

# Consultation on Proposed Modifications to the Submission Cherwell Local Plan

## Representation Form

Please return to Cherwell District Council by 5pm on Friday 3 October 2014.

Representations received after this time will not be considered.

Guidance on completing Representations Forms is available at

[www.cherwell.gov.uk/localplanexamination](http://www.cherwell.gov.uk/localplanexamination)

This form has two parts –

Part A – Personal Details

Part B – Your representation. (Please fill in a separate sheet for each representation you wish to make.

Remember to include your name or organisation name on each one.)

*Internal Use Only*

CN:

AN:

S:

C:

### Part A

#### 1. Personal Details

Title	<input type="checkbox"/> MR + MRS
First Name	<input type="checkbox"/>
Last Name	<input type="checkbox"/> DONAGR
Job Title (where relevant)	<input type="checkbox"/>
Organisation (where relevant)	<input type="checkbox"/>
Address Line 1	<input type="checkbox"/> 40 AMBGR DEVELOPMENTS
Line 2	<input type="checkbox"/>
Line 3	<input type="checkbox"/>
Line 4	<input type="checkbox"/>
Post Code	<input type="checkbox"/>
Telephone Number	<input type="checkbox"/>
E-mail Address (where relevant)	<input type="checkbox"/>

#### 2. Agent's Details (if applicable)

<input type="checkbox"/> MR
<input type="checkbox"/> NGIL
<input type="checkbox"/> ROE
<input type="checkbox"/>
<input type="checkbox"/> AMBGR DEVELOPMENTS
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Return completed forms to:

Email: [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)

Post: Local Plan Modifications, Strategic Planning and The Economy, Cherwell District Council, Bodicote House, Bodicote, OX15 4AA

**Part B – Please use a separate sheet for each representation**

Name or Organisation:

AMBER DEVELOPMENTS Ltd

3. To which Proposed Modification to the Submission Cherwell Local Plan does this representation relate?

Main or Minor Modification:

MOD 102, 103 + SAA BA367

Proposed Modification Number:

4. Is the Proposed Modification to the Submission Cherwell Local Plan legally compliant & sound?

4.(1) Legally compliant

Yes

No

4.(2) Sound\*

Yes

No

**\*The considerations in relation to the Local Plan being 'Sound' are explained in the National Planning Policy Framework in Paragraph 182. (Please see guidance notes)**

If you have entered **No** to 4.(2) please continue to Q5. Otherwise please go directly to Q6.

5. Do you consider the Proposed Modification to the Submission Cherwell Local Plan is unsound because it is not:

(1) Positively Prepared

(2) Justified

(3) Effective

(4) Consistent with national policy

6. Please give details of why you consider the Proposed Modification to the Submission Cherwell Local Plan is not legally compliant or is unsound. Please be as precise as possible.

PLEASE REFER TO STATEMENT

(Continue on a separate sheet / expand box if necessary)

7. Please set out what change(s) you consider necessary to make the Proposed Modification to the Submission Cherwell Local Plan legally compliant or sound, having regard to the test you have identified at Question 5 above where this relates to soundness. You will need to say why this change will make the Local Plan/Sustainability Appraisal legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

SEE STATEMENT

(Continue on a separate sheet /expand box if necessary)

8. If you wish to support the legal compliance or soundness of the Proposed Modifications to the Submission Cherwell Local Plan, please also use this box to set out your comments.

N/A

(Continue on a separate sheet /expand box if necessary)

9. If your representation is seeking a change, do you wish to express an interest to participate in the Examination?

No, I do not wish to participate at the oral examination

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Yes, I wish to participate at the oral examination

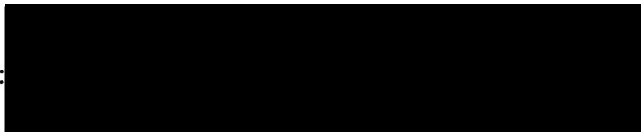
10. Do you have any comments on the updated Sustainability Appraisal?

OBJECT TO THE CONCLUSIONS CONCERNING  
BA 367 - SEE ATTACHED STATEMENT.

(Continue on a separate sheet /expand box if necessary)

If you wish to be informed of the date of the submission of the Proposed Modifications document to the Secretary of State, please tick this box✓

Signature:



Date:

2/10/2014

**PLEASE RETURN THIS FORM BY 5PM ON FRIDAY 3 OCTOBER 2014**

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. Further submissions will only be accepted at the request of the Inspector, based on the matters and issues he/she identifies for Examination.*

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**TOWN AND COUNTRY PLANNING ACT 1990**

**SUBMISSION IN RESPONSE TO  
THE CHERWELL DISTRICT  
COUNCIL 'MODIFICATIONS'  
OCTOBER 2014**

**LAND OFF DUKES MEADOW  
DRIVE  
BANBURY OXFORDSHIRE**

**ON BEHALF OF  
THE LANDOWNERS**

**OCTOBER 2014**

## 1.0 INTRODUCTION

- 1.1 The land edged red as shown on the enclosed plan (Appendix 1) is in a single ownership. Amber Developments have been instructed to promote the land as a suitable addition to the plan to extend the urban edge for residential, care home and recreational uses.
- 1.2 The plan at Appendix 1 shows an area of land of 19.5 ha that is sited adjacent to the existing Hanwell Fields development including to the north of Dukes Meadow Drive the sports facilities.
- 1.3 It is considered that conservatively the land could accommodate up to 400 dwellings. This is based on delivery of 30 dwellings per hectare and a loss of 30% of the site area to infrastructure; green infrastructure; public rights of way and strategic sports facilities to complement and link those to the east and west of the site.

The breakdown for this quantum assumption would be as follows:

$$19.5 \text{ ha area} \times 30 \text{ dph} = 585 \text{ dwellings}$$
$$- 30\% \text{ land area for infrastructure} = 410$$

- 1.4 It has been envisaged that the allocation of the land will:
- Deliver sustainable development;
  - assist the District's full objectively assessed housing need, including a diversity of housing stock for both market and affordable housing;

- Complement other developments to the north and west of Banbury including BAN2 and BAN5 which commit growth in these directions;
- assist in the vitality and viability of small businesses and services within the adjacent Hanwell Fields District Centre;
- deliver further public open space and strategic sports provision;
- enhance the biodiversity and Green Infrastructure credentials on the site;
- retain and enhance existing vegetation on the site where appropriate;
- improve accessibility and linkages to local services, in particular pedestrian and cycle links.

## **2.0 COMMENTS ON MODIFICATIONS**

2.1 The Landowners supports the modifications proposed in relation to policy BAN5, which effectively increase the number of dwellings on the allocation by an additional 44 units, outlined by Modification numbers 102 & 103 on page 93 of the Schedule of Proposed Modifications to the (Submission) Local Plan Part 1 August 2014. This increase is deliverable as evidenced by the planning application number 14/00066/OUT which is being considered by CDC at the current time. However given Cherwell's housing needs this increase is not considered sufficient and additional land north of Dukes Meadow Drive should be allocated.

2.2 At the Examination of the Local Plan the Council on 4<sup>th</sup> June 2014 accepted the Inspector's invitation to suspend the examination of the Local Plan pending

consideration of options for meeting the objectively assessed needs of the District. Specifically for Cherwell the need stands at approximately 1140 dwellings per annum.

- 2.3 In the balance of planning considerations it is submitted the planning advantage lies firmly allocating the remainder of the land north of Dukes Meadow Drive (Appendix 1) for housing and ancillary uses to enable a comprehensive planned development to achieve and deliver new housing of a scale that is appropriate for the most sustainable settlement (along with Bicester) in the District.
- 2.4 The conclusions of the Sustainability Appraisal Addendum (August 2014) in relation to the site are not accepted. These state in relation to site BA367 on page 69 that the proposed site is considered to have a low capacity from a landscape perspective for residential due to the impact it would have on the landscape character and visual quality of the area.
- 2.5 It is accepted that parts of the site have steep topography and would be visually prominent but this does not make the site unsuitable for development. As the next section of this statement will demonstrate the site is suitable for development provided it is designed in a sympathetic manner that respects the setting of Hanwell Conservation Area; Banbury Crematorium; existing adjacent sports facilities and the character of the area.



### **3. THE MERITS OF THE SITE**

3.1 It is submitted that the release of land off Dukes Meadow Drive is necessary in order to deliver sufficient housing within the settlement of Banbury, which is the most sustainable settlement along with Bicester, and the wider District. The allocation should be seen as a complementary new allocation to support those already identified in the Submission Version of the Local Plan and those omission sites the Council is considering including as the quantum of housing needed to meet the objectively assessed needs is significant.

3.2 The area of land proposed for an additional allocation for housing of circa 400 dwellings is shown on the plan attached at Appendix 1. The land is available, suitable and achievable for housing to form a sustainable development as advocated by the Framework. The land is undeveloped and can be developed in a viable manner; it does not have significant development costs associated with it such as contamination or noise mitigation.

3.3 There are no third party land ownership matters to complicate the site's delivery. It would therefore be well positioned to contribute to developer contributions if they are proven to be necessary to offset the impact of development. The access to the land is easily achievable from existing roundabouts on the Dukes Meadow Drive carriageway.

3.4 The site is well related to the existing facilities of Hanwell Fields; the new schools on the BAN2 allocation; and the employment and retail facilities to the north of the

town. Hanwell Fields is currently served by a number of local facilities, commensurate with a community and estate of its type and size including a shops, primary schools, recreational facilities and public houses. These facilities together with bus stops are within easy walking and cycling distance of the site

3.5 Overall the site is considered to be in a sustainable location with a number of facilities within a reasonable walking and cycling distance. The plan at Appendix 1 shows the site in relation to the existing Hanwell Fields development where new linkages could be created to integrate the proposal into the settlement, which will have a knock on impact of making the proposed additional allocation even more sustainable.

3.6 Paragraphs 7 and 14 of the Framework set out that there is a presumption in favour of sustainable development. The site is considered to be in a sustainable location and therefore the principle of development on the site is acceptable

3.7 The site is not within a Conservation Area and does not contain any Listed Buildings. Hanwell Village and its conservation area is over 1km away and is protected by the topography. There is sufficient land available to form a roust landscape strip within any allocation as was achieved with the BAN5 allocation on the adjacent land.

3.8 The site is within a non-adopted but proposed 'Green Buffer' (in the CDC Submission draft Local Plan), however following from the Local Plan Examination it is considered likely this policy will be refined. At present the policy results in small scale green belt style allocations. It is understood from the conclusions of the debate at the Examination

sessions this will be reined to more precisely relate to important local gaps. The land in question does not need to be kept open from residential development to prevent the merger of settlements and it does not form a function in relation to important views of heritage assets.

3.9 The site is in Flood Zone 1 and is therefore considered acceptable for residential development. Appendix 2 shows the location of the flood zone from the Environmental Agency's national flood map. Notwithstanding this opportunities exist to design attenuation or SuDs features in the Public Open Space. This would enable surface water to be released at green field run-off rates. Such features would also form a pond feature in times of wet weather as well as a biodiversity feature.

3.10 From the desktop and field survey work undertaken, it does not appear that there are any major constraints, in ecological terms, to the development of the site, whilst it is considered that should protected faunal species be recorded, these can be fully mitigated for under the proposals.

3.11 In addition, development on the site presents the opportunity to deliver ecological enhancements within the development, through the provision of a network of green infrastructure and new habitat creation as well as specific enhancements in respect of fauna such as bats and birds. On this basis, it can be concluded that the site is highly deliverable in ecological terms. Given the expansion of BAN5 to the south and the recent granting to planning permission to the north at BAN2 the Council should take the opportunity to comprehensively develop the northern edge of Banbury.

3.12 Subject to retention of the key landscape features the proposed development can fulfil the requirements of the relevant Cherwell District development plan policies, as well as address the relevant guidelines for adopted landscape character assessments and respond to the landscape officer's recommendations. The density at 400 units over 19.5 ha is low and would enable a spacious and green infrastructure dominant scheme which will be appropriate in the transitional edge of the urban area into the open countryside.

3.13 It is considered that the site has the capacity to accommodate change and could support a residential development as part of an appropriate extension to the town; adhering to local design guidelines and through the implementation of strategically located green infrastructure.

3.14 The development would not affect the character or appearance of the surrounding countryside in any significant way, or the recreational enjoyment of footpaths. Opportunities exist to integrate the proposed land sympathetically into the landscape through suitable design; density and landscaping all of which can be refined should the site be included in the Local Plan.

3.15 It is acknowledged that the release of land would necessarily result in the encroachment of hitherto undeveloped countryside. Such a consequence is almost inevitable with development on greenfield land surrounding an existing settlement. However in this instance the land in question is not being actively farmed due to being too small an area to form a viable holding and Cherwell's overarching need

for deliverable land necessitates the release of housing land to meet the objectively assessed needs.

3.16 In conclusion, it is submitted that the allocation of the land for housing will help to meet the housing needs of the District in a sustainable and subject to refining the design would enhance the settlement.

#### **4. CONCLUSION**

4.1 It has been envisaged by the Landowner that the delivery of housing and its associated infrastructure to support future growth within the District would be achieved by the comprehensive allocation of land which is in a sustainable location at the site for new development particularly housing that is:

- necessary to provide housing that is needed within the local housing market;
- of sufficient scale to secure the delivery of new infrastructure including public open space, and upgraded linkages (vehicular and pedestrian) to the existing Hanwell Fields development;
- housing that can be viably constructed at an appropriate density to safeguard the setting of the settlement;
- development which can increase access to the existing settlement and its services in particular the provision of pedestrian links;

- development which can increase public access through the formation of areas of open space and public footpaths.

**Amber Developments**

**October 2014**

## **Appendix 1**

### **Site location Plan**

Land North of Dukes Meadow Drive

