

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** Barratt Homes

**Proposal:** Discharge of schedule 2 clause 3.27 of 15/01326/OUT - allotment scheme report

**Expiry Date:** 11 May 2020

**Extension of Time:**

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## 1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a strategic housing development adjacent to Salt Way, Banbury, allocated under Policy Banbury 17 of the adopted Cherwell Local Plan 2011-2031 (Part 1). Development has commenced on site and a significant number of dwellings are now occupied.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Outline planning consent was granted at appeal for the erection of up to 280 dwellings and associated infrastructure in November 2017 under application number 15/01326/OUT. The permission was accompanied by a signed Unilateral Undertaking relating to the provision of necessary infrastructure to serve the development.

## 3. PROPOSED OBLIGATION DISCHARGE

- 3.1. The application sets out that David Wilson/Barratt Homes who now own the site and are building the development, wish to discharge the obligation in Schedule 2, Clause 3.27 relating to the provision of allotments on the site. The application is accompanied by an Allotment Scheme Report and associated plans.

## 4. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. The responses are available to view in full on the application documentation.

- 4.1. Landscape Officer: **Objection** – considerable detail lacking from the submission. Further comments received in **July 2020** advise that the allotment scheme has not included the comments made previously. A further detailed **objection** was received **3<sup>rd</sup> April 2023** following a revised submission. Further comments received **4<sup>th</sup> July 2023** raise several further concerns regarding the adoption requirements, access to the allotments and the planting proposals around the allotments.

## 5. APPRAISAL

- 5.1. The application sets out that David Wilson/Barratt Homes who now own the site and are building out the development wish to discharge Schedule 2, Clause 3.27 of the Unilateral Undertaking relating to the provision of the allotments on the development.

5.2. The Obligation sought to discharge is as follows:

3.27 Prior to the commencement of development to submit to the Council for approval the Allotment Scheme and not to commence development until the Council has approved in writing the allotment scheme.

The definition and requirements of the allotment scheme is set out at paragraph 1.1.10 of the Unilateral Undertaking, which requires:

- Location and area of land allocated for the allotments shall amount to a single area of land equivalent to the greater of 0.2ha and 9sqm per dwelling in the planning permission
- The location and area of individual plots and pathways and the specification for laying them out
- The water supply to the allotments
- Communal car parking for and vehicular access to the allotments
- The future management and maintenance of the allotments
- Proposed on-going maintenance operations for the allotments, specifically identifying the management objective, task and the timing and frequency of the operation for all the features of the allotments
- The proposed means of funding the on-going maintenance and management of the allotments in accordance with the Allotments Scheme by the first owner
- A mechanism for the periodic review with the council and where necessary amendment of the Allotment Scheme
- Proposed means of making the allotments available for use by members of the local community for the purpose of growing vegetables and/or fruit and/or flowers and the terms which they are to be made available.

5.3. The submission, which includes an Allotment Scheme Report and accompanying allotment plans, has been assessed by the Landscape and Planning Officers. There has been much discussion in respect of the original submission for some considerable time between Officers and the Applicant. The original submission was not considered acceptable and lacked sufficient detail and information regarding access to the allotments and the detailed provision of the allotments themselves.

5.4. The proposed allotments are to be located adjacent to the existing allotments on Wykham Lane and it is proposed that David Wilson/Barratt will hand the allotments to Adderbury and Milton Feoffee who currently run the existing allotments and own the track adjacent.

5.5. A planning application was submitted and approved in June this year for improvements to the existing track and bridleway to serve the allotments (23/00884/F refers). That application was approved following consultation with OCC as highway authority and public rights of way and CDC Landscape Service. That proposal sought to provide an upgraded track for the benefit of both the existing and new allotment holders. One of the concerns raised by Landscape Services to this proposal relates to the proposed surface for the track. Landscape Services have advised that this should be tarmac. However, the aforementioned planning consent has already approved the track improvements proposed under this obligation discharge submission. Due to the very rural nature of the allotment location adjacent to Wykham Lane, it was considered that the use of tarmac would be too urbanising and therefore detrimental to the visual amenities of the locality. The proposed

surfacing is acceptable to the Feoffe who are intending to take the allotments and run them alongside the existing allotments, which is considered acceptable.

- 5.6. Following the further concerns raised by Landscape Services in June 2023 to the allotment scheme, an MS Teams meeting was held on 12<sup>th</sup> June 2023 where the Landscape Officer agreed the scheme with the applicant. A revised submission was subsequently received on 17<sup>th</sup> June 2023 which addressed all the points previously raised and subsequently agreed by Landscape in that meeting. That Landscape Officer has since left the Council.
- 5.7. The further comments of the Landscape Officer are noted, but the scheme has previously been verbally agreed and it is therefore recommended that the obligation be discharged accordingly.

## **6. PLANNING BALANCE AND CONCLUSION**

- 6.1. The proposed request that seeks to discharge the requirements under the Unilateral Undertaking to enable delivery of the allotments for the development is now considered acceptable.
- 6.2. The above is considered to comply with Policy requirements and is therefore acceptable and the obligation can be discharged accordingly.

## **7. RECOMMENDATION**

That the obligation in Schedule 2, Clause 3.27 be discharged in accordance with the amended Allotment Scheme Report dated June 2023 and Plan Numbers: Landscape Masterplan 2832-5-2-DR-5000; Proposed Improvements to Existing Access 7942-ALL-01; Hard, boundary and furniture proposals 2832-5-2-DR-5017 Rev S4 P11; Landscape Proposals 2832-5-2-DR-5015 Rev S4 P11; and Allotments Proposals 2832-5-2-DR-5021 Rev P1.

Case Officer: Linda Griffiths

DATE: 24<sup>th</sup> July 2023

Checked By: Andy Bateson

DATE: 24<sup>th</sup> July 2023

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