

Case Officer: Linda Griffiths

Recommendation: Approve

Applicant: BDW Trading Limited

Proposal: Removal of condition 6 (bus stops) of 19/00895/REM

Expiry Date: 2 March 2021

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 is predominantly flat although it does fall slightly from the northwest along Salt Way. Salt Way is a historic public right of way which runs alongside the whole of the northern boundary, which is bounded by well-established hedgerows.
- 1.2. 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 for this part of the allocation in December 2017 on appeal (15/01326/OUT refers). Reserved matters consent for 280 dwellings and associated infrastructure was granted in July 2020 (19/00895/REM refers). The remainder of the allocation is being brought forward by Morris Homes (known as Victoria Park) and by L & Q Estates.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks to remove condition 6 of the reserved matters consent relating to bus infrastructure details. All other matters approved as part of the outline and reserved matters consents will remain unchanged by this application.

3. RELEVANT PLANNING HISTORY

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

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

19/00895/REM – reserved matters consent for 280 dwellings;

19/00213/DISC – discharge of conditions attached to outline consent approved;

19/01643/DISC – discharge of conditions attached to outline consent approved;

20/03391/DISC – discharge of conditions attached to reserved matters under consideration; and

20/03477/DISC – discharge of conditions attached to reserved matters under consideration.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **5 January 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. 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

6.2. Bodicote Parish Council – No comment.

STATUTORY CONSULTEES

6.3. OCC Transport – initial objection;

Update 22nd February 2021 – no objection.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. 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
- Policy Banbury 17 – South of Salt Way - East

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control over new development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

8. APPRAISAL

- 8.1. This application relates to condition 6 of the reserved matters consent which states as follows:

No dwellings hereby approved shall be constructed above slab level until full details of the bus stops to be provided in the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the 151st dwelling, the bus stops shall be constructed and retained in accordance with the approved plans

Reason: In the interests of highway safety, to promote the use of sustainable modes of transport, and in the interests of public amenity and to comply with Policies SLE1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

- 8.2. The applicant has advised that this is a duplication of condition 6 of the outline consent which also seeks details of the bus stop infrastructure. At the time of considering the reserved matters application, the details under condition 6 of the outline consent relating to the new link road were still under consideration and amendment having finally been formally approved in November 2020 (application number 19/00213/DISC refers).
- 8.3. The Unilateral Undertaking attached to the outline consent requires the payment of a contribution towards the cost of bus infrastructure relating to the provision of new bus stop infrastructure on White Post Road, Oxford Road and within the site.
- 8.4. OCC as highway authority have assessed the submission and originally objected to the removal of the condition on the grounds that whilst the contribution was to cover the cost of the installation of bus stops, this only covers the shelters, flagpole and associated timetable displays, but that this condition should include bus stop cage markings and a hard standing large enough to accommodate the infrastructure.
- 8.5. Following further justification from the applicant regarding the requirements relating to the outline consent, and the duplication of material, OCC have now removed their objection as the bus stop markings and hardstanding have subsequently been approved through the discharge of condition 6 of the outline consent (19/00213/DISC refers).
- 8.6. Having regard to the above, it is accepted that this condition requests details for approval that have now been approved under the outline consent and is therefore not necessary. Its removal will have no impact on the provision of bus infrastructure to serve the development and it is therefore accepted that the condition can be removed accordingly.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. 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.
- 9.2. Condition 6 of the reserved matters consent is a duplication of the outline consent and its removal from this consent will not prejudice the delivery of acceptable bus stop infrastructure on this development. This application therefore which is essentially a non-material amendment to the reserved matters consent is therefore recommended for approval.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

See conditions attached to 19/00895/REM which will be re-imposed as necessary.

Case Officer: Linda Griffiths

DATE: 24th February 2021

Checked By: Andy Bateson

DATE: 24 February 2021
