

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: David Green, Barratt Homes

Proposal: Discharge of schedule 2 clause 3.7 of 15/01326/OUT - , Bridleway Scheme, Bridleway Specification and the Management Plan

Expiry Date: 11 May 2020

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. This 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 (the applicant) in July 2020 (19/00895/REM) refers.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application relates to requirements under the signed Unilateral Undertaking and seeks to discharge Clause 3.7 relating to the bridleway scheme, bridleway specification and management plan. The application is accompanied by a bridleway specification and scheme.

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

19/01643/DISC – discharge of conditions relating to the outline

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

20/03477/DISC – discharge of conditions relating to the reserved matters

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 CDC - Landscape Officer – a self-binding gravel needs to be laid on hardcore. A sample of the self-binding gravel should be submitted for approval. Open spaces, car park and bridleway management plan are acceptable.

5.3 CDC – Recreation and Leisure – no comment.

5.4 OCC – Rights of Way – no comments received.

5.5 OCC – Highways – partial objection/comment.

5.6 CDC – Legal Services – no comments received.

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 3.7 of Schedule 2 of the Unilateral Undertaking relating to the provision of the new bridleway through the development which links into the remainder of the allocation being brought forward by L&Q

Estates. The UU specifies co-ordinates where the two sections of the bridleway must meet.

7.2 Following an initial assessment of the submission, several concerns were raised by OCC Transport Development Control as follows:

- The specification does not mention space either side of the bridleway, 3m is narrow, 4m is preferred;
- No detail provided of the crossing point over the spine road;
- Pinch point around the edge of the adult football field, use by equestrians during a football game could be challenging;
- The maintenance regime does not specifically mention grass mowing and cutting of vegetation adjacent to the bridleway. Although probably picked up elsewhere, it should be included as a requirement of the bridleway maintenance.

7.3 In terms of the above, the applicant was requested to re-consider the submission. It should also be noted that the route of the bridleway as shown in this submission is as shown in the reserved matters, which is approved. The applicant was asked to consider re-routing the bridleway to the north of the sports pitches closer to the development, but was not accepted. This route would not be ideal either in terms of its relationship with the pitches or the residential development itself. It is therefore considered that the route shown is preferable and whilst its proximity to the pitches could on match days be a challenge, OCC have not stated that it would be unacceptable. The submission is therefore accepted in this instance. In terms of the management of the open space adjacent to the bridleway, this is addressed in the Open Space Management Scheme. The crossing of the bridleway over the spine road has already been approved as part of the reserved matters submission.

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 scheme is now considered acceptable, and the clause can therefore be discharged accordingly.

9. RECOMMENDATION

That clause 3.7 relating to the bridleway be discharged, in accordance with the Bridleway Specification and Scheme dated June 2020 Rev P3.

Case Officer: Linda Griffiths

DATE: 13th October 2021

Checked By: Andy Bateson

DATE: 13th October 2021
