

Case Officer: Lewis Knox**Recommendation:** Approve**Applicant:** David Wilson Homes (Mercia) Ltd**Proposal:** RETROSPECTIVE - Public Art Installation**Expiry Date:** 11 August 2022

1. APPLICATION SITE AND LOCALITY

1.1. This application relates to part of the strategic allocation in the adopted Cherwell Local Plan 2011-2031, Banbury 17, which is being built out by Barratt/David Wilson Homes. Outline planning consent was granted on appeal in December 2017 for up to 280 dwellings and associated infrastructure. Reserved Matters consent for 280 dwellings was granted in July 2020 and construction on site has now begun. Whilst this is a strategic allocation for Banbury, this part of the allocation is within Bodicote Parish. A new vehicular access into the site has already been constructed from White Post Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The applicant seeks retrospective planning permission for the installation of a public art feature close to the entrance of the residential development. The art comprises a seating area set on an area of decking with cricket boundary panel detailing to the rear and associated shrubbery.

3. RELEVANT PLANNING HISTORY

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

Application: 15/01326/OUT	Appeal Allowed (Against Non- Determination)	20 December 2017
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OUTLINE - Up to 280 dwellings (including 30% affordable housing), introduction of structural planting and landscaping, formal and informal public open space and play areas, surface water flood mitigation and attenuation, new priority junction arrangements to White Post Road, creation of section of spine road to link Bloxham Road with White Post Road as well as creation of 34 space car park and other associated ancillary works. All matters reserved except for access.

Application: 20/03391/DISC	Permitted	29 June 2021
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Discharge of Conditions 19 (Ecological Management Plan), Con 23 (Hard Landscaping), Con 24 (Hard Landscaping), Con 29 (Streetlighting), Con 30 (Fire Hydrants), Con 31 (Travel Plan), Con 32 (Public Artwork), Con 36 (On street parking controls) and Con 37 (public infrastructure) of 15/01326/OUT - up to 280 residential dwellings (including up to 30% affordable housing),

introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from White Post Road and associated ancillary works.

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 properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **15 July 2022**.

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 comments received.

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

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)
- Planning Practice Guidance (PPG)

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway Safety

Principle of Development

- 8.2. Public Art was required within the site boundary as part of the conditions which were set by the Planning Inspectorate following allowing of appeal on Ref: 15/01326/OUT.
- 8.3. Condition 32 required details of a scheme of public artwork to be installed to be submitted and agreed prior to the first occupation of the site. This condition was initially discharged through application ref: 20/03391/DISC, which approved a water pump style piece of art within the public open spaces of the development.
- 8.4. This application seeks permission for the installation of an additional piece of Public Art which has been erected on an open grass verge close to the entrance of the residential development. It is considered that the principle of development has been established through the requirement of public art installations at the site via conditions attached to the original permission.
- 8.5. Given that the development has already begun to be occupied, this piece of public art could not be approved via the discharge of condition and as such planning permission is required.
- 8.6. The principle of development is considered to be acceptable subject to other material planning considerations as explored within this report.

Design, and impact on the character of the area

- 8.7. The Public Art installation is positioned on a grass verge to the west of the cricket club car park and is between Blackwell Drive to the north and the recreation/cricket ground to the south. It is set outside the main build-up of the residential development and is readily visible from the public domain and has an impact on the character and appearance of the streetscene.
- 8.8. The art is relatively modest in its scale and sits lower than the trees which surround it. Given this it is not considered that it appears overly dominant within the streetscene and is of a scale which is appropriate for its surroundings.
- 8.9. The design of the art has taken inspiration from the local area and the neighbouring cricket ground. The art is constructed mainly from wooden panelling with a rear larger panel which resembles a cricket sight screen and as such it retains the recreational sports character of the locality and provides a link between the cricket ground and residential estate through the addition of the seating area.
- 8.10. The proposed timber boarding and decking along which the integrated shrubbery within the art installation would relate well with the rural aesthetic of the locality and would be appropriate materials for the existing character and appearance of the area.

Residential Amenity

- 8.11. The structure is not set in close proximity to any nearby residential dwellings and as such does not impact on the levels of amenity in the area in terms of loss of light, loss of outlook or overbearing.
- 8.12. The bench and sitting area face out towards the highway adjacent and does not face any residential properties and as such has no impact on the levels of privacy in the locality.

Highway Safety

- 8.13. The art installation is set significantly back from the main highway along Blackwell Drive and as such does not impede the vision of any vehicular traffic using this stretch of road. It is positioned off of the adjacent footpath and so does not cause an obstacle to pedestrians and does not cause diversion into the highway.
- 8.14. It is not considered that it has caused any harm to the safety of the local highway network and is therefore acceptable in this respect.

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. The installation is an additional piece of art within the development site as was required via condition 32 of the original permission Ref: 15/01326/OUT as such the principle of its erection is considered to be acceptable.
- 9.3. The installation relates well to the established character and appearance of the area through the use of appropriate materials and design cues. There has not been any impact within the locality in terms of residential amenity of highway safety and is therefore considered to be 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 retained strictly in accordance with the application forms and the following plans and documents: Drawing No. BODEF.SLP.000, H7942/500/01 Rev A and Design and Access Statement.

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.

Case Officer: Lewis Knox

DATE: 03.08.2022

Checked By: Andy Bateson

DATE: 9th August 2022
