

Case Officer: Will Anstey

Recommendation: Approve

Applicant: Taylor Wimpey UK

Proposal: Discharge of condition 8 (revised landscaping scheme) of 14/01833/REM

Expiry Date: 29 August 2022

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. This discharge of conditions application relates to a reserved matters application for the provision of the community park (including play, recreation, education and biodiversity features, a footpath and cycle network and other public amenities) on the Longford Park Development, at Banbury.
- 1.2. Longford Park is a large residential development on the southern edge of Banbury. The development is largely completed with most development now occupied.

2. CONDITION PROPOSED TO BE DISCHARGED

- 2.1. Condition 8 of 14/01833/REM relates to the landscaping scheme, including play areas, recreation, education and biodiversity features together with footpaths, cycle networks and other public amenities proposed for the country park at Longford Park, Banbury, which has been developed in accordance with Local Plan development allocation Policy Banbury 4: Bankside Phase 2 and outline planning permission 05/01337/OUT.
- 2.2. Condition 8 to the reserved matters consent specified:

“Notwithstanding anything shown in any of the approved plans/drawings, no use of the community park shall take place until a revised scheme of landscaping in relation to the strip of land between Parcels B and C (of the wider development approved under 05/01337/OUT) has been submitted to and approved in writing by the local planning authority. This revised scheme shall include greater provision of tree and shrub planting as opposed to predominantly amenity grass. The development shall thereafter take place in accordance with the approved revised landscape scheme.”

- 2.3. This application seeks agreement of the details for the proposed landscaping of the country park.

3. RELEVANT PLANNING HISTORY

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

05/01337/OUT – Outline planning permission for a residential development with associated facilities including primary school, playing fields, local shops and community facilities, 2,200m² of employment provision (Use Class B1) (as amended by further information received 10 November 2005) – Approved 30th September 2009.

14/01833/REM – Reserved Matters to 05/01337/OUT – Details of the proposed community park adjacent to Bankside, including play, recreation, education and biodiversity features, a footpath and cycle network and other public amenities – Conditionally approved 1st August 2018.

4. RESPONSE TO PUBLICITY

4.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper. The final date for comments was **9 August 2022**, although comments received after this date and before finalising this report have also been taken into account.

4.2 The comments raised by third parties are summarised as follows:

- One local resident of Longford Park objected to the application on grounds that notification of the proposals should have been sent to all residents of properties bordering the country park and the same residents should also have been notified of all other applications for planning permission from the developers of Longford Park. The levels changes and revised pathway layout were undertaken without consultation from the developers with residents and have produced a less aesthetically pleasing outlook for residents in Longdon Crescent and Hodges Close in particular than the original park designs. Whilst there are some benefits associated with moving the path further from Longdon Crescent properties, the revised pathway alignment makes accessing the park more distant/difficult for residents in the Crescent. The same objector also requested knee-high timber rail fencing along Longdon Crescent to prevent vehicles mounting the kerb. The objector noted that the applicant had previously rejected the objector's suggestions for amendment.

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

5. RESPONSE TO CONSULTATION

5.1. CDC Landscaping – **No objection** - Setting aside outstanding matters of cycleway/footway/street lighting specification and adoption; and lack of a Landscape Management Plan (Condition 4 to 14/01833/REM) the landscaping proposals of the Longford Park Community Park Design (Phases 4, 5 and 7) are acceptable in accordance with drawings: Bankside, Longford Park Community Park Design (Sheets 1 – 5) – Rev AA. I recommend that the condition can be discharged.

6. APPRAISAL

6.1. The amended landscape design proposals shown on the revised drawings (Sheets 0-5) Rev AA, subject to completion of repair works to some of the hoggin footpaths and lighting, are considered acceptable by the Council's Landscape Officer.

6.2. With respect to the objections raised by the Longdon Crescent resident, the revised alignment for some of the hoggin footpaths does not render the park inaccessible. Distances to access the park have been increased for some residents but the distances are not great and well within those deemed sustainable and accessible. Kerb heights in Longdon Crescent are not high but vehicle speeds would be low, sufficient parking space exists throughout the development and there is no highway safety need that would necessitate the provision of fencing rails. In such circumstances, it would not be reasonable for the LPA to insist on the design

modifications suggested by the objector, contrary to the wishes of the applicant developer. With respect to application publicity, there is no legal imperative for the LPA to notify each and every local resident who neighbours the country park. The site and press publicity undertaken satisfies the Council's legal duty.

- 6.3. The original application was EIA development, and the EIA is considered sufficient for the purpose of considering the information provided for this condition as a subsequent application and it has been taken into account in considering this subsequent application.
- 6.4. The landscape design proposals for the Country Park at Longford Park are considered to meet the requirements of Condition 8 to 14/01833/REM. The Landscape Management Plan requested by the Council's Landscape Officer was a discharge requirement of a separate condition – Condition 4 to 14/01833/REM, which was discharged previously under Ref: 18/00482/DISC, granted permission on 4th January 2019.
- 6.5. Accordingly, it is recommended that Condition 8 (landscaping) to reserved matters approval 14/01833/REM can be discharged.

7. RECOMMENDATION

That Planning Condition 8 of 14/01833/REM be discharged based upon the following:

Condition 8:

Aspect landscape planting drawings – Bankside, Longford Park Community Park Design drawing numbers 5205/ CP-ASP2 (Sheets 0, 1, 2, 3, 4 & 5) – Rev AA dated 10.05.22 and received by the Local Planning Authority on 5th August 2022.

Case Officer: Will Anstey

DATE: 28 November 2022

Checked By: Andy Bateson

DATE: 29th November 2022
