

Appendix 4.1: Local Planning Policy

Cherwell Local Plan, 1996

- C2 Development which would adversely affect any species protected by schedule 1, schedule 5 and schedule 8 of the 1981 wildlife and countryside act, and by the e.c. Habitats directive 1992 will not normally be permitted.
- C4 The council will seek to promote the creation of new habitats. In urban areas the council will promote the interests of nature conservation within the context of new development and will establish or assist with the establishment of ecological and nature conservation areas, where such areas would further the opportunity for environmental education and passive recreation and would not conflict with other policies in the plan.
- C7 Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
- C10 Development which would have a detrimental effect upon the character and appearance of historic landscapes, parks and gardens and battlefields and their settings will normally be resisted.
- C23 There will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a conservation area.
- C25 In considering proposals for development which would affect the site or setting of a scheduled ancient monument, other nationally important archaeological sites and monuments of special local importance, the council will have regard to the desirability of maintaining its overall historic character, including its protection, enhancement and preservation where appropriate.
- Env7 Development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.
- Env12 Development on land which is known or suspected to be contaminated will only be permitted if:
- i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site;
 - ii) The development is not likely to result in contamination of surface or underground water resources; and
 - iii) The proposed use does not conflict with the other policies in the plan.
- H5 Where there is a demonstrable lack of affordable housing to meet local needs, the district council will negotiate with developers to secure an element of affordable housing in substantial new residential development schemes. The district council will need to be satisfied that such affordable housing:-
- iv) Is economically viable in terms of its ability to meet the need identified;
 - v) Will be available to meet local needs long term through secure arrangements being made to restrict the occupancy of the development; and
 - vi) Is compatible with the other policies in this plan.

Non Statutory Cherwell Local Plan

- D3 Proposals for development that reflects or interprets the locally distinctive character of the site and its context, will be permitted provided that they:
- vii) respect the site's landform and natural features
 - viii) are well integrated into the landscape setting
 - ix) reflect the traditional pattern of the arrangement of street blocks, plots and their buildings and spaces
 - x) include the retention and enhancement of existing open spaces and undeveloped gaps of local importance that contribute positively in visual terms to the public realm although in private ownership(v) relate well to the local palette of building and surfacing materials,
 - xi) relate well to the local architectural styles and the local palette of elements of construction, elevational detailing, windows and doors
 - xii) respect the scale, proportion, massing and height of adjoining buildings and the streetscene
 - xiii) do not interfere with valued views, vistas and landmarks.
- EN3 Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not be permitted.
- EN5 In determining planning applications, the council will have regard to the likely impact of the development on air quality as a result of its operational characteristics and the traffic generated by it. Development which would have a significant adverse impact on air quality will not be permitted. Wherever possible the council will seek to improve air quality through the control of development.
- EN12 Development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.
- EN14 In areas at risk from flooding, new development, the intensification of existing development or land raising will not be permitted if the proposals would:
- xiv) result in a net loss of flood plain storage;
 - xv) impede the flow of flood water; or
 - xvi) increase the risk of flooding elsewhere.
- EN15 New development generating increased surface water run-off likely to result in an adverse impact to surface drains and watercourses, such as an increased risk of flooding, river channel instability or damage to habitats, will not be permitted unless the proposals include appropriate source control and/or attenuation measures. Developers will be expected to cover the costs of assessing the impact of development on run-off generation and of any appropriate mitigation works, including long term management.
- EN17 Development on land which is known or suspected to be contaminated will only be permitted if:
- xvii) adequate measures can be taken to remove any threat of contamination to future occupiers of the site; and

- xviii) the development is not likely to result in contamination of surface or underground water resources.
- EN22 Development proposals will be expected to incorporate features of nature conservation value within the site. Features of value should be retained and enhanced wherever possible. The use of planning conditions or planning obligations will be sought to secure their protection and management, or the provision of compensatory measures where appropriate.
- EN24 The council will seek to promote the interests of nature conservation through the control of development. Proposals which would result in damage to or loss of a site of ecological or geological value will not be permitted unless:
- xix) in the case of an internationally important site, there is no alternative solution and there are imperative reasons of over-riding public interest for the development; or
 - xx) in the case of a nationally important site, the reasons for the development clearly outweigh the ecological or geological value of the site and the national policy to safeguard the national network of such sites; or
 - xxi) in the case of a site of regional or local importance for its ecological or geological value, the reasons for the development clearly outweigh the ecological or geological value of the site.

In all cases where development is permitted, damage must be kept to a minimum. The council will use conditions or planning obligations to protect and enhance the site's ecological or geological interest and to provide mitigation and compensatory measures where appropriate.

- EN25 Development which would adversely affect any species protected by schedule 1, schedule 5 and schedule 8 of the 1981 wildlife and countryside act, and by the e.c. habitats directive 1992, or its habitat will not be permitted.
- EN27 Development proposals should incorporate the creation of new habitats, particularly those concerning priority habitats or species, wherever possible. The council will promote the interests of nature conservation within the context of new development and will establish or assist with the establishment of ecological and nature conservation areas, where such areas would further the opportunity for environmental education and passive recreation.
- EN34 The council will seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:
- xxii) cause undue visual intrusion into the open countryside;
 - xxiii) cause undue harm to important natural landscape features and topography;
 - xxiv) be inconsistent with local character;
 - xxv) harm the setting of settlements, buildings, structures or other landmark features; and
 - xxvi) harm the historic value of the landscape.
- EN35 The council will seek to retain woodlands, trees, hedges, ponds, walls and any other features which are important to the character or appearance of the local landscape as a

result of their ecological, historic or amenity value. Proposals which would result in the loss of such features will not be permitted unless their loss can be justified by appropriate mitigation and/or compensatory measures to the satisfaction of the council.

- H1a Proposals for new housing development will be considered against the following criteria:
- xxvii) the availability of previously-developed sites and empty or under-used buildings and their suitability for housing use;
 - xxviii) the location and accessibility of the proposal to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
 - xxix) the capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social facilities (such as schools and healthcare facilities) to absorb further development and the cost of adding further infrastructure;
 - xxx) the ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities;
 - xxxi) the physical and environmental constraints on development of land, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change; and
 - xxxii) In the case of proposals in category 1 and 2 villages (see policy h15 and h16) whether it would meet an identified local housing need.
- H1b Residential development will be permitted on the sites which are listed below and are shown on the proposals map to enable, together with windfalls, 11,250 dwellings to be built between 1996 and 2011. The number of dwellings that the council expects to be built on these sites and on windfalls sites during each of the three phases of the plan is listed below. Applications for planning permission for the development of a site on previously developed land identified in the following table in advance of the phase shown will be approved. Planning permission will not be granted for development on the greenfield allocated sites before the phase of the plan to which they have been assigned unless the phase has been altered through the use of supplementary planning guidance. (see policy h2)
- H4 The council will seek a variety of dwellings in terms of their size, type and affordability in order to meet the housing requirements of the whole community. Large areas of housing of similar characteristics will not be acceptable.
- H7 Where there is a demonstrable lack of affordable housing to meet local needs, the council will negotiate with developers to secure an element of affordable housing in residential development schemes. The council will need to be satisfied that such affordable housing:
- xxxiii) is economically viable to those in need of affordable housing in terms of its ability to meet the need identified
 - xxxiv) will be available to meet local needs through secure arrangements being made to restrict the occupancy of the development.

Draft Core Strategy, February 2010

Policy H1: Housing Distribution

Cherwell district will provide for 13,400 additional homes to be provided between 1 April 2006 and 31 March 2026 as follows:

Bicester	5,500
Rest of Central Oxfordshire	1,140
Bicester and Central Oxfordshire Total	6,640
Banbury	4,800
Rest of North Cherwell	1,960
Banbury and North Cherwell Total	6,760
Total for Cherwell district	13,400

A further 500 homes will be provided from 1 April 2026 to 31 December 2026

Policy H3: Efficient and Sustainable Use of Land

Housing development in Cherwell will be expected to make efficient and sustainable use of land. At least 40% of new homes built between 1 April 2006 and 31 March 2026 will be constructed on previously developed land. The redevelopment of Banbury Canalside and the former RAF Upper Heyford airbase will be central to Cherwell's 'brownfield' land strategy.

The priority will be the re-use of previously developed land within urban areas and within villages that have been identified as suitable places for additional residential development. Elsewhere the advantages of re-using previously developed land will be weighed against other sustainability considerations.

The density of housing development will be expected to reflect the character and appearance of individual localities but new homes will not be provided at less than 30 dwellings per hectare.

Policy H4: Affordable Housing Target

At least 3300 new affordable homes (net) will be provided in Cherwell between 2006 and 2026 (165 homes per year). 2500 of these will be provided at Bicester and Banbury. 800 will be provided elsewhere.

Existing properties acquired by Registered Social Landlords will be considered as being additional to these targets.

Policy H5: Affordable Housing Requirements

At Banbury and Bicester, all proposed developments that include 10 or more dwellings (gross), or which would be provided on sites suitable for 10 or more dwellings (gross), will be expected to provide at least 30% as affordable homes on site.

At Kidlington, all proposed developments that include 10 or more dwellings (gross), or which would be provided on sites suitable for 10 or more dwellings (gross), will be expected to provide at least 35% as affordable homes on site.

Elsewhere, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% as affordable homes on site.

Explanation of whether or not sites are suitable for accommodating 10 or more dwellings in urban areas, or 3 or more in rural areas, will be expected to be included in applications for planning permission.

Where this policy would result in a requirement that part of an affordable home should be provided, a financial contribution of equivalent value will be required for that part only. Otherwise, financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.

All qualifying developments will be expected to provide 70% of the affordable housing as social rented dwellings and 30% as other forms of intermediate affordable homes.

It is expected that these requirements will be met without the use of social housing grant.

Should the promoters of development consider that individual proposals would be unviable with the above requirements, 'open-book' financial analysis of proposed developments will be expected so that an economic viability assessment can be undertaken.

Where development is proven to be unviable with the above requirements, negotiations with the promoters of development will take place. These negotiations will include consideration of: the mix and type of housing, the split between social rented and intermediate housing, the availability of social housing grant and the percentage of affordable housing to be provided.

Policy H6: Housing Mix

New residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. The following mix will be used to guide decision making:

Size & Type of Dwelling	Percentage of Housing Stock Required
1 bed flats	4%
2 bed upsizing flats	8%
2 bed houses	19%
3 bed houses & larger	35%
3 bed flats / cluster homes	2%
2 bed retirement / downsizing homes	23%
1 / 2 bed extra care homes	9%

Policy I2: Green Infrastructure Network

The district's green infrastructure network will be maintained and enhanced through the following measures:

- pursuing opportunities for joint working to maintain and improve the green infrastructure network;

- protecting and enhancing existing sites and features of value to the green infrastructure network and improving connectivity between sites in accordance with policies on biodiversity and the natural environment (policy SD 8), conservation target areas (policy SD 9), open space, sport and recreation (policy I 3), and adapting to climate change (policy SD 1);
- providing new areas of multi-functional open space to address identified deficiencies in accordance with policies I 3 and I 4;
- ensuring that green infrastructure network considerations are integral to the planning of new development. Green infrastructure master plans should be developed for strategic development sites and proposals should maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network of open space, connecting the towns to the urban fringe and the wider countryside beyond;
- encouraging the use of sustainable drainage systems in new development in accordance with policy SD 6; and
- establishing a series of linked open spaces in Bicester and Banbury in accordance with policies BIC 5 and BAN 10.

Policy SD6: Sustainable Drainage Systems (SuDS)

The use of sustainable drainage systems (SuDS) for the management of surface water run off generated by developments will be encouraged.

Site specific Flood Risk Assessments should be used to determine how SuDS can be used on particular sites and to design appropriate systems.

Policy SD8: Protection and Enhancement of Biodiversity and the Natural Environment

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- i. In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources.
- ii. Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity.
- iii. Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity.
- iv. Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity.
- v. A biodiversity survey and report will be required to accompany planning applications which may affect a site of known or potential ecological value.
- vi. Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably.

Policy SD11: Local Landscape Protection and Enhancement

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- cause undue visual intrusion into the open countryside;
- cause undue harm to important natural landscape features and topography;
- be inconsistent with local character; and
- harm the setting of settlements, buildings, structures or other landmark features, or harm the historic value of the landscape.

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS).

Policy SD 13: The Built Environment

New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. Where development is in the vicinity of any of the district's distinctive natural or historic assets, delivering high quality design will be essential.

New development should:

- respect local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting;
- preserve and enhance designated historic assets, features, areas and their settings, and ensure new development is sensitively sited and integrated;
- respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings;
- reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials and colour palette;
- demonstrate an holistic approach to the design of the public realm following the principles set out in The Manual For Streets;
- be compatible with up to date urban design and Secured By Design principles; and
- incorporate energy efficient design, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies SD 1 - 5 on climate change and renewable energy).

The Council will provide more detailed design policies in the Delivery DPD.

Where the Council prepares site specific Supplementary Planning Documents (SPDs), generic SPDs on non-site specific issues and Informal Development Principles, applicants should have regard to these when drawing up design proposals for these sites.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application.

For major sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and that co-ordinated high quality design is delivered throughout.