

Case Officer: Linda Griffiths

Recommendation:

Applicant: David Green

Proposal: Discharge of Schedule 2 Clause 3.1 of 15/01326/OUT - Car Park
Obligations

Expiry Date: 11 May 2020

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application site comprises 17.53ha of greenfield land to the south of the existing built up area of Banbury and within the parish of Bodicote. The site forms part of a significantly larger area of land that has been allocated for residential development through the Cherwell Local Plan Part 1 2011-2031 under Policy Banbury 17 for up to 1,345 dwellings. The application site comprises the eastern part of the land allocation, which amounts to approximately 25% of the overall area of the allocated land. Outline planning consent was granted on appeal in December 2017 (15/01326/OUT refers). The remainder of the allocation is being brought forward by Morris Homes (known as Victoria Park) and L and Q Estates.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks to discharge obligations in the attached Unilateral Undertaking relating to the provision of a 34-space public car park at the eastern end, to essentially serve Bishop Loveday School on White Post Road.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

15/01326/OUT – outline planning permission for up to 280 dwellings plus associated infrastructure;

19/00895/REM – reserved matters consent for up to 280 dwellings and 34 space car park; and

19/01643/DISC – discharge of conditions relating to the outline consent including condition 27 relating to the car park.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

- 5.2 Local Resident: concerns about the amount of traffic in front of the school. This car park should not wait until the 221st house is built. It should be one of the first things to open, when 10 houses are built. Can it be made clear who the car park is for and who will maintain it after the builders complete. Can the school access it?
- 5.3 OCC – Transport Development Control: Objection – insufficient detail
- 5.4 Update 8th September 2020: comments in respect of lack of plans, materials proposed and drainage detail.
- 5.5 Update 11th December 2020: Objection. Still not convinced that vehicles shall be able to safely manoeuvre in and out of all the laid out spaces. Tracking therein is for a 4.85m long vehicle showing that it is impossible to access/egress the perpendicular bays without sweeping into the echelon bays. A slight overhang of a vehicle in the echelon bays would render it impossible for movement to be completed into/out of the perpendicular bays. Lack of spacing in depth has been highlighted previously.
- 5.6 Update 7th January 2021: The additional tracking submitted is sufficient to recommend approval of Schedule 2 Clause 3.1 of 15/01326/OUT under planning ref 20/00811/OBL.
- 5.7 OCC – LLFA: The Management Plan does not refer to the SUDS Manual C753 for the maintenance of the SuDS features. It should be updated to be in accordance with Section 32 of C753 and also refer to the relevant sections for each SuDS component.

6. RELEVANT PLANNING POLICY AND GUIDANCE

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

6.3 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

7. APPRAISAL

- 7.1 This submission is also tied in with condition 27 of the outline consent which has been considered and now discharged under application number 19/01643/DISC. This car park was required as part of the outline submission to provide car parking for Bishop Loveday School in White Post Road following realignment works to White Post Road and the construction of a new access junction into the development. Schedule 2, Clause 3.1 which is under consideration here specifically relates to the submission and approval of the car park specification.
- 7.2 The submission has been assessed by OCC Transport Development Control as highway authority who was unable to recommend discharge of this clause initially due to the lack of detail. The S106 agreement under clause 1.1.22 defines 'Car Park Specification' as a detailed scheme for the construction and completion of the car park including a timetable for such construction and completion. The report submitted only provided a material spec without a completion timetable and also articulated how a completed car park shall be transferred to a management company prior to occupation of the 221st dwelling. This was not considered to be acceptable to discharge the relevant clause. The timely construction of the car park is of great importance to ensure that it is available for use by Bishop Loveday School ahead of the layout changes to White Post Road in the vicinity of the school. There were also issues around lack of drainage information, lack of disabled bays and surfacing materials. Revised plans and maintenance documentation have addressed these issues.
- 7.3 Following numerous discussions with the applicant and re-submissions, revised plans and construction details have now been received which are acceptable to OCC. In terms of the timing of the provision of the car park, this is to be constructed and provided concurrently with the S278 and construction of the new access junction and first section of the new spine road.

8. PLANNING BALANCE AND CONCLUSION

- 8.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 8.2 Having regard to the above, it is considered that the requirements of the Sec106 have now been met and the relevant clause can now be discharged.

9. RECOMMENDATION

That the unilateral obligation referenced under Schedule 2, Clause 3.1 be confirmed as discharged subject to the following:

Drawing numbers: 957-0013; 957-0013 Rev A; and 957-05-13 Rev C; the micro-drainage calculations received 20th October 2020; and the timing of the provision of the car park, as clarified by email from David Green dated 30th September 2020.

Case Officer: Linda Griffiths

DATE: 26th April 2021

Checked By: Andy Bateson

DATE: 11th May 2021
