

CONTENTS

3.1	INTRODUCTION	2
3.2	NATIONAL PLANNING POLICY	3
3.3	REGIONAL PLANNING POLICY.....	8
3.4	LOCAL PLANNING POLICY	9
	<i>Cherwell District Local Plan (1996).....</i>	<i>9</i>
	<i>Non-Statutory Cherwell Local Plan.....</i>	<i>10</i>
	<i>Cherwell Local Plan 2031: Submission Document (2013).....</i>	<i>11</i>
3.4	SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS	17

3.1 INTRODUCTION

3.1.1 The Government's commitment to the delivery of sustainable development is enshrined in the *Localism Act* (2011) and *National Planning Policy Framework* (2012). Local planning authorities are duty bound to prepare positive plans to encourage sustainable development that meets an area's need for homes, jobs and open space. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that planning applications must be determined in accordance with the prevailing development plan unless material considerations indicate otherwise.

3.1.2 This chapter of the ES sets out the relevant planning policy context for the Proposed Development. It provides a general overview, and where necessary to support specific assessment areas, is supplemented by a more detailed policy review within the relevant topic chapters.

3.2 NATIONAL PLANNING POLICY

National Planning Policy Framework (NPPF)

- 3.2.1 The *National Planning Policy Framework* (NPPF) was published in March 2012; at its core is a presumption in favour of sustainable development for plan making and decision taking. The three dimensions of sustainable development – economic, social and environmental – are outlined, although it is the policies in the entire NPPF, taken collectively, which constitute the definition of sustainable development. At paragraph 49, the NPPF confirms that “housing applications should be considered in the context of the presumption in favour of sustainable development”.
- 3.2.2 A fundamental dimension to the promotion of sustainable development in the NPPF is the requirement for local planning authorities to provide the supply of housing required to meet the needs of present and future generations. It is a “core planning principle” to “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs” (para 17). To this end it is a core planning principle also to “boost significantly the supply of housing” (para 47) and to deliver a wide choice of new homes including, specifically, homes to meet affordable housing needs (para 50).
- 3.2.3 Paragraph 14 of the NPPF provides the specific guidance as to how the presumption in favour of sustainable development is to apply in decision making on applications. Proposals in accord with the development plan are to be approved without delay. Where the development plan is silent or out of date then permission should also be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole”.
- 3.2.2 It is the policies in the entire NPPF, taken collectively which constitute the definition of sustainable development. The NPPF sets out policy presumptions under specific themes; those particularly relevant to the Proposed Development are summarised below:

Outline Planning Application

Building a Strong Competitive Economy

- 3.2.3 At paragraph 18 the NPPF expresses the Government's commitment to securing economic growth in order to create jobs and prosperity and identifies the role of the planning system in delivering sustainable economic growth. Paragraph 19 notes that planning should encourage sustainable growth and that significant weight should be attached to that ambition.

Promoting Sustainable Transport

- 3.2.4 Paragraph 29 of the NPPF reinforces the importance of sustainable transport provision and providing choice to people about how they travel. New development should be located to prioritise public transport and should incorporate layouts which provide a safe and secure environment for walking and cycling.

Delivering a Wide Choice of High Quality Homes

- 3.2.5 Paragraph 50 of the NPPF notes that housing applications should be considered in the context of the presumption in favour of sustainable development, recognising the need to deliver a wide choice of high quality homes providing sustainable, inclusive and mixed communities. Paragraph 52 states that the supply of new homes can sometimes be best achieved through planning for larger scale development including extensions to towns.

Requiring Good Design

- 3.2.6 Paragraph 56 of the NPPF recognises that good design has a role to play in the pursuit of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 requires high quality and inclusive design for all development, including buildings, public and private spaces, and wider area development schemes.

Promoting Healthy Communities

Outline Planning Application

3.2.7 Paragraph 69 of the NPPF acknowledges the role of the planning system in facilitating healthy and inclusive communities; this includes a requirement for safe and accessible developments containing clear and legible pedestrian routes and high quality public open space.

3.2.8 Paragraph 70 seeks promotion of social, recreational and cultural facilities and services, such as high quality open space and community facilities such as local shops, meeting places, sports venues and places of worship.

Meeting the Challenge of Climate Change and Flooding

3.2.9 Paragraph 93 of the NPPF sets out matters in respect of renewable energy and low carbon energy and associated infrastructure. Paragraph 96 encourages new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

3.2.10 Paragraph 100 requires that development should be directed away from areas at highest risk of flooding.

Conserving and Enhancing the Natural Environment

3.2.11 Paragraph 109 of the NPPF places an emphasis on protecting valued landscapes, minimising impacts on biodiversity and providing net gains where possible and preventing unacceptable levels of pollution.

Conserving and Enhancing the Historic Environment

3.2.12 Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to understand the potential impact of the proposal upon the significance of that asset.

Outline Planning Application

National Planning Practice Guidance

3.2.13 The National Planning Practice Guidance (NPPG) provides further guidance on the policies contained within the NPPF.

3.2.14 ID 42-006-20140306 of the NPPG identifies the benefits of preparing a Transport Assessment. It states:

“Travel Plans, Transport Assessments and Statements can positively contribute to:

- *encouraging sustainable travel;*
- *lessening traffic generation and its detrimental impacts;*
- *reducing carbon emissions and climate impacts;*
- *creating accessible, connected, inclusive communities;*
- *improving health outcomes and quality of life;*
- *improving road safety; and*
- *reducing the need for new development to increase existing road capacity or provide new roads”*

3.2.15 ID 26-006-20140306 of the NPPG provides further information on design in the planning process and states:

“Design impacts on how people interact with places. Although design is only part of the planning process it can affect a range of economic, social and environmental objectives beyond the requirement for good design in its own right. Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered:

- *local character (including landscape setting);*
- *safe, connected and efficient streets;*
- *a network of greenspaces (including parks) and public places;*
- *crime prevention;*
- *security measures;*
- *access and inclusion;*
- *efficient use of natural resources; and*
- *cohesive & vibrant neighbourhoods.”*

3.2.16 ID 53-002-20140306 of the NPPG explains the links between health and planning, that development should avoid adverse impacts on human health, create opportunities for people to make healthy choices, promote active travel and physical activity, and promote access to high quality open spaces and opportunities for play, sport and recreation.

Outline Planning Application

3.2.17 ID 7-030-20140306 of the NPPG identifies the objectives of a flood risk assessment.

It states:

“The objectives of a site-specific flood risk assessment are to establish:

- *whether a proposed development is likely to be affected by current or future flooding from any source;*
- *whether it will increase flood risk elsewhere;*
- *whether the measures proposed to deal with these effects and risks are appropriate;*
- *the evidence for the local planning authority to apply (if necessary) the Sequential Test, and;*
- *whether the development will be safe and pass the Exception Test, if applicable.”*

3.2.18 ID 7-068-20140306 of the NPPG provides a checklist of matters to be addressed in a flood risk assessment.

3.2.19 ID 8-016-20140306 of the NPPG explains how biodiversity should be taken into account in preparing a planning application ID 8-018-20140306 of the NPPG identifies the issues that should be considered when seeking to avoid, mitigate or compensate for significant harm to biodiversity and that green infrastructure can help to mitigate any significant harm to biodiversity (ID 8-019-20140306).

3.3 REGIONAL PLANNING POLICY

3.3.1 Regional Planning Guidance 10 (*RPG10*) (2001) set out the Government's regional Section 109 of the Localism Act 2011 made provision for the Secretary of State to abolish Regional Spatial Strategies. The Regional Strategy for the South East (Partial Revocation) Order 2013 formally abolished the South East Regional Strategy, and the relevant Structure Plans, on 25th March 2013. As a consequence the South East Plan (2008) and the South East Regional Economic Strategy (2006) no longer form part of the adopted development plan for Cherwell District. The Order also revoked the Oxfordshire County Structure Plan 1996-2011 (adopted August 1998).

3.4 LOCAL PLANNING POLICY

Cherwell District Local Plan (1996)

- 3.4.1 The Cherwell Local Plan was adopted in 1996 and had an end date of 2001. The base date for the plan was 1986 and such the plan was adopted well into the plan period. It still remains part of the statutory Development Plan for the area but ran to only 2011. A number of policies are still relevant and 'saved' until the Council's Local Development Framework that will replace the adopted Cherwell Local Plan is in place.
- 3.4.2 The Secretary of State's saving of policies beyond 2011 was explicitly related to the requirement to ensure a continual supply of land for housing land and only insofar as those saved policies remain consistent with new national guidance (such as the NPPF) which the Secretary of State indicated should carry considerable weight.
- 3.4.3 Policy C1 and C2 seek to promote the interests of nature conversation and ensure the protection of sites of local nature conservation value.
- 3.4.4 Policy C5 seeks to protect the ecological value and rural character of Salt Way.
- 3.4.5 Policy C7 seeks to prevent harm to the topography and character of landscape by requiring development to take into account changes in level slope and not to detract from important views.
- 3.4.6 Policy C9 seeks to ensure compatibility of development with rural location in terms of its type, scale and size.
- 3.4.7 Policy C13 seeks to preserve areas of high landscape value.
- 3.4.8 Policy C14 seeks to retain important trees, woodland and hedgerows and ensure that new planting uses species native to the area.
- 3.4.9 Policy C15 seeks to prevent the coalescence of settlements.
- 3.4.10 Policy C25 seeks protection, enhancement and preservation of sites and/or settings of important archeological origin and scheduled ancient monuments.

Outline Planning Application

- 3.4.11 Policy C28 seeks sympathetic layout, design and external appearance of new development and use of traditional building materials.
- 3.4.12 Policy C30 seeks that new housing is compatible with appearance, character, scale of existing dwellings in the vicinity and ensures acceptable standards of amenity and privacy.
- 3.4.13 Policy ENV1 seeks to ensure the amenities of the environment and neighbouring residents are not unduly affected by development.
- 3.4.14 Policy H5 sets out a target affordable housing provision of 20% in Banbury, subject to viability of the scheme.
- 3.4.15 Policy R12 requires the provision of 2.43 ha of public open space per 1,000 population.
- 3.4.16 Policy TR1 that requires provision of highways improvements and/or additional public transport.

Non-Statutory Cherwell Local Plan

- 3.4.17 The Non-Statutory Cherwell District Local Plan 2011 was intended to review and update the Local Plan adopted in 1996. Due to changes to the planning system introduced by the Government, work on the plan was discontinued prior to adoption. The Non-Statutory Cherwell Local Plan is not part of the statutory development plan but it has been approved as interim planning policy for development control purposes.
- 3.4.18 Housing policies H1a, H3, H4 and H7 relate to the criteria upon which locations for housing will be assessed which includes the need to take into account the physical and environmental constraints on development of land, not to be built at a density of less than 30 dwellings per hectare, provide for a mix of dwellings to include an element of affordable housing.
- 3.4.19 Transport and Development policies TR1, TR2, TR3, TR4, TR5, TR8, TR9 and TR11 require development proposals to contribute to achieving the objectives of the local transport plan, located where it can be realistically reached by all modes of transport, be supported by Transport Assessments and Travel Plans, provide appropriate mitigation measures and set out an approach for their implementation, ensure safe

Outline Planning Application

movement for all transport modes and free flow of traffic, provide appropriate cycling and pedestrian networks and facilities, provide satisfactory parking.

- 3.4.20 Recreation and Community facilities policies, R8, R9 and R10A that require provision of 2.43 ha per 1000 population of public open space to include an element of formal sports and children's play, and areas of informal open space that contribute to the "greening" of residential areas and if necessary, secure off site enhancement of built sport and recreation facilities.
- 3.4.21 Conserving and Enhancing the Environment policies EN1, EN15, EN16, EN17, EN23, EN24, EN25, EN27, EN28, EN34 and EN44, require development proposals to take into account their likely impact on built and natural environment, provide appropriate measures to control surface water drainage, limit loss of best and most versatile agricultural land, avoid building on contaminated land unless adequate mitigation is secured, be supported by ecological surveys, promote interests of nature conservation to include protected species, incorporate, where possible, the creation of new ecological habitats to include a need to protect the rural character of Salt Way, and the character and appearance of the wider landscape to reduce harm and visual intrusion and protect the setting and character of listed buildings.
- 3.4.22 Urban Design and the Built Environment policies D1, D3, and D12 that seek development proposals to be locally distinctive in built development and landscape, ensure a permeable and legible form of development, provide a mix of compatible uses, reflect the site's landform and natural features, include retention and enhancement of important landscape features, protect important views and vistas.

Emerging Local Plan Policy**Cherwell Local Plan 2031: Submission Document (2014)**

- 3.4.23 The Cherwell Local Plan (2031) provides the policy framework to deliver sustainable growth in Cherwell District to 2031 and beyond. The 'submission' draft (January 2014), was submitted to the Secretary of State on 31st January 2014. Although the document does not constitute part of the adopted development for Cherwell, both the document itself and its evidence base are material considerations in the determination of this outline application. The weight to be attached to individual policies within the plan is based on their consistency with the NPPF.

Outline Planning Application

- 3.4.24 The Cherwell Local Plan is currently at examination stage. The Examination in Public commenced in June 2014, and has been formally suspended following a request by the Inspector to identify further land for housing so as to demonstrate the plan adequately meets its objectively assessed housing needs as identified in the 2014 Strategic Housing Market Assessment. Whilst the plan does not form part of the statutory development plan, it is a material consideration and provides an indication of the growth strategy for the district over a 20 year period.
- 3.4.25 On 22nd August 2014, Cherwell District Council published its schedule of Proposed Main Modifications to the (Submission) Local Plan.
- 3.4.26 The spatial strategy identified by the Plan is to manage growth within the district and focuses the bulk of growth in and around the towns of Bicester and Banbury. As such it is clear that Banbury will make a substantial contribution in meeting the housing needs of the district.
- 3.4.27 Policy BSC 1 sets out the district wide housing provision, to provide for 22,840 homes over the plan period (some 1,140 dwellings per annum), with some 7,139 homes to be provided at Banbury.
- 3.4.28 Para C.126 sets out the strategy for ensuring sustainable development in Banbury, key objectives include to:
- Provide for new development that will bring with it new open space and recreation opportunities;
 - Plan new development in a way that will improve access to natural and semi-natural green space and promote opportunities for new publicly accessible wooded areas; and
 - Provide for new development in accessible locations which will provide good opportunities for improving and accessing public transport services, for delivering and using new cycleways, for travelling on foot and for minimising the impact on the highway network and traffic congestion.
- 3.4.29 Para.127 recognises that mixed use strategic development sites delivering housing, services and facilities and contributions to local infrastructure are considered to be the most sustainable way of meeting Banbury's housing needs and addressing the issues facing the town.

Outline Planning Application

- 3.4.30 The proposed Main Modifications propose development, south of Salt Way, and bounded by White Post Road to the east, extending to Crouch Farm to the west, known as South West Banbury. Policy Banbury 16 (South of Salt Way - West) and Policy Banbury 17 (South of Salt Way - East) will collectively deliver up to 1,495 dwellings as part of a number of local communities with strong links to Banbury town centre, to bring forward affordable housing, a new primary school and local centre and other infrastructure benefits.
- 3.4.31 South West Banbury comprises a number of individual sites within different ownerships and will each provide the necessary infrastructure to support itself to avoid placing any constraint upon preceding and/or subsequent development sites.
- 3.4.32 Draft policy Banbury 17 - South of Salt Way - East allocates land for up to 1,345 dwellings, comprising land at Wykham Park Farm which will deliver some 1,000 of the allocation.
- 3.4.33 The draft policy recognises and provides a framework through which individual sites can come forward independently, yet in a complementary manner. Specific provisions include the delivery of up to 1,345 dwellings, land for a primary school, community and/or local retail provision, principal access to be created off Bloxham Road (A361) with provision to accommodate an east-west link to join White Post Road for local traffic, should that come forward, general green space, allotments, play space and sports provision.
- 3.4.34 The policy also sets out a number of key site specific design and place shaping principles to guide development, these are set out below:
- The development of a comprehensive masterplan for the allocated site in consultation with the Council, Oxfordshire County Council, the Local Nature Partnership (Wild Oxfordshire) and local communities;
 - Proposals should comply with Policy ESD16;
 - Development must respect the landscape setting and provide an appropriate development interface with Salt Way (any buffer is likely to be some 10-20 metres in accordance with the approach adopted at land east of Bloxham Road and south of Salt Way);

Outline Planning Application

- Existing natural features and additional structural planting will reinforce landscape framework upon which to structure development parcels;
- Public open space to form a well connected network of green areas within the site, suitable for formal and informal recreation. Formal recreation should be located and phased to come forward as part of development at the southern part of the site; Informal open space is to be located where the site adjoins Bodicote village in order to create a buffer to maintain separation between the two settlements and respect the setting of the Bodicote Conservation Area;
- A layout that maximises the potential for walkable neighbourhoods and allows for integration with land that comprises the South West Banbury area and existing communities in Banbury;
- A linked network of cycle and footways to provide access into Banbury;
- Layout of development that enables a high degree of integration and connectivity with existing development;
- A high quality locally distinctive residential district for the south west of Banbury that is designed with consideration to the landscape setting and well integrated with the adjacent residential area;
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities;
- New footpaths and cycleways should be provided that link with existing (e.g. hedgerows) which are or may be of ecological value; and where possible introduces new features;
- Provision of appropriate lighting and the minimisation of light pollution based on appropriate technical assessment;
- Provision of public art to enhance the quality of the place, legibility and identity;
- Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 – 5;
- Take account of the Council's Strategic Flood Risk Assessment for the site;
- Use of SuDS techniques in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS) and taking account of the Council's Strategic Flood Risk Assessment. Development proposals to be subject to a Flood Risk Assessment;

Outline Planning Application

- The provision of extra-care housing and the opportunity for community self-build affordable housing;
- If necessary, the satisfactory incorporation of existing dwellings into the scheme; and
- A detailed survey of the agricultural land quality identifying the best and most versatile agricultural land and a soil management plan.

Policy BSC 2 Effective and Efficient Use of Land; Policy BSC 3 Affordable Housing; Policy BSC 4 Housing Mix

3.4.35 Policy BSC 2 aims for new housing to be provided at a net density of no less than 30 dwellings per hectare. Policy BSC 3 seeks 30% affordable homes, expected to comprise a 70% affordable/social rented dwellings and 30% intermediate affordable, with Policy BSC 4 requiring a mix of homes to meet current and future requirements for housing need and ensure provision of socially inclusive communities, as identified within the Oxfordshire County Strategic Housing Market Assessment and Cherwell Housing Strategy.

BSC10: Open space, sport and recreation provision; BSC 11: Local Standards of Provision – Outdoor Recreation.

3.4.36 Policy BSC10 supports convenient access to open space, sport and recreation provision and seeks to ensure that new development provides sufficient quantity commensurate to the need generated by the proposals. Policy BSC 11 sets out the standards for provision of outdoor recreation at table 8.

ESD 1 Mitigating and Adapting to Climate Change; ESD 3: Sustainable Construction; ESD 6: Sustainable Flood Risk Management; ESD 7: Sustainable Drainage Systems (SuDS)

3.4.37 Policy ESD1 seeks to ensure development reduces the need to travel and encourages sustainable travel options, seeks reductions in carbon emissions, promotes low carbon/ renewable energy use and encourages the use of sustainable drainage methods. Policy ESD 3 encourages all new residential development to reflect high quality design and high environmental standards demonstrating sustainable construction methods. Policy ESD 6 directs new development to areas

Outline Planning Application

with the lowest probability of flooding in accordance with the Sequential Test as defined within the NPPF and requires development proposals to be accompanied by site specific flood risk assessments to assess all sources of flood risk. Policy ESD 7 requires developments to use sustainable urban drainage systems for the management of surface water run-off.

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

- 3.4.38 Policy ESD 10 seeks to protect and enhance the biodiversity and the natural environment through the protection of trees, retention of features of biodiversity value and creation of features to enhancement biodiversity such as creation of wildlife corridors to ensure new habitat connectivity.

ESD 13: Local Landscape Protection and Enhancement

- 3.4.39 Policy ESD 13 seeks opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations and requires development to respect and enhance local landscape character.

ESD 16: The Character of the Built and Historic Environment

- 3.4.40 Policy ESD 16 requires new development proposals to understand and respect an area's unique built, natural and cultural context by improving the character and appearance of the area and the way it functions; supporting efficient use of land and infrastructure; reinforce or re-interpret local distinctiveness through contemporary design response; respect local topography and landscape features to include skylines, significant trees and historic boundaries; conserve and enhance heritage assets; promote permeable and accessible development and promote high quality multifunctional streets to include pedestrian movement within the public realm; respect existing amenities for existing and future development.

Policy ESD 18: Green Infrastructure

- 3.4.41 Policy ESD 18 seeks to ensure that green infrastructure is integral to the planning of new development.

Policy INF 1: Infrastructure

3.4.42 Policy INF 1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

3.5 SUPPLEMENTARY PLANNING GUIDANCE and DOCUMENTS

3.5.1 There are no current relevant adopted Supplementary Planning Documents or Guidance relevant to this application.

3.5.2 Cherwell's draft Planning Obligation Supplementary Planning Document (SPD) was issued in July 2011, and notwithstanding its draft status, provides informal interim guidance on the type and amount of new infrastructure and facilities that would be required to support new development within the District.