of mitigation measures designed into it including sensitive use of levels, the reduction in building heights towards the upper slopes, and substantial landscape planting along the sky line; then, even if it is considered to comprise a prominent form is this in itself harmful? As explained in the previous section dealing covering the design approach at the site the built form would not be any more prominent than the 78-dwelling first phase – in fact, the highest dwelling by AOD on the first phase will sit some 10m above the highest dwelling to be introduced by this application. Then, even when views of the site are available they will only be received from the urban area to the south and east where the northern extent of Banbury is already appreciable.
- **Inconsistency with local character:** This represents a surprising inclusion in the reason for refusal, particularly considering the conclusion in the committee report, aided by the findings of its landscape consultant, that *"the southern boundary (of the site) has a strong residential character, and the cumulative effects of the approved Hanwell Fields Development Site (Phase I) reinforces this character"*. On this basis the officer report opined that *"whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district"* before concluding compliance with Policy BSC10. We consider this position to accurately reflect the way in which the scheme will complement the existing built form along Dukes Meadow Drive.

6.61 On the basis of all the above it is considered that the development of the site would accord directly with the criteria and purpose of **Policy ESD13** 'Local Landscape Protection and Enhancement' in that it would:

- Avoid any undue visual intrusion into the open countryside;
- Avoid undue harm to important natural landscape features and topography;
- Be consistent with local character, the form and scale of both the Hanwell Fields development to the south of the site and the emerging development at Sites Banbury 2 and Banbury 5 in particular;

- Avoid impact on areas judged to have a high level of tranquillity due to its close relationship with the highway network and adjacent built form;
- Avoid any harm to the setting of settlements, buildings, structures or other landmark features; and
- Avoid harm to the historic value of the landscape.

Ecology

- 6.62 An Ecological Appraisal of the site, prepared by Aspect Ecology, is included in support of this submission along with a completed Biodiversity Net Gain matrix which identified the level of provision required to offset any potential losses. The Ecological Appraisal confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.
- 6.63 The site itself is not subject to any statutory or non-statutory ecological designations. No identified statutory ecological designations are located within 5km of the site. The nearest non-statutory designation is Fishponds Wood, Hanwell Local Wildlife Site (LWS), which is located approximately 0.7km north west of the current site boundary. All of the ecological designations in the surrounding area are physically well separated from the site and are therefore unlikely to be adversely affected by the proposals. Neithrop Fields Cutting Site of Special Scientific Interest (SSSI), is located approximately 0.9km south west of the site. However, it is designated for geological reasons and is therefore not of ecological relevance, albeit in any event it is similarly well-removed from the site.
- 6.64 The site forms the eastern part of a semi-improved grassland field, with other habitats including boundary hedgerows and scattered scrub. Features of ecological importance include the hedgerows and associated trees, which are to be retained under the proposals and will be protected during construction, with only small sections removed to facilitate access. This will be compensated by new hedgerow planting which will link with the existing / retained hedgerows. Further, substantial new native planting and wildlife habitats are proposed (including enhancement of additional offsite land), to ensure biodiversity net gains as calculated using the Defra metric calculator. Concerns were raised in respect of the presence of Adder's Tongue Fern on site in respect of the withdrawn application. Accordingly, the both the site area and extent of development have been reduced to ensure that the areas covered by the fern remain untouched.
- 6.65 Resultantly, the internal areas of the site generally offer limited opportunities for protected species, albeit on the basis of the survey work undertaken, potential opportunities or confirmed use of the site by badger, bats and common nesting birds have been recorded. Several recommendations and measures are set out in the Ecological Appraisal with regard to these species in order to ensure they are fully considered and safeguarded under the proposals. Long-term nesting opportunities will be maintained, if not enhanced, under the proposals through new landscape planting and favourable management of habitats and provision of nest boxes.

- 6.66 Whilst the second application received an objection from Berkshire, Buckinghamshire, and Oxfordshire Wildlife Trust's (BBOWT's) Public Affairs and Planning Officer their comments were responded to by the applicant to the satisfaction of officers. The written update to the planning committee, dated 1st August 2024, confirmed that *"the concerns raised by BBOWT were all addressed"*. Regardless, the updated Ecological Appraisal provided in support of this application once again reviews the comments of BBOWT and provides the necessary comfort to ensure its support this time round.
- 6.67 The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On this basis the application is in direct accordance with the relevant parts of **Policies ESD10 and ESD17** of the adopted Local Plan.

Highways and Access

- 6.68 No objection was raised towards either the first or second applications in respect of access and highways impact. This resubmission once again seeks to utilise the access from Duke's Meadow Drive which has already been agreed in principle as part of the first phase of development. The application proposal will be accessed via an upgrading of the existing agricultural access to form a fourth arm off the Dukes Meadow Drive / Lapsley Drive roundabout. The design of the access as it joins the roundabout will remain unchanged in that it will comprise a segregated entrance / exit either side of a central refuge bound by a 3m wide shared footway / cycleway to link into the existing footway / cycleway provision on the southern / eastern side of Dukes Meadow Drive.
- 6.69 Within the site the 5.5m wide road will be bound by two 2m wide footways. The only change to the access approved as part of the first phase of development is that the priority will alter within the site. The access to the first phase will now comprise a left turn junction as motorists enter the site. It is worth reiterating that the proposed site access arrangements and footpath connections from the site to the highway were reviewed and agreed in-principle with the Local Highway Authority as part of pre-application discussions preceding the first phase application.
- 6.70 The proposed development (based on the upper figure of 114 dwellings) is predicted to generate 77 vehicle trips in the morning peak and 70 trips in the evening peak. This number of vehicles even in combination with the trip rates generated by the first phase of development will not result in a significant adverse impact which will result in detrimental harm to the highway network.
- 6.71 An emergency access will be provided from the southeast corner of the site directly on to Duke's Meadow Drive in response to the Local Highways Authority's previous request for a secondary entrance to the site. This will comprise a 3m wide single-track surfaced access. Whilst not offered for approval at this stage,

with the precise location likely dependent on the final site layout, an indicative design is appended to the accompanying Transport Assessment.

- 6.72 Parking within the development will be provided in line with current Oxfordshire County Council's Residential Road Design Guide for new development for urban areas in Cherwell as referenced in the Supplementary Planning Document, Cherwell Residential Design Guide, adopted in July 2018. Cycle parking will be provided at a level of at least one space per one bed dwellings and at least two spaces per dwelling of two or more bedrooms. The final level of provision in respect of car and cycle parking will be confirmed at reserved matters stage upon the finalisation of both the number of new homes to be provided and the eventual mix.
- 6.73 Lastly, this application is accompanied by a draft Residential Travel Plan which provides for several measures to secure the greatest level of uptake of sustainable forms of transport. As part of this plan it is proposed that each household will be provided with a Travel Welcome Pack. The pack will contain a high-quality map of the area, showing cycle, walking and public transport routes, and up-to-date timetables for local bus and connecting train services. The key role of the Travel Welcome Pack will be to raise awareness of these sustainable initiatives.
- 6.74 On the basis of all of the above it is considered that the application proposal complies with **Policies SLE4, ESD1 and ESD15** of the Cherwell Local Plan 2011-2031.

Flooding and Drainage

- 6.75 This application is accompanied by a Flood Risk Assessment (FRA) including a drainage strategy for the site, prepared by MAC Consulting. As with highways no objection was received from Oxfordshire County Council in respect of drainage.
- 6.76 The accompanying FRA firstly demonstrates that the site lies in the Environment Agency's Flood Zone 1, that is in a location at the lowest risk of tidal or river flooding. In response to the requirements of paragraph 160 of the recently updated NPPF the FRA also assesses the potential impact of all other sources of flooding on the site, concluding that it is not at risk from surface water, canal and reservoir, ground water or sewer flooding.
- 6.77 Then it provides the detail sought by the LLFA that was lacking from the withdrawn submission. The FRA and drainage strategy now includes:
- Full details of the scheme of infiltration testing, including the survey points, which are provided as Appendix G of the FRA;
 - Discharge rates as part of the overall drainage strategy plan; and

- Confirmation of the outfall to the local ditch network along Duke's Meadow Drive to the south of the site which has been facilitated by an amendment to the red line location plan.

6.78 In respect of the function of the drainage scheme, surface water will discharge from the proposed development into the local ditch network via a scheme of above ground attenuation. The surface water discharge rate from the site will then once again be restricted to greenfield equivalent run-off rates to ensure that the rate of surface water run-off from the site does not increase as a result of the proposed development. The proposed drainage strategy will comprise the following components:

- A piped network;
- Hydrobrake flow control;
- A Detention Basin; and
- Tanked permeable paving to private drives

6.79 The drainage will be designed in line with Building Regulations, Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England as well as local SUDS guidance to ensure compliance with best practice guidance, thus minimising the maintenance requirements. A full maintenance plan for the site will be developed at the detailed design stage.

6.80 Otherwise, foul water drainage will utilise the existing Severn Trent system present at Hanwell Fields to the south.

6.81 The lack of any flood risk at the site allied with the potential to deliver a sustainable drainage system in line with the drainage hierarchy ensures that the proposal would comply with **Policies ESD6 and ESD7** of the Local Plan 2011-2031.

Trees

6.82 This application is supported by a full Arboricultural Impact Assessment conducted by Aspect Arboriculture. No objection was received by the Council's Tree Officer towards the previous application and once again it is not anticipated that there will be any impact. The survey identifies that there are no trees within the proposed developable area of the site with the only vegetation comprising the hedgerows around its perimeter, all of which will be retained other than a short section which will have to be removed to accommodate the vehicular and pedestrian access point. Otherwise, there will be no impact on any established trees and planting ensuring that the proposed development accords with **Policy ESD10** of the Local Plan 2011-2031.

Heritage

- 6.83 Whilst it has been concluded unequivocally by the accompanying LVIA that there will be no intervisibility between the site and Hanwell village, including its conservation area, this application is once again accompanied by a Heritage Statement, prepared by Asset Heritage, to ensure that a comprehensive assessment has been undertaken of any potential impact on the setting of heritage assets.
- 6.84 The Heritage Statement reiterates the findings of the LVIA. The appraisal has concluded that the application site does not contribute to the character and appearance or significance generally of the Hanwell Conservation Area, and neither does it have any significant role to play as part of its physical setting. The factors influencing this conclusion are the distance between the site and conservation area, the form of the natural topography between them (and the hedges and trees that provide screening within that space) and the resultant very limited intervisibility of the two areas, all of which are corroborated by Aspect Landscape's LVIA.
- 6.85 The Written Updates provided to committee in respect of the second application concluded that there is *"no direct intervisibility between the application site and heritage assets at Hanwell village"* and the application will only result in potential impact on archaeological remains (see below).
- 6.86 Based on this appraisal it is evident that the development of the site as proposed will have no effect, either positive or negative, on the significance of the conservation area as a designated heritage asset, either directly or on any significant aspect of its wider physical setting. On this basis the proposals accord with **Policy ESD15** of the Local Plan and the guidance of the NPPF.

Archaeology

- 6.87 A geophysical survey of the site was undertaken by TVAS in August 2022 which demonstrated that the site shows few signs of archaeological importance. Trial trenching was then undertaken on site, in Winter 2022, which confirmed these initial conclusions. Whilst the survey showed several anomalies across the site the majority of these appear to be a continuation of the medieval and post-Medieval ridge and furrow found to the south of the site. Otherwise, there is a large curving positive linear anomaly may indicate the presence of some form of land division. No other anomalies of archaeological interest were recorded. The proposed development will have no implications for below ground heritage and would accord with **Policy ESD15** of the Local Plan 2011-2031.

Sustainability

- 6.88 This application is supported by a Sustainability Statement prepared by Manor Oak Homes. This document is provided specifically with a view to demonstrating how the proposals seek to address **Policies ESD1, ESD2, ESD3, ESD4 and ESD5** of the Local Plan 2011-2031 whilst further illustrating the way in which

they would accord with **Policies ESD6, ESD7 and ESD8**, all of which combined relate to energy and water efficiency measures.

6.89 Whilst the application proposal is in outline only at this stage, with any precise measures proposed to tackle climate change and ensure the energy efficiency of the eventual development to be specified at reserved matters stage, the Sustainability Statement demonstrates that it would be capable of accommodating the following:

- The development will incorporate a range of measures to reduce carbon emissions, mitigating the effects of climate change, and adaptation measures to ensure the long-term resilience of the development to the effects of climate change. These would include passive solar gain, natural ventilation, good access to services via sustainable modes of transport, water efficiency measures and effective insulation;
- Through a range of design measures the development will ensure the homes will minimise carbon emissions and achieve a high standard of energy efficiency. These would include the adoption of a fabric first approach and opportunities to either built in or retrofit renewable sources of energy;
- The development will support resource efficiency and use low embodied carbon materials where possible. Measures may include use of sustainable and locally sourced building materials along with a strategy to ensure that site waste is minimised; and
- Through a range of design measures the development would aim to protect and enhance the local environment, including incorporation of biodiversity enhancements and measures to reduce pollution both during build phase and once the development is fully occupied.

Planning Balance

6.90 Following a review of the way in which the proposed development responds to the various policy requirements and constraints relevant to the site it must be concluded that it would not result in any residual economic, social, or environmental harm. In fact, it would present a wide range of benefits that would significantly and demonstrably outweigh the limited harm afforded to the narrow conflict with the spatial policies of the development plan and the localised level of landscape impact.

6.91 Then, considering the deficient housing land supply position across the district, the balance would be tipped undeniably in the favour of the proposal. A summary of the merits of the scheme, which must be weighed using the 'tilted balance' applicable due to the out-of-date nature of the policies most relevant for the determination of the application, is set out below.

Economic Sustainability

6.92 The proposed development would help support the local economy. The provision of new houses would provide construction jobs for local people. Along with this, there will be a longer-term economic benefit

from the future occupants of the proposed dwellings through a combination of spend in the local economy and support for the ongoing viability of local businesses and employers more generally. It is therefore considered that the application furthers the NPPF's objective of economic sustainability.

Social Sustainability

6.93 The proposed development would further the social objectives of the NPPF. Specifically:

- The site lies adjacent to the built-up area of Banbury and is within walking distance of a full range of services and facilities in the northern area of the town;
- The site is approximately a 750m walk from the nearest bus stop which offers regular services to the town centre;
- The proposal will provide up to 79 market dwellings and up to 35 affordable dwellings of a mix which responds directly to the Oxfordshire SHMA 2014. This provision of these dwellings is particularly important considering the deficient housing land supply position across the district; and
- Specifically the affordable housing provision on the site, to be split 69:31 in favour of affordable rented accommodation, is of notable importance in a district where the affordability ratio is above the national average at 9.55.

Environmental Sustainability

6.94 Lastly, in terms of environmental sustainability a significant level of technical work has been undertaken to ensure the development respects and wherever possible enhances the local environment. The approach taken by the applicant can be summarised as follows:

- This application is supported by a Landscape Visual Impact Assessment prepared by Aspect Landscape Planning which demonstrates that the proposed development is capable of being delivered within the contours of the site of a form and layout which would minimise any impact on the landscape through the reduction of distant views from the north. On this basis the proposal would almost entirely be viewed in the context of the extensive urban area of Banbury to the south, which will now include the first phase of the development;
- The illustrative design of the proposal allied with the parameter plan offered for approval is the result of an opportunities and constraints led approach to development and demonstrates a form and layout of development which responds positively to both the relief of the site and its urban edge character.
- A comprehensive ecological survey of the site has been undertaken by Aspect Ecology. It demonstrates that the grassland comprising the main body of the site and its previous use for grazing results in having limited ecological value. The richest habitats on the site comprise the hedgerows around its fringe, all of which will be either retained, replaced, or enhanced. The more valuable habitats identified during the course of the withdrawn application have now been excluded from the red line boundary. The applicant then commits to providing a net gain in biodiversity of greater than 10% through a

combination of on-site and off-site improvements and contributions to be secured as part of the Section 106;

- The highways impact of the proposed development will be minimal with additional peak traffic flows adequately accommodated by the existing road network. Otherwise, the sustainable location of the site will ensure that the use of sustainable forms of transport is maximised; and
- The information provided in support of this application demonstrates that the site is both in an area at the lowest risk of flooding and in turn can accommodate a sustainable drainage system which will ensure that run-off is maintained at green field rates.

6.95 Balancing all of the above it is clear that the significant benefits presented by the delivery of both market and affordable homes comprising a SHMA and policy compliant mix of unit sizes and types on its own represents an overriding benefit in favour of the proposal in a district which is currently subject of a deficient sub-5-year housing land supply, one which we consider to be in the region of 2.97-years. Once the additional benefits of the sustainable location of the site, the positive impact on the local economy and a net increase in on-site biodiversity are considered these would outweigh the limited harm caused because of the limited breach of the spatial policies of the development plan and the minor level of localised landscape impact identified within Aspect Landscape's assessment.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 This statement, along with the substantial suite of supporting information provided as part of this application, has been prepared to respond to the concerns raised by the Council in refusing the second application. The applicant is hopeful that further clarity in respect of landscape impact and the design rationale of the scheme, along with updates on ecology and housing land supply in particular, will provide the basis of constructive engagement with the Council as part of the application process to enable the delivery of up to 114 units at the site which will contribute towards what both we and two recent inspectors consider to be the deficient housing land supply across the district.
- 7.2 Read as a whole, the documents comprising this application demonstrate that the proposed development on a site well related to the urban area of the district's largest town, Banbury, would be sustainable in every respect. It must be concluded that the proposals would represent a natural second phase of the applicant's previous application for 78 dwellings to the south which now has outline planning permission.
- 7.3 Critically the application proposal represents a fresh opportunity for Cherwell District Council to secure much needed new homes at a time where it is unable to demonstrate a sufficient 5-year supply of housing land – our calculations show that the current position is less than 3-years and could be far lower depending on the approach to calculating the correct housing requirement for the district. It would do this in a way that accords with the broad distribution of growth set out in the adopted Local Plan 2011-2031, a point corroborated by the Warwick Road inspector who considered that development immediately on the edge of Banbury would accord with the district's spatial strategy.
- 7.4 The application proposal would deliver a varied supply of much needed new homes, including a policy compliant requirement of 30% affordable housing and a generous proportion of bungalows suited to older households, whilst providing them at a location served by an excellent level of nearby shops, facilities, amenities and public transport links. In addition, it would do so in a way that is physically and visually well related to the existing Hanwell Fields neighbourhood and the applicant's own first phase of development allowing future residents of the site to fit seamlessly into an already established and now growing community.
- 7.5 Whilst it is recognised that the site lies on the urban edge of Banbury and does not comprise an allocation or previously developed land it is similarly identified within this statement that the policies of the adopted development plan do not necessarily present an outright presumption against development of this nature coming forward where the land would be used efficiently and effectively. In any event, and in appreciating the deficient housing land supply position, the council has already resolved that land to the north of Dukes Meadow Drive represents an entirely suitable location for new growth at an entirely sustainable location.

- 7.6 These points, allied with a lack of significant harm to any aspect of the local environment due to the proposed delivery of new homes on a largely unconstrained site, must result in the Council concluding that the benefits of the proposal are not significantly and demonstrably outweighed by any harm, thus affording this application the presumption in favour of sustainable development described by paragraph 11(d) of the NPPF.
- 7.7 On the basis of the above it is our clear view that the application scheme represents development that is sustainable in every respect and should therefore be approved without delay.