

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** David Green

**Proposal:** Discharge of Schedule 2 Clause 3.8 of 15/01326/OUT - Management Company for the Car Park, Open Space, SUDS and the Bridleway

**Expiry Date:** 29 January 2021

**Extension of Time:** 29 January 2021

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## **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 consent for up to 280 dwellings subject to conditions and UU on this part of the allocation 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 & Q Estates. Reserved matters consent was granted to David Wilson/Barratt Homes in July 2020 (19/00895/REM) refers.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. This application relates to requirements under the signed Unilateral Undertaking and seeks to discharge Clause 3.8 of Schedule 2 relating to the management company for the open space, bridleway, car park and SuDS. The application was accompanied by a management report and an open space and car park specification report. A certificate of Incorporation and Articles of Association document were also submitted on 30<sup>th</sup> June 2020.

## **3. RELEVANT PLANNING HISTORY**

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

15/01326/OUT – outline consent for up to 280 dwellings and associated infrastructure granted at appeal;

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

19/00213/DISC – discharge of conditions relating to the outline consent.

## **4. PRE-APPLICATION DISCUSSIONS**

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

### Parish/Town Council and Neighbourhood Forums

5.2 Bodicote Parish Council – application is very urban in a rural setting. The houses are fronting the main road, which isn't very representative of a healthy environment. Likewise, the small gardens and lack of personal individual space does not reflect healthy living. Parking at front of properties would be preferable or on-street parking.

5.3 OCC – Transport Development Control – Initial objection – insufficient detail, which was subsequently addressed in revised submissions.

5.4 OCC Drainage – the management plan does not refer to the SuDS Manual C753 for the maintenance of 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. Once again, the concerns raised were addressed in revised submissions.

5.5 Landscape Services – no response.

5.6 Legal Services – no response.

## 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 The application seeks to discharge clause 3.8 of Schedule 2 of the Unilateral Undertaking relating to the management and maintenance of public areas by a management company.
- 7.2 Following an initial assessment of the submitted maintenance and management schedules and reports, a number of concerns were raised regarding the specific details of the Management company, costings, charging levels, funding or accountability to residents and a mechanism for review. OCC also raised concerns regarding the details in respect of the car park. Revised submissions were subsequently received to address the original concerns and the revised proposals are considered acceptable.

## **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 comments above, the revised submission is now considered acceptable and that the clauses can be discharged.

## **9. RECOMMENDATION**

That clause 3.8 be discharged, subject to the following:

Open Spaces, Car Park, SuDS and Bridleway Management Plan Reference  
2832- 4-5-LM-S106 Revision P4, dated December 2020  
SuDS Scheme Reference 2832-4-5-LM-S106 Revision P2, dated December 2020  
Articles of Association  
Certificate of Incorporation

Case Officer: Linda Griffiths

DATE: 26 January 2021

Checked By: Andy Bateson

DATE: 27 January 2021

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