



Planning Design and Access Statement

Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 52 no. dwellings, with associated works and provision of open space– Land at Tappers Farm, Oxford Road, Bodicote, Banbury, Oxfordshire, OX15 4AB

for Hollins Strategic Land LLP

Project : 18-088
Site address : Land at Tappers Farm,
Oxford Road, Bodicote,
Banbury, Oxfordshire,
OX15 4AB
Client : Hollins Strategic Land LLP
Date : May 2018
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1. Introduction

- 1.1 Emery Planning is instructed by Hollins Strategic Land LLP to prepare this Planning, Design and Access Statement in support of an outline planning application for the erection of up to 52 no. dwellings with associated works and provision of open space on land at Tapper's Farm, Oxford Road, Bodicote, Banbury, Oxfordshire. Only matters of access are submitted for full consideration at this stage, with all other matters (layout, appearance, scale and landscaping) reserved for future determination.
- 1.1 An indicative layout plan accompanies the application which illustrates how the site could be developed for the quantum of residential development proposed. It indicates a mix of family-sized houses with active frontages. The submitted illustrative layout drawing shows that the proposed dwellings would predominantly take the form of detached houses, although there would also be some semi-detached and terraced houses in the interests of the overall mix of house types.
- 1.2 This Planning, Design and Access Statement should be read in conjunction with the supporting documents submitted as part of the application.

2. Executive Summary

2.1 This Statement supports our client's outline planning application for a residential development comprising up to 52 dwellings on land at Tappers Farm, Bodicote (access to be considered and all other matters reserved).

The Decision Making Process

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a significant material consideration.

2.3 Paragraph 14 of the Framework then sets out two options for how decisions on planning applications should be taken. It states:

"For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.⁹*

2.4 Therefore there are two routes to consider development proposals, which are:

- 1) The traditional planning balance as set out in the first bullet point under decision-taking in paragraph 14 of the Framework; or,
- 2) The tilted planning balance as set out in the second bullet point under decision-taking in paragraph 14 of the Framework.

2.5 The development plan comprises the Cherwell District Local Plan adopted in July 2015 and the saved policies of the Cherwell Local Plan 1996. We consider that the development plan is not silent or absent. As to whether it is out of date, in this case that is dependent on whether or not

paragraph 49 of the Framework is engaged. If a 5 year supply is demonstrated then paragraph 49 is not engaged and the traditional planning balance applies. If there is not a 5 year land supply, then paragraph 49 is engaged and the tilted planning balance applies.

2.6 Therefore as a first stage we assess the 5 year supply position in Cherwell Valley.

Housing Need in Cherwell Valley

2.7 The latest position is set out in the 2017 AMR. Page 6 summarises the position:

- *The District presently has a 5.5 year housing land supply for the period 2017-2022 and a 5.7 year housing land supply for the period 2018-2023 (commencing 1 April 2018).*
- *There were 1,102 housing completions (net) during 2016/17.*
- *The total number of housing completions (net) between 2011 and 2017 is 4,579 dwellings.*
- *27% of housing completions (net) in 2016/17 were on previously developed land.*
- *Net affordable housing completions in 2016/17 were 278.*
- *At 31 March 2017 there are extant planning permissions for a total of 7,708 dwellings. These are homes with planning permissions but not yet built."*

2.8 The housing land supply position is based on the AMR applying a 5% buffer. However there is no justification for the use of the 5% buffer and importantly no reasoning as to why the 20% buffer should not apply. We consider there has been a persistent undersupply and a 20% buffer is applicable as:

- The Council has failed to meet its requirement in 5 of the first 6 years of the plan period;
- There is a shortfall of 2,273 dwellings after 6 years of plan period. This equates to a 33.1% shortfall against the expected requirement of 6,852 dwellings;
- With the next three years requiring 2,345 (2017/18), 2,200 (2018/19) and 1,774 (2019/20) then if current completion rates remain the shortfall will only increase going forward. Indeed, Table 15 of the AMR states the projected completions for 2017/18 as 1,223 dwellings, which is 1,122 dwellings short of the trajectory for that year;
- When the Local Plan Inspector found the local plan and trajectory sound it was on the basis of 7,228 projected completions. At 1st April 2018 the estimated total completions is

5,802 dwellings which is a significant shortfall of 1,426 dwellings, equating to 1.25 years of the housing requirement; and,

- Only 1,248 affordable homes have been completed against a requirement of 2,442 after 6 years of the plan period.

2.9 Applying the 20% buffer results in a supply of 4.8 years at 1st April 2017 and 4.9 years at 1st April 2018, based on the projections in the AMR as the actual figures for 1st April 2018 are yet to be published.

2.10 Therefore the Adopted Local Plan has not delivered the uplift in new homes and the expected affordable homes some 3 years after adoption. There remains a significant shortfall in housing delivery against the requirement and the trajectory found sound by the Local Plan Inspector.

2.11 In this context and given the failure to meet those in need of a home, the Local Plan has not met the Government's aim *"To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities"*.

2.12 Therefore in accordance with the aims and objectives of the Framework it is concluded that with the 20% buffer the Council cannot demonstrate a 5 year land supply and paragraph 49 of the Framework is engaged. The tilted planning balance would be engaged.

Planning Balance

2.13 We now assess the traditional planning balance and the tilted planning balance.

Traditional Planning Balance

2.14 On the positive side of the planning balance, the following apply:

- the scale of development accords with the settlement hierarchy as set out in Policy BCS1 and Policy Villages 1 and 2;
- the delivery of open market housing to assist in boosting the supply of housing where there is currently a significant shortfall;
- The delivery of 35% affordable housing which accords with the development plan and would assist in addressing the very significant and persistent shortfall in affordable housing delivery;
- A high quality design led scheme with a density of development that accords with the character of the area;

- Development in an accessible location which can accommodate the development scheme socially, economically and environmentally;
- The provision of open space to meet the needs of existing and proposed residents; and;
- a range of social and economic benefits including the provision of New Homes Bonus, CIL, Council Tax revenue now, construction jobs and increase spending for local services and facilities.

2.15 The proposal therefore complies with the development plan and under the traditional planning balance permission should be granted without delay. Even if there was any adverse impact evidenced through determination it would be limited and the proposal is firmly in accordance with the Development Plan when read as a whole and the three dimensions of sustainable development. In such circumstances, paragraph 14 of the Framework states that local planning authorities should approve development proposals that accord with the development plan without delay.

Tilted Planning Balance

2.16 If a 5 year land supply cannot be demonstrated, as we contend, then paragraph 49 is engaged and the fourth bullet point of paragraph 14 of the Framework applies which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore the lack of a 5 year land supply is a further material consideration to be given significant weight in the planning balance which only adds to the significant and compelling benefits that the proposal is sustainable development.

Conclusion

2.17 The site is bounded by existing residential development along the southern boundary, the A4260 Oxford Road along the eastern boundary with development immediately beyond and the primary school to along the western boundary. The northern boundary, from where the access is to be taken, is White Post Road with Banbury further north. Overall the proposal would integrate with the form of built development in the vicinity and be a logical extension to Bodicote.

- 2.18 It has been recognised through the grant of planning permission for new housing developments in and adjacent to Bodicote over recent years that the settlement is locationally sustainable for new residential proposals. Bodicote benefits from local services with bus services and cycle and pedestrian routes into Banbury.
- 2.19 Therefore it is our contention that irrespective of whether paragraph 49 is engaged the proposal should be granted planning permission as it is sustainable development which accords with the development plan and planning permission should be granted accordingly.

3. The Site and its Surroundings

- 3.1 The application site is located on the northern edge of Bodicote, which is immediately to the south of Banbury. The application site is not designated for a particular land use within the development plan. It is therefore undesignated white land.
- 3.2 The existing site comprises the Bodicote Flyover Farm Shop together with its associated hard-standing, and an area for the lawful storage of up to 14 no. caravans. This element of the site is previously developed land (PDL). The remainder of the site comprises a rectangular parcel of land predominantly enclosed by hedgerow. The site measures 2.19 hectares in area.
- 3.3 The site is bound to the immediate east by Oxford Road (A4260), a primary route that links Banbury in the north with Oxford (23 miles) to the south. The section of Oxford Road adjacent to the application site serves residential properties, comprising semi-detached and bungalow style dwellings. There is also a Petrol Filling Station (PFS) that contains a Spar convenience store, Starbucks, bakery and an ATM; and a car dealership.
- 3.4 Residential properties along Park End Close border the site to the south, with Cherwell District Council's offices (Bodicote House) further to the south west. The Bodicote flyover is to the immediate north with intervening mature planting and level differences which provide a separation between Bodicote and Banbury.
- 3.5 The Lodge to Bodicote House (Grade II) approximately 130m to the south west and the Council offices at Bodicote House (Grade II) approximately 170m to the south are the closest designated heritage assets. Approximately 30 more listed buildings are found within the Bodicote Conservation Area, situated much further to the south west of the application site.
- 3.6 Whilst in close proximity, Bodicote House and its Lodge are well screened by mature planting ensuring there would be no impact on the heritage assets and their settings from any form of development proposed.
- 3.7 The accompanying arboricultural assessment identifies 41 trees and 7 groups of trees or hedges dispersed throughout the application site. A number of the trees are mature and in good condition subject to a Tree Preservation Order (TPO). Further details on the species, location and condition of the trees can be found in the accompanying Arboricultural Assessment.

- 3.8 The site benefits from good cycle and pedestrian links to the services and facilities in Bodicote and will also have good access to the new services and facilities proposed at the Bankside development. Banbury is also easily accessible via Oxford Road and its associated footpath/cycleway. There are no public rights of way within the application site.

4. The Proposed Development

- 4.1 This planning application seeks outline planning permission for up to 52 no. dwellings with associated works and provision of open space. Matters of scale, layout, landscaping and appearance are all reserved for future consideration, however for illustrative purposes an indicative layout plan is included within the submission.

Design considerations

Appraising the context – site constraints and opportunities

- 4.2 The topography of the site is flat, although there are differences in levels to the site perimeter and it is enclosed by built development to the southern, eastern and western boundaries.
- 4.3 The site is urban fringe of the settlement boundaries for Bodicote and would form part of the surrounding built form which largely comprises a range of house types and layouts and primary school.

Amount and scale

- 4.4 Scale is a reserved matter for detailed consideration as part of a future reserved matters application, however the proposed development would amount to 52 dwellings. The scale of the new dwellings is likely to be in the form of two-storey houses in order to reflect the character and appearance of the surrounding residential development.
- 4.5 In accordance with CDLP Policy BSC3: Affordable Housing, 35% of the dwellings would be provided as affordable, however the exact tenure mix can be agreed with the Council in accordance with CDLP Policy BSC4: Housing Mix as part of a future reserved matters application.

Layout

- 4.6 Layout is a reserved matter for detailed consideration as part of a future reserved matters application. However the indicative site layout shows a coherent and legible response to the character and appearance of the surrounding area. It confirms that the proposed houses would be set within plots that provide in-curtilage parking and generously sized gardens and the layout would sit comfortably within the overall built form of the area.
- 4.7 The proposed development aims to achieve green infrastructure improvements, through provision of a large area of open space and a landscaping buffer to the north and east of the site. A Local Area of Play (LAP) to the south of the site is also proposed. Precise landscaping details will be addressed in a future reserved matters application.

Appearance

- 4.8 Appearance is a reserved matter for detailed consideration as part of a future reserved matters application. However, the proposed houses would be constructed with facing brick and tiled roofs to complement the existing properties within the surrounding area.
- 4.9 Precise design details will be addressed in a future reserved matters application, however in accordance with CDLP policies ESD1: Mitigating and Adapting to Climate Change; and ESD3: Sustainable Construction, the proposed development would adopt sustainable construction and low carbon energy practices.

Landscaping

- 4.10 Landscaping is a reserved matter for detailed consideration. However a robust and attractive structural illustrative landscaping scheme has been submitted with the planning application which shows the retention of key trees with additional planting in the interests of the character and appearance of the area.
- 4.11 The indicative site layout also illustrates the applicant's desire for the development to optimise the existing trees and vegetation within the site. The majority of trees and hedges will be retained, with limited removal where necessary. Retention of the existing tree stock with complementary new planting will enable the development to successfully integrate within the local surroundings.

Access

- 4.12 Access to and from the site is proposed from the Bankside link road that connects the A4260 Oxford Road with the Bankside / White Post Road roundabout. The access will be relocated to the east of the existing access to the farm shop, in order to optimise visibility splays at the junction with the highway.
- 4.13 The proposed scheme provides well-defined, legible and overlooked routes through the site so that residents can benefit from the local services and public transport options available beyond the application site.

Impact on the character and appearance of the area

- 4.14 The indicative layout shows a development that could complement the character and appearance of the surrounding built form with well-designed housing and a robust and attractive landscaping scheme.
- 4.15 The proposal has therefore been informed by the environmental and technical reports prepared in order to demonstrate the site's suitability for development.

5. Relevant planning history

Application Site

5.1 A planning history search has identified the following planning applications for the site.

- Application Ref: 04/00516F proposed an increase in the number of permitted car boot sales from 14 to 21 per year. This application was approved 22nd April 2004.
- Application Ref: 03/02193F relaxed Condition 2 of planning permission 00/01330/F to allow an increase of caravan storage from 8 no. to 14 no. This application was approved 9th December 2003.
- Application Ref: 02/01756/F sought the change of use of agricultural land for car boot sales from February to November, the erection of 1 no. flag pole and relaxation of condition 2 of 00/01330/F to increase caravan storage numbers from 8 no. to 12 no. This application was refused 15th April 2003.
- Application Ref: 00/01330/F proposed the change of use of land to allow a winter storage area for 8 no. caravans behind an existing agricultural building including removal of agricultural machinery and replacement with a hedge. This application was approved 12th October 2000.

5.2 These applications show that there has not been an application for residential development on the site and they place no restriction on the development now proposed.

Planning Proposals in Vicinity

5.3 Further to the east is a substantial urban extension under construction which is referred to in the Local Plan as 'Bankside', which is for approximately 1,070 new homes with associated services and infrastructure.

5.4 Phase 1 of the Bankside development, marketed as Longford Park, is at an advanced stage with a number of housebuilders on site. An outline planning application was lodged in June 2017 (planning ref: 17/01408/OUT) for Phase 2 (up to 700 dwellings). The application for Phase 2 is based on the objectives of CDLP Policy Banbury 4: Bankside Phase 2; which proposes approximately 600 additional dwellings. The application is still to be determined.

5.5 West of the application site lies Bishop Loveday Primary School. Beyond the school, to the west of White Post Road, is another substantial urban extension to southern Banbury which is allocated via Policy 17 of the CDLP. Land South of Salt Way – East, should deliver a new neighbourhood of up to 1,345 dwellings with associated facilities and infrastructure.

- 5.6 Outline planning permission (planning ref: 15/01326/OUT) for Phase 1 of the Salt Way – East, development was granted on appeal in December 2017. Phase 1 will comprise up to 280 dwellings.
- 5.7 The southerly expansion of Banbury has in practical terms recognised Bodicote as a well located village to deliver strategic levels of development. Indeed, both the Bankside development and this application for 52 dwellings would be seen as extensions to Bodicote but within close proximity to the services and facilities in Banbury.

6. Policy Context

- 6.1 Section 38 of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 For the purposes of the proposed development, the development plan comprises the Cherwell District Local Plan 2011 – 2031 Part 1 and the saved policies of the Cherwell Local Plan 1996. Consideration should also be given to the policies of the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG).

National planning policy and guidance

National Planning Policy Framework (NPPF)

- 6.3 At the heart of the Framework, there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.4 Paragraph 6 of the Framework states that *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”*.
- 6.5 Paragraph 7 states that *“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use

natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

6.6 Paragraph 14 states that for decision-taking the presumption in favour of sustainable development means:

- 1) *"approving development proposals that accord with the development plan without delay; and*
- 2) *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impact of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
 - *specific policies in the NPPF indicate development should be restricted."*

6.7 Paragraph 47 requires local planning authorities to significantly boost the supply of housing and identify a 5 year supply of deliverable sites with an additional buffer of 5% to ensure choice and competition in the market.

6.8 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.9 Paragraph 50 states that local planning authorities should plan for a mix of housing and set out appropriate affordable housing policies in order to widen the choice of housing and opportunities for home ownership.

6.10 Paragraph 56 states that good design is a key aspect of sustainable development and is indivisible from good planning.

6.11 Paragraph 61 highlights the need for design to go beyond visual appearance and should address the connections between people and places. Integration of new development in to the natural, built and historic environment is an important consideration in the decision-taking process.

6.12 Paragraph 109 states the planning system should contribute to and enhance the natural and local environment, amongst other things by:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are resilient to current and future pressures.

6.13 Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development, and the relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

6.14 Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.15 Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Development Plan Context

6.16 The development plan comprises the Cherwell District Local Plan adopted in July 2015 and the saved policies of the Cherwell Local Plan 1996. The relevant policies are as follows. The assessment of the proposal against the policies is set out in Section 5 (Planning Considerations).

Cherwell District Local Plan (CDLP) 2011 – 2031 (Part 1)

6.17 The relevant policies for the application are:

- Policy PSD1: Presumption in Favour of Sustainable Development;
- Policy SLE4: Improved Transport and 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 BSC9: Public Services and Utilities;
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision;
- Policy BSC11: Local Standards of Provision – Outdoor Recreation;
- Policy ESD1: Mitigating and Adapting to Climate Change;
- Policy ESD3: Sustainable Construction;
- 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;
- Policy ESD17: Green Infrastructure;
- Policy Villages 1: Village Categorisation
- Policy Village 2: Distributing Growth across the Rural Areas

Cherwell Local Plan 1996 – Saved Policies

6.18 The relevant saved policies of the plan are as follows:

- Policy C28: Layout, Design and External Appearance of a New Development; and,
- Policy C30: Design of New Residential Development.

Other material considerations

National Planning Practice Guidance (PPG)

6.19 The PPG sets out further guidance on the implementation of a positive approach to new development within the rural areas. It notes that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities (paragraph 50-001).

Partial Review of Cherwell District Local Plan 2011 – 2031 - Oxford's Unmet Housing Need

6.20 In Part 1 of the CDLP, the Council committed to work which seeks to address the unmet objectively assessed housing need (OAN) from elsewhere in the Oxfordshire Housing Market Area (HMA).

6.21 Work on a partial review of the CDLP has been ongoing in recent years. In September 2016, under the duty to co-operate, the apportionment of Oxford's unmet housing need to the Oxfordshire districts was agreed. This included a further 4,400 homes to be provided within Cherwell District (2011 – 2031). The 4,400 dwellings are additional to the existing level of need identified in Part 1 (22,840 dwellings).

6.22 Consultation on the Proposed Submission Draft of the Plan was undertaken between July 2017 and October 2017, prior to going before the Council Executive for approval in February 2018.

6.23 The Plan has recently been submitted for Examination to the Secretary of State (SoS). An examination date is anticipated for later in 2018, however is yet to be confirmed.

6.24 Despite the likelihood of changes to the Plan during the examination process, the additional apportionment of significant amount of additional housing to help meet sub-regional needs is in our view a material consideration and should be afforded significant weight.

Cherwell District Local Plan (CDLP) 2011 – 2031 (Part 2)

6.25 Following initial Issues Consultation in January 2016, work on Part 2 of the Local Plan has stalled as work on the review of Part 1 of the CDLP was progressed as a priority. At present, Part 2 of the CDLP cannot be afforded any weight

Banbury Vision & Masterplan SPD (December 2016)

6.26 The Banbury Vision & Masterplan SPD sets out the economic vision for Banbury as an attractive regional centre; a place of growth, prosperity and enterprise. The relationship between Banbury and Bodicote is not clarified within the SPD, however it is clear in the context of the SPD and the plans within it, that the Longford Park urban extension at Bodicote is considered to contribute toward the housing requirements of Banbury, rather than contributing to the housing requirement of the Category A villages. Nevertheless, physically it has significant linkages into the eastern edge of Bodicote.

Cherwell Developer Contributions SPD (February 2018)

6.27 The Developer Contributions SPD was adopted by the Council in February 2018. The SPD sets out the Council's approach to seeking contributions for the delivery of infrastructure required to support development. This includes for transport, education and community facilities and services.

7. Housing Need

- 7.1 The Framework provides a clear policy of ensuring a deliverable housing land supply. Paragraph 47 sets out the actions local planning authorities are required to take to significantly boost the supply of housing. Local authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for housing.
- 7.2 Paragraph 49 confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.3 The latest position is set out in the 2017 AMR. Page 6 summarises the position:
- *The District presently has a 5.5 year housing land supply for the period 2017-2022 and a 5.7 year housing land supply for the period 2018-2023 (commencing 1 April 2018).*
 - *There were 1,102 housing completions (net) during 2016/17.*
 - *The total number of housing completions (net) between 2011 and 2017 is 4,579 dwellings.*
 - *27% of housing completions (net) in 2016/17 were on previously developed land.*
 - *Net affordable housing completions in 2016/17 were 278.*
 - *At 31 March 2017 there are extant planning permissions for a total of 7,708 dwellings. These are homes with planning permissions but not yet built."*
- 7.4 Therefore on these figures the requirement in paragraph 47 of the Framework would be met and the second sentence of paragraph 49 of the Framework would not be engaged. However it is clear that the supply is marginal with it being 5.5 years (at 1st April 2017) and projected to be

5.7 years (at 1st April 2018). This equates to a surplus of 859 at 1st April 2017 or 1,086 at 1st April 2018.

7.5 However there are a number of important points which justify the grant of further permissions.

Sedgefield/Liverpool

7.6 The shortfall at 31st March 2017 equates to 2,273 dwellings. This in itself is a significant shortfall. We therefore support the application of the Sedgefield method in meeting that shortfall in the next 5 years. However, applying Sedgefield on its own will not address the shortfall promptly. One further action the Council can take is applying a 20% buffer.

Buffer

7.7 The Framework requires local planning authorities to allow for an additional buffer of 5% (moved forward from later in the plan period). However, where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period).

7.8 The AMR applies the 5% buffer. However there is no justification for the use of the 5% buffer in the AMR and importantly no reasoning as to why the 20% buffer should not apply.

7.9 The first point is that the shortfall of 2,273 dwellings equates to a 33.1% shortfall against the expected requirement of 6,852 dwellings for the first 6 years of the plan period. A 5% buffer is not sufficient to redress that 33.1% shortfall to date.

7.10 The second point is whether the requirement has been met annually. Table 1 below sets out the completions against the requirement for the first 6 years of the plan period (2011 to 2017).

Table 1

Year	Requirement (net dwellings p.a.)	Net Completions	Over / under provision
2011/12	1,142	356	-786
2012/13	1,142	340	-802
2013/14	1,142	410	-732
2014/15	1,142	946	-196
2015/16	1,142	1,425	+283
2016/17	1,142	1,102	-40
5 Year Total	6,852	4,579	2,273

7.11 Table 1 shows that in the Local Plan period there have been 5 years of under delivery and 1 year of over delivery which equates to 2,273 homes not delivered. Section E of the Local Plan set out an expected trajectory of 3,777 dwellings between 2014 and 2017. In this time 3,473 dwellings were completed. Therefore in the 3 years since adoption, the Council is 304 dwellings short of the trajectory.

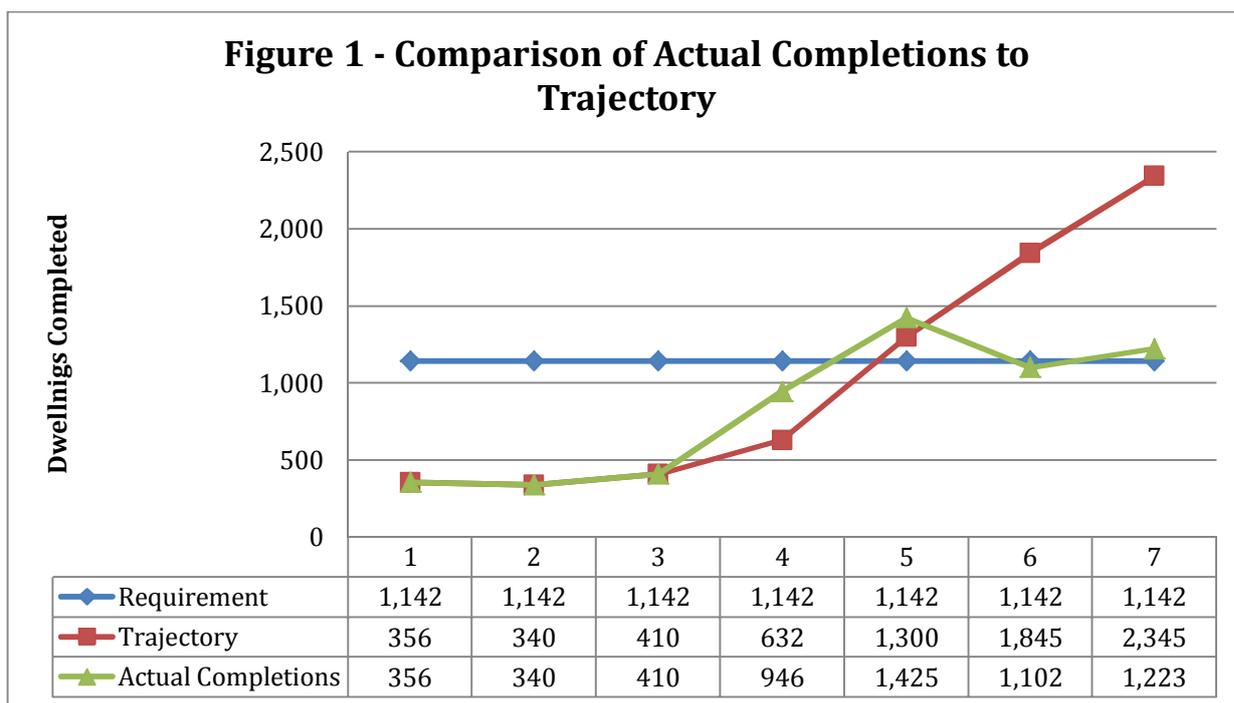
7.12 Indeed Table 15 of the AMR states the projected completions for 2017/18 as 1,223 dwellings which is 1,122 dwellings short of the trajectory for that year. Table 2 below compares delivery to date against the trajectory.

Table 2

Year	Requirement (net dwellings p.a.)	Trajectory in Local Plan	Actual Delivery
2011/12	1,142	356	356
2012/13	1,142	340	340
2013/14	1,142	410	410
2014/15	1,142	632	946
2015/16	1,142	1,300	1,425
2016/17	1,142	1,845	1,102
2017/18	1,142	2,345	1,223*
Total	7,994	7,228	5,802

7.13 Table 2 is also illustrated in Figure 1 below. This shows the first 3 years (2011 to 2014), which were known at the time the trajectory was found sound (Years 1 to 3 in Figure 1 below). However post adoption in 2015 there is divergence from Year 5. The trend is therefore a greater divergence going forward.

7.14 With the next three years requiring 2,345 (2017/18), 2,200 (2018/19) and 1,774 (2019/20) then if current completion rates remain the shortfall will only increase going forward.



7.15 Therefore when the Local Plan Inspector found the local plan and trajectory sound it was on the basis that there would have been 7,228 dwellings completed by April 2018. At 1st April 2018 the estimated total completions is 5,802 dwellings which is a significant shortfall of 1,426 dwellings, equating to 1.25 years of the housing requirement. This is highly material when considering which buffer to apply.

7.16 To conclude, we are beyond the date when the Inspector expected that there should have been a significant uplift in completions. Whilst completions have increased, this significant uplift is not occurring. Therefore the context now is materially different to when the Inspector found the plan to be sound.

7.17 Taking all the above points, we consider there has been a persistent undersupply and a 20% buffer is applicable. The implications are set out in Table 3 below.

Table 3 – Revised Housing Supply Calculation

	Five Year Period 2017-22 (current period)	Five Year Period 2018-23 (from 1 April 2018)
Requirement to Date	6,852	7,994
Net completions	4,579	5,802
Shortfall	2,273	2,192
Housing requirement for 5 year period plus shortfall	7,983	7,902
Requirement plus 20% buffer	9,580	9,482
Revised Annual Requirement over next 5 years	1,916	1,896
Deliverable Supply over next 5 Years	9,241	9,383
Total years supply over next 5 years	4.8	4.9

7.18 Therefore in accordance with the aims and objectives of the Framework it is considered that the Council cannot demonstrate a 5 year land supply and paragraph 49 of the Framework is engaged. This is the position based on the Council's deliverable supply. A review of its robustness against Footnote 11 of the Framework has not been undertaken but we reserve the right to do so if required.

Requirement for Category A Villages

7.19 The AMR states that:

“5.79 During 2016/17 there were 32 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. Since 1 April 2014 a total of 664 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings. These are sites with either planning permission or a resolution to approve, and identified developable sites. These are included in the Housing Delivery Monitor in Appendix 2. Between 1 April 2014 and 31 March 2017 there were a total of 103 net housing completions on the above sites. This equates to 13% of the total requirement of 750 dwellings. At 31 March 2017 there are 86 dwellings remaining from the Policy Villages 2 requirement.”

7.20 Therefore at April 2017 there was a residual requirement of 86 dwellings. The provision of these 52 dwellings would assist in meeting that requirement. Even if that figure was exceeded at a later date, the development of the site, immediately to the south of Banbury would not “threaten the local plan’s spatial strategy of biasing housing development towards the main towns of Bicester and Banbury”. We address that further in Section 7 of this Statement. In any event the requirements are not maxima.

Partial Review of Cherwell District Local Plan 2011 – 2031 - Oxford’s Unmet Housing Need

7.21 In Part 1 of the CDLP, the Council committed to work which seeks to address the unmet objectively assessed housing need (OAN) from elsewhere in the Oxfordshire Housing Market Area (HMA).

7.22 Work on a partial review of the CDLP has been ongoing in recent years. In September 2016, under the duty to co-operate, the apportionment of Oxford’s unmet housing need to the Oxfordshire districts was agreed. This included a further 4,400 homes to be provided within Cherwell District (2011 – 2031). The 4,400 dwellings are additional to the existing level of need identified in Part 1 (22,840 dwellings).

7.23 Consultation on the Proposed Submission Draft of the Plan was undertaken between July 2017 and October 2017, prior to going before the Council Executive for approval in February 2018.

7.24 The Plan has recently been submitted for Examination to the Secretary of State (SoS). An examination date is anticipated for later in 2018, however is yet to be confirmed.

7.25 The CDLP indicates that there will be a significant amount of additional housing required in order to meet sub-regional needs in Cherwell Valley. This is a material consideration and should be afforded significant weight as whilst the quantum of development may alter through the examination process, it is clear that Cherwell Valley will be required to deliver a significant number of new homes in addition to that set out in the development plan. With those releases many years from delivering, releasing sites such as the application site will provide homes in the next 5 years.

7.26 Therefore our overall conclusion is that there is a significant need for new homes in Cherwell Valley and this should be met on sustainable sites, such as the application proposal.

8. Planning Considerations

Principle of development

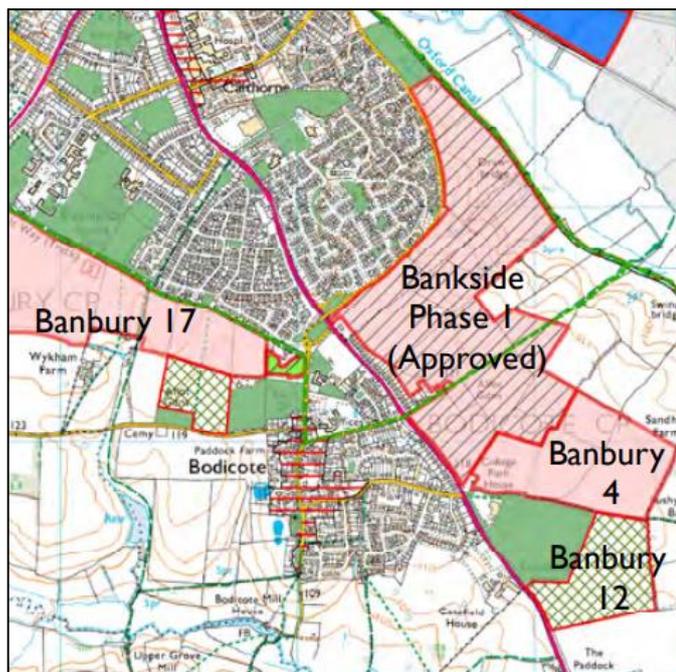
Policy Context

- 8.1 Policy PSD 1 outlines the Council's overarching approach for considering development proposals. It states that the Council will work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the development plan will be approved without delay (our emphasis).
- 8.2 Policy BSC 1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 dwellings over the plan period (2011 – 2031). Outside the main towns of Bicester and Banbury, the Council envisage the remainder of the District contributing 5,392 dwellings to the requirement over the plan period.
- 8.3 Policy ESD 1 (Mitigating and Adapting to Climate Change) sets out a number of criteria. The most relevant to the principle of development are:
- Distributing growth to the most sustainable locations as defined in this Local Plan; and,
 - Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.4 Policy Villages 1 (Village Categorisation) sets out the settlement hierarchy for the smaller village settlements, and categorises them based on their sustainability. Bodicote is categorised as a Service Village under Category A of the policy. Category A villages are considered the most sustainable and suitable locations for development, outside of the main towns of Bicester and Banbury. As a Category A village, Bodicote has the ability to support sustainable patterns of growth based on current levels of facilities, services and employment opportunities. Bodicote's proximity to Banbury further enhances its sustainability.
- 8.5 Policy Villages 2 (Distributing Growth across the Rural Areas) further distributes the required levels of housing across the rural area. The policy states that a total of 750 homes will be delivered at Category A villages. This is to be met through sites identified through the preparation of the

Local Plan Part 2, through the preparation of neighbourhood plans where applicable, and through the determination of applications for planning permission. With the Part 2 plan not progressing and the absence of a neighbourhood plan, planning applications are the only mechanism to deliver housing under Policy Villages 2.

Assessment

- 8.6 Banbury is the District's largest town. It is identified within the CDLP as a focus for major retail, employment, housing and cultural development. Like the District's other main settlement of Bicester, Banbury is considered a sustainable location to meet the District's future housing needs.
- 8.7 Bodicote is regarded as a 'Category A' village (alternatively a 'Service Village') within Policy Villages 1. As a Category A village, Bodicote scores highly in the Council's Village Categorisation Update (October 2014) undertaken to inform the Local Plan. Bodicote benefits from a number of shops and local services, in addition to good public transport, cycle and pedestrian links to Banbury. Combined with Bodicote's immediate proximity to Banbury, our view is that the application site is in a highly sustainable location. Indeed, this is adequately illustrated by the allocations made in the CDLP for Banbury which are in reality extensions to Bodicote and not Banbury. This can be seen from the extract of the CDLP below and that the development at Bankside has vehicular, cycle and pedestrian links west into Bodicote. Therefore the new services and facilities within that development are easily accessible by foot and cycle from the application site.



- 8.8 Therefore Bodicote, whilst a Category A village, is nevertheless a settlement which is being extended significantly to meet the needs of Banbury. This development of 52 no dwellings would deliver homes to assist in meeting the requirements of Policy Villages 1 and 2 but also meeting the wider needs of Banbury as set out in Policy BSC1.
- 8.9 Even if the level of housing need identified for Category A villages is exceeded in future, the development of this site would not prejudice the local plan's spatial strategy of biasing housing development towards the main towns of Bicester and Banbury.

Affordable Housing

Policy Context

- 8.10 Policy BSC 3 sets the Council's position regarding affordable housing provision in new developments. Outside of Banbury and Bicester, all new developments comprising 11 or more dwellings (gross) will be expected to provide at least 35% of new housing as affordable homes on site. All qualifying development will be expected to provide 70% of the affordable housing as affordable / social rented dwellings and 30% as other forms of intermediate affordable homes.
- 8.11 Where the 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.

Assessment

8.12 Paragraph 68 of the Inspectors Report helpfully summarises the position on affordable housing need. He states:

"In relation to affordable housing, a net need of 407 new affordable units a year has been identified in the 2014 SHMA, excluding any contribution from the private rented sector. This high level of need is properly reflected in the full OAN figure for the district of 1,140 new homes annually from 2011 – 2031 and the housing trajectory (App 8). The Council's own active involvement with a district wide community land trust and self-build projects, including a major one at Graven Hill, Bicester (Bic 2), should materially assist in meeting the affordable housing needs."

8.13 Table 17 of the AMR the sets out the delivery of affordable housing since 2011 as follows:

Year	Completions
2011/12	204
2012/13	113
2013/14	140
2014/15	191
2015/16	322
2016/17	278
Total	1,248

8.14 Therefore based on an annual need of 407 dwellings per annum, the need for affordable homes since 2011 has been 2,442 affordable homes, yet only 1,248 have been delivered which is only half the required amount.

8.15 The proposed development will fully comply with the objective of Policy BSC 3 and will satisfy the 35% requirement. This equates to 18.2 dwellings. In accordance with Policy BSC 3, a financial contribution would be made for 0.2 of a dwelling, with 18 affordable dwellings being accommodated on site.

8.16 This development therefore would play an important social role in supporting strong, vibrant and healthy communities and is a significant social benefit which should be given significant weight in the consideration of the proposal.

Design Principles

- 8.17 Policy BSC 4 identifies the housing mix new residential development will be expected to provide. Based on the 2014 SHMA, 3 bedroom dwellings are identified as the most needed forms of market housing followed by 2 bedroom and 4 bedroom dwellings, whilst need within the affordable sector is greatest for 2 and 3 bedroom dwellings.
- 8.18 The policy states that the mix of housing will be negotiated having regard to the Council's most up-to-date evidence on housing need and available evidence from developers on local market conditions.
- 8.19 The housing mix is yet to be determined, with these details to be determined through future reserved matters applications. Dialogue with the council will be sought at that time to ascertain whether any more recent evidence than the 2014 SHMA should be used to inform the mixture of house types and sizes on the site.
- 8.20 Policy BSC10 (Open Space, Outdoor Sport and Recreation Provision) and Policy BSC11 (Local Standards of Provision – Outdoor Recreation) seek to ensure that proposals for new development contribute towards, and make provision for, open space and recreation facilities.
- 8.21 Further detail on the amount and type of recreation and open space will be included within future reserved matters, following dialogue with the council. For indicative purposes, the accompanying site layout plan includes a LAP in addition to other areas of general green space.
- 8.22 Details of the appearance, scale and the amount of development are reserved for future determination, however the objectives of saved policies C28 and C30 of the Local Plan (1996) and Policy ESD15 (The Character of the Built and Historic Environment) would be considered when formalising the future design of the development.
- 8.23 Saved Policy C28 requires all new development to ensure that standards of layout, design and external appearance (including materials) are sympathetic to the character of the local area.

- 8.24 Saved Policy C30 requires new housing development to be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and that new housing development allow for acceptable levels of amenity.
- 8.25 Policy ESD15 (The Character of the Built and Historic Environment) requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 8.26 It is envisaged that the proposed development would be designed to a high standard with respect for the local area and amenity of existing neighbours. The indicative layout plan that accompanies the application illustrates that a sympathetic, policy compliant development could be achievable.

Compliance with Policy Villages 2

- 8.27 Policy Village 2 sets out 11 criteria to assess planning applications against. The policy does not require compliance with each of the criterion; rather they are planning considerations for a planning application to be assessed against. We therefore assess the proposal against each criterion by reference to the environmental and technical reports undertaken.

Whether the land has been previously developed land or is of lesser environmental value

- 8.28 The existing site comprises the Bodicote Flyover Farm Shop together with its associated hard-standing, and an area for the lawful storage of up to 14 no. caravans. This element of the site is previously developed land (PDL). The farm shop comprises an amalgamation of various smaller buildings of an agricultural appearance together with further sporadic outbuildings. The appearance and layout of the farm shop is of no architectural merit.
- 8.29 The remaining 1.7 hectares (approx) of land comprises arable land with a number of mature trees located throughout. This land has been well managed and maintained for many years to such an extent that the accompanying Phase 1 Habitat Survey Report concludes that the site currently performs little ecological function and that the proposed development would result in an increase in biodiversity, in accordance with Policy ESD10 .
- 8.30 Whilst development would change the character of this greenfield site, the supporting assessments demonstrate that the site can be developed without harm to the overall character of the area.

- 8.31 The application is supported by a Desk Study Assessment Report prepared by Brownfield Solutions Ltd. The report identifies an area of made ground and the on-site farm as two potential sources of on-site contamination, however the risks to the proposed development are considered to be low.
- 8.32 A garage, approximately 30m north-east of the site has been identified a potential off-site source of contamination, with low risk to the development.
- 8.33 Given the low risk from on-site sources of contamination, the risks to controlled waters have been assessed as low. A phase 2 ground investigation is recommended to be undertaken at the relevant time.
- 8.34 The proposed development meets the requirements of the adopted Local Plan, 'Challenges and Objectives for sustainable development, which identifies a need for contamination to be addressed effectively as part of any development proposals.
- 8.35 The redevelopment of an area of unsightly PDL together with the ecological benefits that are envisaged should be considered a significant benefit of the proposal. The proposal accords with the objectives of Policy BSC2, further details of which are given elsewhere within this statement.

Whether significant adverse impact on heritage or wildlife assets could be avoided

- 8.36 There are two issues for consideration under this criterion, these being heritage and ecology.

Heritage

- 8.37 The Lodge to Bodicote House (Grade II) approximately 130m to the south west and the Council offices at Bodicote House (Grade II) approximately 170m to the south are the closest designated heritage assets. Approximately 30 more listed buildings are found within the Bodicote Conservation Area, situated further to the south west of the application site.
- 8.38 It is considered that there is no adverse impact on any heritage asset due to the proximity of the site and intervening built development and landscaping.

Ecology

- 8.39 An Extended Phase 1 Habitat Survey by REC accompanies the application.

- 8.40 The ecological survey concludes that the proposed development will increase the biodiversity of the site, through the introduction of a series of enhancements.
- 8.41 In relation to protected species, the survey identified the farm shop (B1) as having low bat roosting potential and recommended a single further dusk / dawn survey. The report concluded that the only terrestrial habitats with any value for amphibians are the boundary hedgerows, which are to be maintained. In relation to amphibians, it recommends reasonable avoidance measures during the sites proposed development. The only other recommendation relates to a nesting bird check of the site, prior to any development. This is a standard requirement for any development site.
- 8.42 Policy EDS10 (Protection and Enhancement of Biodiversity and the Natural Environment) states that a net gain in biodiversity will be sought in proposed developments. The ecological report confirms that the proposed development will increase the biodiversity of the sites and it sets out the measures to achieve this improvement. As such, the proposed development accords with Policy EDS 10.

Whether development would contribute in enhancing the built environment

- 8.43 The existing site is unremarkable in landscape terms. It is relatively flat and is not subject to any significant tree coverage. There are no public rights of way extending through or adjacent to it.
- 8.44 The proposed development would relate well to the existing settlement boundaries of Bodicote and the surrounding built form. The proposed development would not extend beyond the existing housing and built form along Oxford Road. It would be viewed as a logical extension to and the infilling and rounding-off of the existing built-up area boundaries.
- 8.45 Views of the proposed development would be 'localised' and framed within the context of the existing built development that encloses the boundaries of the site, the existing housing and A4260 to the east. Views would also be seen within the context of the development that already extends along the A4260, to the south and the school of the west.
- 8.46 The submitted layout shows that the proposed new houses would present active and positive frontages onto the public realm. The house types would complement the existing surrounding built form in terms of scale, massing, design and appearance.

8.47 The proposal would clearly result in visual change from an open site to one that contains residential development. That level of impact applies to all greenfield sites and in this case any landscape impact would be limited. Furthermore, the proposed plans show that the proposal would complement the character and appearance of the surrounding built form in accordance with the adopted local plan.

8.48 It also noted that the character and appearance of the surrounding area is subject to further change with the Bankside development apparent when travelling along the A4260. The pattern of built development to the western side of the A4260 would mirror that of the eastern side as a result of the proposed development.

Whether best and most versatile agricultural land could be avoided

8.49 The site is part previously developed and part greenfield. However due to its enclosed nature it is not agricultural land or part of a wider agricultural holding. In any event, at 2.19 hectares the development would not be significant within the context of paragraph 112 of the Framework.

Whether significant adverse landscape and impacts could be avoided

8.50 The Framework states that development should be restricted on sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. None of these apply to the application site.

8.51 In order to inform the development proposals, and in support of the application, a Landscape and Visual Appraisal (LVIA) has been prepared by Viridian Landscape Planning Ltd.

8.52 The LVIA states that the effects of the proposed development would be localised and would be limited to views from the east and the north, as the views from the west would be obscured by the substantial tree cover.

8.53 The assessment concludes that the effects would be localised effects of a development within a largely developed context and that these localised effects would be minimised through the retention of existing trees and vegetation where possible and through the proposed retention of the north-west part of the site as open space.

8.54 In the context of the above approach, the proposed development will respect and enhance the local landscape character through the retention of the north-west part of the site as open space and through appropriate planting to mitigate any localised effects of the development in accordance with adopted Local Plan Policy ESD 13: Local Landscape Protection and Enhancement.

8.55 A number of the existing mature trees are incorporated within the proposals design and only a small number of trees will need works undertaking to them in accordance with the findings of the accompanying arboricultural survey. Accordingly, there would be no environmental dis-benefit of the proposal.

Trees

8.56 An arboricultural report has been prepared by AWA Tree Consultants to support the application.

8.57 Based upon the site survey, there are 6 'A' category trees, 21 'B' category trees and 21 trees or groups which are 'C' category. These are all identified in Appendix 3 of the arboricultural report.

8.58 As the application is outline, with all matters except for access reserved, the arboricultural report only makes general statements about the retention of trees as part of the development. It states that where possible category A and B trees should be retained as part of the development. With regard to category C trees, it states that careful consideration should be given to avoid the retention of too many unsuitable trees, but that trees and groups of trees with reasonable future prospects should be retained and incorporated into any new development where possible.

8.59 The report states that where trees are removed, mitigation can be provided by way of replacement planting.

8.60 Advice is provided within the report on appropriate methods of construction close to trees and the suitable measures for tree protection to be adopted during construction works.

8.61 Policy EDS 10 of the adopted LP (Protection and Enhancement of Biodiversity and the Natural Environment) states that *'The protection of trees will be encouraged, with an aim to increase*

the number of trees in the District'. The proposed development supports the objectives of Policy EDS 10, as it aims to retain trees wherever possible, especially A and B category trees, and replace trees where removal is necessary or desirable given the quality of the trees in question. This method of mitigation and opportunity for removal of lower quality trees and their replacement with high-quality alternatives helps to support the aims of Policy EDS 10.

Whether satisfactory vehicular and pedestrian access/egress could be provided

Whether the site is well located to services and facilities

- 8.62 We assess both of these criteria together.
- 8.63 The application is supported by a Transport Statement (TS) prepared by Ashley Helme Associates.
- 8.64 The TS notes that as part of the proposed development the existing priority-controlled junction is proposed to be closed and that a new priority junction is to be introduced, to the east of the existing junction. It also notes that a pedestrian and cycle access is proposed on Oxford Road.
- 8.65 In relation to accessibility, the TS concludes that the site has good connectivity by foot, cycle and public transport to a range of services, facilities and employment opportunities.
- 8.66 The TS calculates that the proposed development will generate 31 two-way vehicles in the AM peak and 34 two-way vehicles in the PM peak and it concludes that this will have no material impact on the local highway network.
- 8.67 Overall, the TS concludes that the proposed development complies with national and local transport policy and that there are no transport reasons why the application should not be approved.
- 8.68 The proposed development accords with Policy SLE 4 of the adopted LP, which requires all developments to facilitate the use of sustainable modes of transport. It also states that development which is not suitable for the surrounding road network will not be supported.

Whether necessary infrastructure could be provided

- 8.69 A statement on utilities to support the application has been produced by UCM. The report concludes that the existing utility infrastructure in the vicinity (including electricity, water and telecoms services) of the site appears to be capable of supporting the proposed development.
- 8.70 The proposed development accords with Policy BSC 9 of the adopted Local Plan, which requires new development proposals to include the provision for connection to Superfast Broadband.

Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period

- 8.71 We have dealt with the matter of housing need in Section 7 and conclude that additional sites are required to come forward now due to the requirement for the next 5 years and the deliverable supply only having a marginal oversupply on the Council's best case. We conclude that there is not a 5 year land supply so either way additional sites are required to come forward now.

Whether land the subject of an application for planning permission could be delivered within the next five years

- 8.72 Hollins Strategic Land has a proven track record of delivery of housing across the country and we would expect all 52 dwellings to be complete within 5 years. Our expectation is that subject to outline planning permission being granted a start on site could be made in late 2019 and the development would take some 18 months to construct.

Whether the development would have an adverse impact on flood risk.

Flood Risk

- 8.73 Betts Hydro have prepared a Flood Risk Assessment and Drainage Strategy to support the application.
- 8.74 The report confirms that the site lies within Flood Zone 1 and has a very low risk of flooding. Residential development, which is considered to be a 'more vulnerable' development type, as identified within Planning Practice Guidance (PPG), is deemed to be appropriate development in Zone 1, providing that there is no increased risk of flooding elsewhere as a result of the proposals.

8.75 Although the proposals are considered to have a very low risk of flooding from the majority of flood sources, the main flood risk has been identified as surface water flood risk. The risk of surface water flooding ranges from very low to low, depending mainly of the sites topography. This risk will be reduced and managed following development through a range of mitigation measures identified within the assessment.

Drainage

8.76 Based upon the sites low risk of flooding, the surface water discharge options have been assessed in line with the sustainable drainage hierarchy. The report recommends that further investigation through on-site testing is undertaken at the relevant time.

8.77 The assessment has been undertaken in line with Policy ESD 6: Sustainable Flood Risk Management of the adopted Local Plan, which requires flood risk assessments to be undertaken for development proposals in zone 1 which exceed 1 hectare.

Conclusion

8.78 In light of the above, the proposal is compliant with the objectives of Policy PSD 1, in that it is within a sustainable location and generates a numbers of economic, social and environmental benefits and meets the criteria in Policy Villages 2. The principle of development therefore complies with the development plan and there is no policy conflict.

9. Summary and Conclusions

9.1 On the positive side of the planning balance, the following apply:

- the scale of development accords with the settlement hierarchy as set out in Policies BCS1 and Policy Villages 1 and 2;
- the delivery of open market housing to assist in boosting the supply of housing where there is currently a significant shortfall;
- The delivery of 35% affordable housing which accords with the development plan and would assist in addressing the very significant and persistent shortfall in affordable housing delivery. This complies with Policy BSC3;
- A high quality design led scheme with a density of development that accords with the character of the area;
- Development in an accessible location which can accommodate the development scheme socially, economically and environmentally which complies with Policy ESD1;
- The provision of open space to meet the needs of existing and proposed residents; and;
- a range of social and economic benefits including the provision of New Homes Bonus, CIL, Council Tax revenue now, construction jobs and increase spending for local services and facilities.

Traditional Planning Balance if paragraph 49 of the Framework is not engaged

9.2 The proposal therefore complies with the development plan and under the traditional planning balance permission should be granted without delay. Even if there was any adverse impact evidenced through determination it would be limited and the proposal is firmly in accordance with the Development Plan when read as a whole and the three dimensions of sustainable development. In such circumstances, paragraph 14 of the Framework states that local planning authorities should approve development proposals that accord with the development plan without delay.

Tilted Planning Balance if paragraph 49 of the Framework is engaged

9.3 If a 5 year land supply cannot be demonstrated, as we contend, then paragraph 49 is engaged and the fourth bullet point of paragraph 14 of the Framework applies which states that planning permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore the lack of a 5 year land supply is a further material consideration to be given significant weight in the planning balance which only adds to the significant and compelling benefits that the proposal is sustainable development.

Conclusion

- 9.4 The site is bounded by existing residential development along the southern boundary, the A4260 Oxford Road along the eastern boundary with development immediately beyond and the primary school to along the western boundary. The northern boundary, from where the access is to be taken, is White Post Road with Banbury further north. Overall the proposal would integrate with the form of built development in the vicinity and be a logical extension to Bodicote.
- 9.5 It has been recognised through the grant of planning permission for new housing developments in and adjacent to Bodicote over recent years that the settlement is locationally sustainable for new residential proposals. Bodicote benefits from local services with bus services and cycle and pedestrian routes into Banbury.
- 9.6 Therefore irrespective of whether paragraph 49 is engaged the proposal should be granted planning permission as it is sustainable development which meets the criteria in paragraph 14 of the Framework. This is because the proposal accords with the development plan and planning permission should be granted accordingly.