

Case Officer: Linda Griffiths

Recommendation:

Applicant: L & Q Estates

Proposal: Reserved Matters to 14/01932/OUT: Spine Road including landscaping and associated infrastructure

Expiry Date: 30 June 2021

Extension of Time: 30 June 2021

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is part of a wider parcel of land allocated for residential development with associated infrastructure through the adopted Cherwell Local Plan 2011-2031 under Policy Banbury 17. The whole allocation site was formerly in agricultural use and extends from the Bloxham Road in the west to White Post Road in the east. A new spine road will run directly through the site from Bloxham Road linking to White Post Road, Bodicote.
- 1.2. Outline consent was granted in December 2019 for up to 1,000 dwellings, a Primary School, Local Centre and other infrastructure to serve the development. The application site comprises the larger, most significant part of this allocation, with a smaller area of land to the east being currently built out by Barratt/David Wilson Homes and a small area to the northwest adjacent to Bloxham Road that has already been built out by Morris Homes.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks reserved matters consent for a section of spine road through the development from the roundabout access arrangement from Bloxham Road, which was approved as part of the outline through this development site, to where it meets that section to be provided by David Wilson/Barratt Homes, which was recently granted approved matters consent (19/00895/REM) refers.
- 2.2. The spine road has a carriageway width of 6.75m and is to be a bus route through the development and will therefore also include a series of bus stops along it to serve the development. A 3m wide shared footpath/cycleway and 4m wide tree lined verge will be provided along the northern side of the road. A 2m wide footpath will also be provided along the southern side. The road will have a design speed of 30mph.

3. RELEVANT PLANNING HISTORY

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

14/01932/OUT – outline consent granted for up to 1,000 new dwellings with associated infrastructure;

15/01326/OUT – outline consent granted on appeal on the eastern part of this allocation for up to 280 new dwellings and associated infrastructure; and

18/00895/REM – reserved matters consent to 15/01326/OUT granted for 280 dwellings.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. The application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by 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 **23 June 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- Concern that development would have a detrimental effect on the landscape around Wykham Farm Cottage, which is 280 years old;
- Concern about loss of access along the public footpath in the field behind the cottage into Banbury;
- Potential loss of views across to Salt Way;
- Planning for housing on good agricultural land should be abandoned for the good of all;
- The general arrangement plan does not show the roundabout serving Parsons Piece and Bloxham Vale, which can be misleading in terms of the proximity of the two roundabouts; and
- The spine road as a link between the A361 to the Bodicote flyover and Oxford Road will attract significant use and therefore the alignment and treatment of the new road should reflect this. The submission appears to contradict the appeal Inspector's conclusions in terms of the use of and linking of the spine road and the proposed traffic calming. Clarification is sought and included in the report to planning committee.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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. Banbury Town Council – no objections.

STATUTORY CONSULTEES

6.3. Thames Water – no objection.

NON-STATUTORY CONSULTEES

- 6.4. CDC Landscape – the planting for the roadside verges is ok, but, suggest that the density of the smaller narcissus is increased from 20/m² to 30/m² to achieve greater impact.

Update on amended plans 05.05.2021 – the trees are not large enough for the key route through the site, they need to be at least 18-20. Sorbus isn't a large enough tree for an avenue, relative to other trees it will look small and also drops fruit which causes a mushy mess. Where has the bulb planting gone?

Update on amended plans 24.06.2021 – it is not sufficient to specify the trees as heavy standards, we need to know the height and girth of trees. I would expect the trees on the spine road to be a very significant size at planting. I have made this point previously and it is important that this is specified otherwise we will have trees with no impact. The trees also need a watering system which is not shown. There should also be bulb planting which has been omitted. I would suggest that this is concentrated in key locations such as around the local centre and nodes. These need to be planted at high density to give impact. This point has been made before.

Update on 15.07.2021 to further amended plans received 5th July – tree size and watering system now fine.

- 6.5. CDC Arboricultural Officer – no objection subject to a condition requiring a full Arboricultural Method Statement and tree protection plan.
- 6.6. CDC Drainage – refer to OCC as Lead Local Flood Authority, as this relates to a major application.
- 6.7. OCC – Transport Development Control – initial objection.

Update 19.05.2021 to amended submission – objection maintained, there are some design points that need addressing.

Update 08.07.2021 to amended submission – no objection, the changes previously requested have been made. The revised design will be subject to technical audit at S38 stage.

- 6.8. OCC – Drainage – initial objection.

Updates 08.07.2021 on amended submission – no comments as drainage will be reviewed thoroughly during discharge of conditions application.

- 6.9. OCC Archaeology – no objection.

- 6.10. Stagecoach – material concerns to initial submission. These can be read in detail in the application documentation.

Update 17.05.2021 – provision of bus stopping facilities is just adequate albeit it is barely sufficient to provide the most basic of access to any service that will run along this important connection. I however have to continue to take issue with the lack of pull-ins for the bus stops at the local centre.

The comments above can be read in full on the application documentation.

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
- Banbury 17 – strategic allocation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF – revised 20 July 2021)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Draft design code (under consideration)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design and Landscaping
- Highway Safety and Transport

8.2. The application is pursuant to the outline planning permission for the strategic housing allocation under Policy Banbury 17 of the adopted Cherwell Local Plan 2011-2031. Condition 7 of that outline consent specifically requires the first application for approval of reserved matters shall be for the new spine road. There is a requirement through the section 106 that the spine road is delivered prior to 200 occupations on the site.

8.3. An Environmental Statement and other supporting information were submitted with the original outline. A reserved matters application is a ‘subsequent’ application which is also regarded as an EIA application. This application submission follows the granting of outline consent and has been assessed against the original ES. There are no new, additional or significant likely effects arising from this submission and therefore no further ES is required.

8.4. The new development is structured around the spine road which also includes cycleways and footpaths and will form the central connection through the site, connecting each residential area to the community facilities within the Local Centre, sports facilities and Primary School.

- 8.5. The proposal provides a fixed alignment for the main section of spine road and will provide junctions along its length to serve the development parcels, which will be brought forward by house builders. The proposal also includes detailed landscaping of the road and the provision of infrastructure such as crossing points. The roundabout access directly from Bloxham Road was approved as part of the outline planning permission.
- 8.6. It is proposed that the character of the spine road will evolve as one passes through the development, punctuated by nodal points which are aligned with intersecting landscape features. The spine road will be characterised by a 4m wide grass verge planted with large trees along its northern side to create a tree-lined avenue which was considered essential visually and to provide some protection to the footpath/cycleway and the residential properties from the traffic along the busy spine road. The tree placement is designed to be spaced at 20m centres. Any street lighting must have regard to the position of the trees to ensure that their provision is not compromised and are retained as shown on the approved plans.
- 8.7. Regrettably, the applicants have declined to provide any verge to the southern side. The original scheme also indicated bulb planting within the verge, but these were removed following objection from OCC regarding future maintenance.
- 8.8. The landscape detail has been assessed by the Council's Landscape Officer and following amendments to the tree species and sizes and details of a watering system, it is now considered that the latest revised plans are now acceptable and accord broadly with the latest NPPF revisions.
- 8.9. In terms of the initial submission, a series of concerns were raised by OCC as highway authority. The proposed cycle facility was not compliant with LTN 1/20 as this recommends the segregation of cycles and pedestrians, however, having regard to the S.106 and the fact that this is new guidance, it was suggested that the provision could be improved by raised side entry treatments with priority crossing for cyclists and pedestrians and by providing more informal crossing points along the spine road, with wide dropped kerbs which also allow cyclists entering the carriageway from side roads on the south side of the spine road to get onto the cycle track. This is generally in accordance with the latest NPPF guidance.
- 8.10. Block paving was shown for traffic calming areas, however, this was not considered acceptable as the spine road is a bus route and therefore prone to damage and the use of HRA with contrasting chippings or coloured tarmac on gentle raised tables was suggested as an alternative.
- 8.11. The provision of bus stops was also an issue with the initial submission, and following discussions with OCC and Stage Coach, the position and form of bus stops has now been agreed and incorporated into the spine road design albeit that Stage Coach remain of the view that the bus stop provision is only just adequate.
- 8.12. Concerns were also raised regarding the crossing of the leisure route where the transition from the wide path to the 3m footway was rather abrupt. The crossing was too narrow for horses to cross safely with pedestrians and cyclists. A wider holding area was therefore recommended on either side of the crossing, with visibility further set back, to provide for horse-riders to wait safely to cross. It was also considered that the leisure route path alongside the local centre which will be a busy area was too narrow. The amended scheme submitted in July has sought to address all the above concerns and the previous objection raised by OCC has now been removed and advise that the application as submitted can be approved.

- 8.13. The proposed allotment access at the eastern end requires a dedication over the David Wilson site adjacent to provide the necessary vision splays. There will also need to be liaison over the tie in with the cycle way at the boundary of the site.
- 8.14. During the consideration of the application the alignment of the proposed spine road was amended slightly to protect the Neolithic Causeway. This minor change is considered acceptable.

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. Having regard to the above, it is considered that the proposed spine road is in accordance with the outline planning permission, approved phasing plans, the relevant policies within the development plan and guidance within the National Planning Policy Framework and is therefore acceptable.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: see attached drawing register dated 5th July 2021.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the construction of the spine road, and shall be maintained for a period of five years from the completion of the spine road. Any trees or planting which die within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the approved landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the emerging Design Code and Government guidance within the NPPF.

Case Officer: Linda Griffiths

DATE: 21.07.2021

Checked By: Andy Bateson

DATE: 21st July 2021
