

3.0 PLANNING POLICY

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3.1 INTRODUCTION

3.1.1 This chapter of the ES has been prepared by Frampton Town Planning Ltd, and provides an overview of the national and local planning policy framework relevant to the principle of the Proposed Development. A more detailed explanation of planning policy is included in the planning policy section of each chapter of the ES.

3.2 NATIONAL PLANNING POLICY FRAMEWORK (THE FRAMEWORK)

3.2.1 The National Planning Policy Framework (February 2019) replaces the published Framework in March 2012, and includes minor clarifications to the revised version published in July 2018. The Framework sets out the Government’s planning policies for England and how they should be applied.

3.2.2 The Framework reaffirms the purpose of the planning system which is to contribute to the achievement of sustainable development; with the objective of sustainable development at the highest level, being; meeting the needs of the present without compromising the ability of future generations to meet their own needs.

3.2.3 Section 2 of the Framework refers to the three overarching objectives for achieving sustainable development; these being;

- An economic objective;
- A social objective; and
- An environmental objective.

- 3.2.4 Paragraph 10 states that to ensure development is pursued in a positive way, at the heart of the Framework is a *presumption in favour of sustainable development*.
- 3.2.6 Paragraph 11 sets the guidance on how this presumption should be applied in decision making. Where proposals are in accordance within the Development Plan, they should be approved without delay. Where the Plan is silent or out of date planning permission should be granted unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against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 this Framework when taken as a whole*”
- 3.2.7 Paragraph 15 reaffirms that the planning system should be genuinely plan-led. Succinct and up to-date plans should provide a positive vision for the future, and that strategic policies should set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing (including affordable) employment, retail, leisure and other commercial development (paragraph 20).
- 3.2.8 The Framework reaffirms that planning obligations can only be sought where they meet the provisions set out in the CIL Regulations 2010 (122 (2)). It should be assumed that where planning policies are up-to-date, developments are policy compliant are assumed to be viable. It is left to the Applicant to demonstrate whether there are circumstances to demonstrate that this is not the case, and there is a need for viability assessment at the application stage.

Delivering a sufficient supply of homes

- 3.2.11 The Framework makes it clear that to significantly boost the supply of housing, it is important that the Local Planning Authority (LA) identify a sufficient amount and variety

of land to come forward, where it is needed; and, that land with planning permission is developed without delay (paragraph 59).

3.2.12 The Framework reaffirms that the supply of a large number of new homes can be achieved through planning for larger scale developments, such as new settlements or significant extensions to existing villages and towns (paragraph 72).

3.2.13 A range of buffers are included to be added to the supply of deliverable homes (paragraph 73); 5% to ensure a choice and competition in the market for land; 10% where the LPA wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to take account for any fluctuations in the market during that year; or 20% where there has been a significant under delivery of housing over the previous three years. The buffers are to ensure a supply of homes can be maintained, and a sufficient supply and mix of sites to ensure choice and competition.

3.2.14 The Framework requires LPAs to monitor progress in building out sites. The introduction of the housing delivery test indicates that where delivery has fallen below 95% of the housing requirement over a three-year period, the LPA is required to prepare an action plan to assess the cause of under delivery and identify actions to increase delivery in future years (paragraph 75).

Promoting healthy and safe communities

3.2.15 The Framework requires developments to achieve healthy, inclusive and safe places. Planning Policies should promote social interaction by creating spaces that facilitate opportunities for people to meet through; strong neighbourhood centres; street layouts that encourage pedestrian and cycle connection within and between neighbourhoods. (paragraph 91).

3.2.16 Places should be safe and accessible. Crime and disorder, and the fear of crime should not undermine the quality of life or social cohesion (paragraph 91).

3.2.17 Residents should have access to a variety of safe accessible green open spaces, such as sports facilities, allotments, and green infrastructure to encourage cycling and walking. (paragraph 92).

Meeting the challenge of climate change, flooding and coastal change.

3.2.18 The Framework requires the planning system to support the transition to a low carbon future. The planning system should contribute to a radical reduction in greenhouse gas emissions (paragraph 148). Design and place making should seek energy strategies that assist in increasing the use and supply of renewable and low carbon energy systems (paragraph 151).

3.2.19 Development should be located in areas of low flood risk. A sequential approach should be taken to ensure that locations of low risk are developed before areas of higher risk. Development strategy should take opportunities to reduce the cause and impact of flooding (paragraph 155). Drainage systems should be incorporated within major developments (paragraph 165).

Conserving and enhancing the natural environment

3.2.20 The Framework requires planning policies and decisions to contribute and to enhance the natural environment by; protecting and enhancing valued landscapes, geology and soil; recognising the intrinsic character and beauty of the countryside and the wider benefits of eco systems services; minimising the impacts on biodiversity; and providing net gains for

biodiversity. Developments where possible should help to improve the local environmental conditions such as air and water quality; and, remediating and mitigating despoiled, degraded, derelict and contaminate land (paragraph 170).

3.2.21 Plans should allocate land with the least sensitive environmental or amenity value, where consistent with other policies in the Framework, and distinguish between the hierarchy of international, national and local designated sites (paragraph 171).

3.2.22 The need to take into account ‘pollution’ associated with noise, air quality, and lighting is set out paragraph 180-181 with an emphasis on minimising effects. Planning policies and decisions should take into account relevant limit values or national objectives for pollutants.

3.2.23 Paragraph 183 concludes by stating that the focus of planning policies and decisions should be whether a Proposed Development is an acceptable use of the land, rather than the control of processors or emissions, where these are subject to separate pollution control regimes; and that, planning decisions should assume that these regimes operate efficiently.

Making effective use of land

3.2.24 Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environments and ensuring healthy living conditions.

3.2.25 Paragraph 122 states that policies and decisions should ensure the efficient use of land, and that developments make optimal use of the potential for each site (paragraph 123).

Optimal use should be achieved by the use of minimum densities standards for sites and town centre location that are well served by public transport (bullet point a).

3.2.26 Paragraph 123 goes on to state that density standards should seek a significant uplift in the average densities of residential developments within these areas, unless it can be shown that there are strong reasons why this should not be the case.

3.2.27 Local authorities should refuse applications where there has been a failure to make the most efficient use of land, taking into account the Framework as a whole.

3.3 LOCAL PLANNING POLICIES

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination of planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise. This section of the statement sets out the broad planning policy framework against which proposals must be assessed.

3.3.2 The development plan consists of the documents included in Table 3.1 below.

Table 3.01: Local Development Scheme Schedule of Documents

Local Development Scheme Schedule of Documents
Cherwell Local Plan 2011-2031 Adopted July 2015
Cherwell Local Plan Part 1 (adopted 1996) saved policies

Oxfordshire Minerals and Waste Local Plan (Part 1 Core Strategy) Adopted September 2015
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Bodicote Neighbourhood Plan

Adopted Local Plan 1996

3.3.3 Policies included in The Cherwell Local Plan 2015 has replaced some of the policies contained in the 1996 adopted Plan. The following saved planning policies are relevant to this planning application: C8 Sporadic development in the open countryside, C15 Prevention of coalescence in open countryside, C28 Layout, design and external appearance of new development, and C30 Design of new residential developments

3.3.4 Saved policies C28 and C30 are addressed by the provisions of the primary planning policies relating to the planning application subject of this ES, being, Policy *Banbury 4: Bankside Phase 2* (BAN 4) and, Policy *Banbury 12: The Relocation of Banbury Town Football Club* (BAN12) within The Cherwell Local Plan 2011-2031 (see below).

The Cherwell Local Plan 2011-2031

3.3.5 Cherwell Local Plan seeks to significantly boost the supply of housing and meet the objectively assessed housing need for Cherwell identified in the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 of 22,800 dwellings over the Plan period (2011-2031), 1,104 dwellings per annum.

3.3.6 The Council has sought to focus growth in and around Bicester and Banbury, with limited growth in the rural areas. 10,129 homes are to be provided in Bicester, 7,319 home at Banbury and 5,392 homes in the larger town of Kidlington and the rural areas.

3.3.7 The Council is seeking to deliver over half of its housing provision on allocated strategic sites; 7,919 in Bicester spread over 5 sites, and 4,219 over 10 sites in Banbury. The site subject of this ES is allocated in the adopted Local Plan for approximately 600 dwellings under planning policy – *Policy Banbury 4: Bankside Phase 2*.

3.3.8 Bankside Phase 2 is part of a larger urban extension to the south east of Banbury, east of the A4260 for around 600 new homes. Bankside Phase 1 allocated for 1090 dwellings, known as Longford Park is currently being built out.

3.3.9 In terms of specific housing numbers on allocated sites, paragraph 171 of the Planning Inspectors’ Report on the Examination into the Local Plan concluded that *‘the details of density and thus the exact total of new houses are best addressed in the context of specific proposals, rather than LP policy’*.

3.3.10 Planning Policy Banbury 4: Bankside Phase 2 has established the principle of residential development on the site and is the starting point, and dominant policy, in the determination of the submitted planning application. The Policy identifies principles for the development; and the additional infrastructure required. (See Table 3.02 below).

Table 3.02 Planning Policy Banbury 4: Bankside 1

	Policy	Proposed Development
1. Site Area		
1.0	27 hectares	Variation – Site area 28.4ha (additional 1.4ha required for attenuation pond.)
2. Housing		
2.0	Approximately 600	Variation – 700 dwellings (850 across BAN4 and BAN12)
2.1	Dwelling mix – informed by Policy BSC: Housing Mix.	✓
2.2	Affordable Housing 30%	✓

2.3	Extra Care Housing and Community Self Build.	x
3. Infrastructure		
3.0	Education – contribution to expansion of secondary education	✓
3.1	Provision of vehicle, cycle and pedestrian access directly from the site to Banbury 12	✓
3.2	Open Space – to include general greenspace, play space, allotments and outdoor sports provision as outlined in ‘Policy BSC 11: Local Standards of Provision- Outdoor Recreation’. Account will be taken of open space provision in the Phase 1 scheme.	✓
3.3	Access and Movement – bus route extension from Phase 1	✓
3.4	Community facilities – local centre, contributions towards the enhancement of community facilities to be provided as part of Phase 1 may be preferable to a community facility being provided on site. A contribution towards indoor sports provision may be required.	Variation. It is proposed to make contribute to the enhancement of the community facilities on the adjacent Phase 1 development where justified. Sports fields will be provided with changing rooms.
3.5	Utilities – extension and enlargement of Phase 1 connections and pumping station if required.	✓
4. Key site-specific design and place shaping principles		
4.0	Proposals should comply with Policy ESD15.	✓
4.1	Layout of development that enables a high degree of integration and connectivity with Bankside Phase One. A layout that maximises the potential for walkable neighbourhoods with a legible hierarchy of routes with footpaths and cycleways provided on site with good linkages for cyclists and pedestrians to the wider urban area, existing networks and community facilities	✓
4.2	Good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops and the provision of a bus route through the site	✓
4.3	A Transport Assessment and Travel Plan to accompany development proposals	✓
4.4	Development that respects the identity of Bodicote village	✓
4.5	Development that respects the Cherwell Valley landscape setting, the importance of Banbury’s southern approach, and which	✓

	protects important views from the south and east	
4.6	Development that ensures that important valley views from the park within Phase 1 are secured and retained	✓
4.7	A surface water management framework and the incorporation of attenuation Sustainable Urban Drainage Systems (SuDS) in accordance with 'Policy ESD 7: Sustainable Drainage Systems (SuDS)' and taking account of the recommendations of the Council's Strategic Flood Risk Assessment, to reduce surface water, control drainage and protect a Minor Aquifer (subject to further ground investigation)	✓
4.8	The retention of the line of ash trees on the site's western boundary	✓
4.9	The protection of other important trees, the retention of hedgerows where possible to provide wildlife corridors, and the preservation and enhancement of the biodiversity value of the site. Development should demonstrate the enhancement, restoration or creation of wildlife corridors	✓
4.10	Public open space to form a well-connected network of green areas within the site suitable for formal and informal recreation. Outdoor sports provision should ideally be located in close proximity to the existing pitch provision at Banbury Rugby Club or the proposed relocation site for Banbury United Football Club (Policy Banbury 12: Land for the Relocation of Banbury United FC)	✓

3.3.11 The Proposed Development extends to include part of the land to the south allocated in *Policy Banbury 12: Land for the Relocations of Banbury United Football Club (BUFC) (BAN12)*. The football club is currently located on a site that adjoins the town centre of Banbury known as Canalside, which is allocated for major re-development. BAN12 safeguarded land is larger than that identified for the relocation of BUFC and the delivery of a new secondary school. The wider site has been comprehensively planned, in order to

account for the required uses, and this has resulted in residual land on the BAN12 site being available for other uses.

3.3.12 The extent of assessment of the land allocated within Planning Policy BAN12 is limited to the environmental impact; of the provision of the access off Oxford/Banbury Road; the extent of road required to connect to land included in Planning Policy BAN4; sports fields together with changing rooms; and, the residential development located in the northern part of the allocation.

3.3.13 The extent of the land allocated in BAN12 and that included within the planning application subject of this ES can be seen in the land edged in red in **Appendix 1.01**.

Cherwell Local Plan 2011-2031 Part 1 Appendix 8 – Infrastructure Delivery Plan

3.3.14 The Plan includes a schedule of infrastructure projects within the Banbury Area. The Plan identified indicative costs, delivery partners, funding sources and timescales for each project. The schedule also identifies the priority of delivery in terms of; critical, necessary or desirable.

Bodicote Neighbourhood Plan

3.3.15 On the 2nd November 2015 an application was made to the Council for the designation of a Neighbourhood Area (NA). The NA was designated in January 2016. Due to the very early stages of the plan, it carries no weight in the determination of the planning application subject of this ES.

3.4 OTHER PLANNING POLICY DOCUMENTS TO BE PREPARED BY THE COUNCIL

Partial Review of the Cherwell Local Plan 2011-2031 (Part 1)

3.4.1 This document seeks to address, the Council's responsibility through the 'duty to cooperate' as included in the Neighbourhood Planning Act 2017, to allocate land to deliver its proportion of Oxford City Council's unmet housing need. The Partial Review contains supplemental planning strategy and strategic development sites in order to contribute in meeting Oxford City Council's unmet housing need.

3.4.2 The Plan was submitted to the Secretary of State in March 2018. It is anticipated that the Plan will be adopted towards the end of 2019. Due to the early stages of the plan, it carries very little weight in the determination of the planning application subject of this ES.

Oxfordshire Joint Strategy Spatial Plan (JSSP)

3.4.3 This document is a county wide strategic plan prepared by the six Oxfordshire Councils¹ through the Oxford Growth Board. The Plan is at an early stage, and will relate to a broad range of social, environmental and economic issues affecting the County up to 2050. The Regulation 18 consultation document '*Introducing the Oxfordshire Plan 2050*' has taken place. Adoption is anticipated in the 1st quarter of 2021.

3.4.4 Due to the very early stages of the Plan, it carries no weight in the determination of the planning application subject of this ES. Further, the Proposed Development in Banbury

¹ South Oxfordshire District Council, West Oxfordshire District Council, Vale of White Horse District Council, Oxford City Council.

does not accord with the spatial strategy in the provision of Oxford City's unmet housing need.

Community Infrastructure Levy (CIL) Charging Schedule

3.4.5 Work on the levy commenced in February 2015 with consultation on a preliminary charging schedule undertaken in March 2016. Work on the levy was put on hold in anticipation of further government guidance following the publication of 'A new Approach to Developer Contributions' in October 2016.

3.4.6 The LPA is continuing with preparatory work relating to CIL, but a decision has not been reached on whether CIL will be introduced in Cherwell.

Developer Contributions Supplementary Planning Document (SPD (February 2018)

3.4.7 The purpose of the SPD is to set out Cherwell District Council's approach in seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) charging schedule. The SPD does not cover every possible circumstance where planning obligations will be required, but provides an indication of the Council's essential requirements from new developments in respect of the provision of infrastructure, community facilities and services.

3.5 POLICY REVIEW CONCLUSION

3.5.1 It is in the context of these policy considerations that the impacts of the proposal are assessed in this ES. Consideration of the policy position relating to each topic will continue within each chapter of this ES and within the documents that accompany the planning application