

Case Officer: Linda Griffiths

Recommendation: Approve

Applicant: Persimmon Homes Ltd (South Midlands)

Proposal: Reserved Matters to 14/01932/OUT: Parcels 1 and 3 for 237 dwellings - appearance, landscaping, layout and scale

Expiry Date: 10 October 2022

Extension of Time: PPA - 20 April 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to part of the strategic housing allocation for up to 1,345 dwellings under Policy Banbury 17 of the adopted Cherwell Local Plan 2011-2031. The northern boundary of the site lies adjacent to the recently completed Morris Homes development. To the west lies the realigned Bloxham Road and new roundabout which gives access to the site. The southern boundary is formed by the new spine road, which runs directly west to east through the allocated site.
- 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 to the east being currently built out by Barratt/David Wilson Homes and a smaller area to the northwest adjacent to Bloxham Road which has already been built out by Morris Homes.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application, which covers an area of 7.87ha, seeks reserved matters consent relating to layout, scale, appearance and landscaping for the erection of 237 dwellings, 30% of which are affordable, on the first two residential parcels to come forward following the issuing of outline planning consent in December 2019.
- 2.2. Several amendments have been made to the layout, landscaping and design of the development during the course of the application, resulting in the loss of 3 dwellings from the application, which originally sought consent for 240 dwellings. These amendments have been made primarily in response to comments and concerns raised by the Local Planning Authority, Oxfordshire County Council and Thames Valley Police. The application is being determined on the basis of the latest set of amended plans received in April 2023.

3. RELEVANT PLANNING HISTORY

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

Application: 22/03471/PPA

Reserved Matters to 14/01932/OUT: Parcels 1 and 3 for 240 dwellings - appearance, landscaping, layout and scale

14/01932/OUT – outline planning consent for erection of up to 1,000 dwellings and associated infrastructure

20/01048/DISC – discharge of condition 6 relating to the Design Code

20/03702/REM – reserved matters consent for new spine road

PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

| <u>Application Ref.</u> | <u>Proposal</u> |
|-------------------------|------------------------------------|
| 21/03844/PREAPP | Reserved matters for 246 dwellings |

- 4.2. The submission included a layout only with no detailed house types, street scenes or green infrastructure routes/open space which is required to understand how the development will relate to the whole and in terms of design. The scheme also failed to properly address the design code in many instances and legibility required further consideration and clarification. Parking courts were too prevalent, tight and not sufficiently overlooked and accessible to the properties they were to serve. The streets were dominated by car parking. OCC also made a number of observations regarding the layout which needed to be addressed.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **17 August 2022**, by advertisement in the local newspaper expiring **25 August 2022** and by 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 on revised proposals was **15 March 2023**.

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

- Banbury Civic Society object – please confirm that it will comply with the outline permission. What is the significance of the coloured areas. The Centre must include a health centre/doctor's surgery. Housing is unimaginative, monotonous and unexciting and compares badly with the adjoining development. Encourage the developer's designer to inject some interest and variety to provide a quality environment. We have already had too many undistinguished buildings amongst recent new builds.
- The building works will affect my health and therefore I am trying to move.
- Noise and pollution, are sufficient school places available?
- District Councillor: for all the reasons outlined in the earlier submission from Thames Valley Police, I agree with Mr Cox and endorse his earlier submission.

- 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. Bodicote Parish Council: no objection to the initial submission.

Update 24/01/2023: **Objection.** The majority of this part of development is outside our Parish, but, concerned that the built development comes very close to the edge of Salt Way. We thought the ecological and landscape value of the Salt Way was to be protected with a landscaped buffer zone planted with native trees and shrubs. There is no evidence of this and in our view that is very important.

Update 17.03.2013 – **Objection** maintained.

- 6.3. Banbury Town Council: No objection to initial submission but following comments from TVP, additional comments received advising that having re-considered the application, object and consider that the concerns raised by TVP in respect of parking courts should be taken on board.

Update 14.03.2023: The Council's previous concerns about rear parking courts remain unaffected by these revisions, therefore we continue to **object**.

STATUTORY CONSULTEES

- 6.4. Thames Water: **No objection** relating to foul or surface water network infrastructure capacity.

NON-STATUTORY CONSULTEES

- 6.5. CDC Arboriculture 14.03.2023: Unable to see tree protection plans and these are key to the consideration of the layout. The proposed tree planting for most locations are quite constricted, so where they are we need more large growing trees. Oaks and limes are good but would also like to see more variety and exotic ones thrown into the mix, including some evergreens such as evergreen oak so there is greenery all year round.

- 6.6. CDC Ecology: No comments received.

- 6.7. CDC Environmental Health: No comments in terms of contaminated land, air quality, odour and light. Having read the noise report, satisfied with its findings, but developer should ensure that the glazing and ventilation for the dwellings complies with the recommendations in the report and that 1.8m high fencing is provided to those external spaces that require it to ensure that the guidelines from BS8233:2014 are met.

- 6.8. CDC Health Protection: No comments received.

- 6.9. CDC Landscape Services: **Object.** The LAPs are poor and the planting plans require further consideration. Root barriers must be provided to trees within 5m of a hard surface. Bulb densities are too low.

Update 06.02.2013: **Objections** to proposed LAPs and planting proposals.

Update: 17.04.2023: Further comments requesting a small number of further amendments to the LAP planting and clear keys on plans.

Update: No further comments received to date on latest revised plans.

6.10. CDC Strategic Housing: No comments received.

6.11. CDC Waste and Recycling: No comments received.

6.12. OCC Transport: **Objection** – electric vehicle charging points are required for all dwellings, cycle storage is required for those which do not have a garage and highway design issues need to be addressed prior to the granting of planning permission.

Update 25/01/2023: **Objection** – there remain highways design issues that will need to be addressed prior to the granting of planning permission.

Update 28/02/2023: **No objection** to revised plans subject to Sec 38 and 278 agreements and a number of conditions.

6.13. OCC LLFA: Prior to commencement, drainage conditions 10 and 11 need to be discharged of 14/01932/OUT. LPA should be aware conditions 10 and 11 still need to be discharged at the detailed design stage.

6.14. OCC Archaeology: The site has been subject to an archaeological investigation, and there are no further archaeological constraints to this scheme.

6.15. Oxfordshire Fire and Rescue: It is taken that fire hydrants will be installed throughout the development at the developer's expense, guidance on locations can be sought from National guidance or via Oxfordshire Fire and Rescue Services officer.

6.16. Thames Valley Police: **Objection.** The resultant development will not reach the requirements set within the NPPF. The proposed development includes many negative attributes in terms of opportunities for crime to occur, such as high level of exposed boundaries, badly designed parking and poor surveillance in many areas. Fundamental concerns that the excessive use of rear parking courts lack surveillance. This goes against guidance provided by Secured by Design and the proven theory of Crime Prevention Through Environmental Design. For that reason, I am unable to support the application and strongly object.

Update 12/01.2023: **Objection** maintained.

Update 23.02.2023: **Objection** maintained.

Updates 24.03.2023 and 17.04.2023: Following discussions and amended plans, **objection removed** subject to all parking having sufficient surveillance. Conditions recommended regarding gates and lighting.

6.17. Salt Way Activity Group: No comments received.

6.18. ICB CCG – request for contributions towards health facilities. As this is a reserved matter application, these cannot now be considered.

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
- BSC3 – Affordable housing mix
- BSC4 – Housing mix
- BSC10 – Open space, outdoor sport and recreation provision
- BSC11 – local standards of provision – outdoor recreation
- ESD3 – Sustainable construction
- ESD5 – Renewable energy
- ESD6 – Sustainable flood risk management
- ESD7 – SuDS
- ESD10 – Protection and enhancement of biodiversity
- 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)
- National Design Guide (October 2019)
- OCC Residential Street Design Guide 2021

8. APPRAISAL

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

- Principle of development
- Design Principles and Layout
- Compliance with the Design Code
- Access and Highways
- Affordable Housing and Housing Mix
- Landscaping and Play Provision

Principle of Development

- 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 to deliver a new neighbourhood of up to 1,345 dwellings with facilities and infrastructure. The policy sets out the infrastructure needs for the allocated site as including education, open space, community facilities, access and movement. The key site-specific design and place making principles are also set out in the policy. These include matters such as compliance with design policies, SuDS, climate change, ecology, respecting the landscape setting of Salt Way and good pedestrian/cycle connectivity through the development itself and into the existing network. The outline consent relating to this part of the allocation permitted the erection of up to 1,000 new dwellings, primary school, local centre, sports provision, open space and strategic infrastructure.
- 8.3. This application now seeks reserved matters consent for the erection of 237 dwellings on the first 2 residential parcels to come forward, together with the associated highway network off the spine road, an electricity substation and play space/open space and landscaping within the parcels. In terms of the numbers suggested for these two parcels, page 89 of the Design Code suggests 235-260 in total. The original application sought consent for 240, (reduced from 246 proposed at pre-application stage) but, has since been further reduced to 237. The number accords with the code in terms of the quantum of development, however, the quantum is very much dependent upon property sizes, typology, design and amount of open space provided, etc.
- 8.4. 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. The 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.
- 8.5. In conclusion, the principle of development has been established through the Banbury 17 allocation and the grant of outline planning permission in 2019. However, this is the first reserved matters to come forward for this larger part of the allocation and it is considered important therefore that the final layout sets a high standard of design and place making qualities that will set the bar for the development and the development of future parcels and the approved Design Code.

Design Principles and Layout

- 8.6. Section 12 of the NPPF – Achieving well-designed places advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve. At paragraph 127 it further advises that planning decisions should ensure that '*developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*'.
- 8.7. In terms of the adopted Cherwell Local Plan 2011-2031, Policy ESD15 advises that design standards for new development, whether housing or commercial development, are equally important and seeks to provide a framework for considering the quality of the built development which reflects and respects the urban or rural context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that '*control will be exercised over all new development to ensure the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of that development*'.

- 8.8. Saved Policy C30 states that *'design control will be exercised to ensure....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'*. These are all relevant to the proposal considered here.
- 8.9. The Cherwell Residential Design Guide 2018 seeks to ensure that the quality of design across Cherwell District, is raised, ensuring a legacy of successful places for future generations to enjoy. Regrettably the submission makes little reference to the Design Guide and therefore how the scheme has been designed having regard to its requirements and advice. It is however considered that the Design Guide is a material consideration, and the proposal should therefore accord with the requirements and advice of the Design Guide and this submission has therefore been assessed against it accordingly.
- 8.10. A well-designed layout will incorporate good design practice and standards. Urban form is also an important element in defining the character of a place. Design is not only about physical appearance but how it works, functions and fits together ensuring a good quality of life for those who live there.
- 8.11. The original submission was not accompanied by a Design and Access Statement to explain how the design and layout had been informed by an analysis of context, together with an explanation and justification for the design principles that had informed the design rationale. Consequently, it was initially unclear how the building typology and urban form, which is important in defining the character of an area and local distinctiveness, had been considered. The appearance of new development and its relationship with its surroundings, including the natural environment has a significant effect on the character and appearance of that development. The initial layout was based around a series of poorly connected blocks of development formed of detached and semi-detached, narrow fronted units served by large rear parking courts and significant frontage parking, creating a somewhat uniform and characterless development of little hierarchy, legibility or sense of place.
- 8.12. The Council's adopted Residential Design Guide also highlights the importance of good design and the need to protect and enhance the special character of the District.
- 8.13. Good urban design needs house types that effectively turn corners and define and enclose spaces, linking buildings into terraces that define a street form or focal point within the development thereby providing contrasts and interest within the layout. All vistas should terminate with a well-designed building or area of open space/tree. In respect of the original submission there was little distinction between the character areas and across the site as a whole and many vistas were not successfully terminated. Following several meetings and revised plan submissions, it is considered that the modified layout and proposals are significantly improved in terms of character differentiation and the termination of vistas with appropriate buildings, trees of open space, and is now generally acceptable in this respect.
- 8.14. In terms of the entrance into the development from the newly constructed Bloxham Road roundabout, the first block of development is important in setting the scene for the development and providing a transition between the rural area that is Bloxham Road to the more central area of the development. The design code on pages 94-95 requires this frontage to be constructed in natural ironstone and to reflect the simple urban form to replicate that recently constructed on the adjacent Morris Homes site.

- 8.15. The initial submission, which showed a series of detached and semi-detached units with double garages between, was not considered to accord with this vision and therefore not acceptable. Furthermore, the garages were rear facing onto this frontage with false or blank garage windows, which were not appropriate for this important frontage. It was also considered that the built form should appropriately turn the corner and continue along the spine road frontage. Plots 78 and 79 were placed at odd angles, resulting in exposed wide gable spans and parking areas visible to the main frontage, open space and public right of way. The resultant wide corner also created an unfortunate vista down the side street, which was dominated by parking and the proposed sub-station. The applicant was advised that this whole frontage block required re-consideration.
- 8.16. Following several meetings and discussions, the frontage block was revised and is significantly improved. The layout now proposes a much better built frontage comprised of detached and semi-detached units with garages between constructed in natural ironstone. It is regrettable that plots 1-7 are accessed from the rear rather than the front as this has created an unfortunate rear access at the back of this block, accessed from the internal road. However, Persimmon have sought to improve the rear parking area significantly by re-designing it to include dwellings that front this area providing surveillance and activity and a mews type street, with parking broken up with tree planting. It is considered that on balance this solution is acceptable.
- 8.17. In terms of house types, as previously stated, good urban design needs house types to be locally distinctive and to be placed so that they effectively turn corners and define streets and spaces. Many of the house types proposed initially were narrow fronted and shown as detached or semi-detached units. Traditional local vernacular tends to be simple wide fronted units or narrow units within groups of terraced properties. Following discussions, many of the house types were amended to better respect local vernacular and several semi-detached units were adjoined to create short terraces. The amended house types and urban form are significantly improved and are considered on the whole to now be acceptable.
- 8.18. To ensure that reasonable standards of amenity are provided for the occupiers of each dwelling, the District Council uses a number of criteria to ensure minimum back-to-back relationships of 22m, minimum separation of 14m between the rear elevation of one property and the two-storey side gable of another and a reasonable area of private amenity space that is not overshadowed and almost entirely enclosed by buildings such as garages, as far as possible across all new developments. These principles are also encompassed in the Council's adopted Residential Design Guide. There were a few instances across the initial layout which fell short of the desired standards, the amended submission has sought to address the issue and this aspect is now considered acceptable.
- 8.19. Parking design and arrangements are critical to the success of a place. Where parking has not been well thought out it can be detrimental to the visual amenities of a street scene and can also be a source of frustration to residents if they are not located conveniently and are not adequately overlooked by the properties they serve. The residential Design Guide seeks to ensure that the number of parking spaces within any one street or parking court are limited. For a majority of dwellings, parking is provided on-plot and for those fronting the spine road, parking is generally provided in rear parking courts accessed from the spine road. The Thames Valley Police Crime Prevention Design coordinator (TVP) raised an objection to the initial submission, highlighting concerns about the number and size of parking courts proposed, lack of surveillance and potential for crime. This concern was also raised by a local District Councillor and by Banbury Town Council.

- 8.20. The applicant has worked hard to overcome many of the concerns raised and the objection from TVP has since been removed subject to the imposition of conditions relating to lighting and gate details relating to the parking courts and pedestrian passageways between dwellings. Whilst the use of rear parking courts is regrettable, they are a necessary consequence of the restricted direct access from the spine road, and whilst other options, such as access from the rear within the parcels may in some instances be a more desirable solution, it is considered that the parking courts as proposed to serve dwellings fronting the spine road which are to be gated and lit for added security are now on balance acceptable. The appearance of these rear courts from the public domain have been improved by providing accommodation above drive throughs and erecting walls to enclose the internal spaces rather than using fencing. These parking courts will also be gated to provide greater security and protect against crime opportunity.
- 8.21. It is important that the detailed design layout should focus on the composition and arrangement of buildings along a street as a whole rather than simply the design of individual buildings in isolation. Several street scenes have been included to show how certain house types sit together to create a sense of place. The initial submission was dominated by car parking and narrow building typologies and there were concerns regarding the composition of buildings along the greenways. The layout remains disappointing in respect of the block adjacent to the main central greenway and plots 203-218, which still propose an open parking court serving some of these units. To seek to improve the amenity of this area, the parking court will be enclosed by brick and stone walls and mitigated from public view by tree and shrub planting. It is considered that a reason for refusal based on this area alone could not be sustained on design grounds at appeal; hence the on-balance conclusion.
- 8.22. Following considerable discussion in respect to urban form, house designs, window arrangements, porch design, ridge heights and eaves levels, the amended proposals are now generally considered to be acceptable. The house type portfolio has also been amended to show window details to match on all elevations.
- 8.23. A materials plan has been submitted with the application. The layout indicates a total of 71 units to be constructed in natural ironstone, which equates to more than 50% of the dwellings. This accords with the design code that requires those at the entrance to the site and along the greenways to be constructed in natural stone. The majority of the remainder area is to be constructed in a red brick, and a smaller number in render. Samples of the materials, including roof tiles will be required to be submitted and approved prior to the construction of the dwellings, as those indicated on the plan are not familiar.
- 8.24. In conclusion, there has been considerable discussion and negotiation with the applicants to get to the latest submission and the changes and improvements to the design and layout that have been made are welcomed. Whilst some elements, as discussed above, remain disappointing, in the interests of ensuring delivery of this strategic site, the proposals are, having carefully considered the relevant policy guidance and Government advice, considered to be acceptable.

Compliance with the Design Code

- 8.25. The Design Code was approved in August 2021. The Code divides the development into different character areas, the character area codes set out subtle changes of emphasis required within the townscape and landscape of the development. With these variations, the appearance and ambience of the place will be modified to provide three distinct character areas.

- 8.26. The application land parcels lie within the 'Core' and 'Suburban' character areas, which each also have different frontage typologies within them to reflect their more specific positions within the development. The difference in character should be evident as one moves through the development. Areas within the code, particularly along the main spine road are noted for landmark features/buildings and internal and interface spaces. It was considered that it was difficult to distinguish between the character areas in the initial submission which appeared to be more akin to variations on a theme based on hierarchy, use of materials and position of streets within the development which is not appropriate to creating areas of distinct character.
- 8.27. Following meetings and negotiations, the final revised scheme is considered much improved. The core area is predominantly characterised by groups of terraced properties and the suburban area is defined by use of groups of semi-detached and detached properties. However, in terms of frontage set backs from the road, this remains disappointing and not significantly different to the remainder of the development, with minimal front gardens shown.
- 8.28. In terms of the numbers of units suggested for these two parcels on page 89 of the Code, it suggests 235-260 in total. The amended application now proposes 237 dwellings which is in accordance with the Code. However, it should be noted that an appropriate quantum is very much dependent upon property sizes, typologies, amount of open space etc. and compliance with the design code in this respect does not necessarily mean that the proposal is acceptable in detailed design and layout terms.
- 8.29. Whilst the Code identifies three main character areas, there are also sub-character frontages within those areas, for example along the greenways and at the entrance into the site from Bloxham Road. The Code requires the development along the greenway frontages to be staggered and predominantly informal. The original submission indicated rows of detached and terraced properties with very little landscaping and large areas of hard surface, which was not in accordance with the Code. It was suggested to the applicant that a greater variation of house types and typologies, with varying ridges and eaves height would give interest and less formality. In terms of development around the central green corridor, the Code requires greater set back for properties fronting the spine road, with landscaped frontages leading into the green infrastructure route. Whilst the applicant has considered the comments made, the layout is not significantly changed along the green infrastructure corridors and remains rather disappointing.
- 8.30. Section 5 of the Code looks at access and movement and the need to provide a connected street network. 'Residential streets' are located off the main spine road and 'edge of parcel streets' are to be accessed from the residential street and are found on the periphery of parcels adjacent to the Greenways. The original submission indicated a series of private drives along these edges which did not accord with the Code. Furthermore, private drives preclude free movement by pedestrians and cyclists and therefore hinder proper connectivity and integration. Furthermore, these edges should be more informal with soft open frontages that integrate with the adjacent open space. The layout has been amended to try to address the issues. Whilst the submission as above remains disappointing with minimal front gardens along these edges, it is considered that in the interests of delivering this strategic site that no further action be taken regarding this aspect.

- 8.31. In terms of materials, the Code and adopted Residential Design Guide SPD 2018 requires that a minimum of 30% of dwellings across the site as a whole are constructed in natural ironstone. The Code also specifically requires that the development fronting Bloxham Road and the greenways be constructed in natural ironstone. The revised application submission accords with this requirement.
- 8.32. Having regard to the above, it is considered that on balance, the application submission is in general accordance with the majority of requirements specified in the Design Code and is therefore considered to be acceptable in this respect.

Affordable Housing and Housing Mix

- 8.33. The outline planning permission provides for up to 1,000 dwellings on the site. No details of the mix of housing was provided at outline stage although condition 38 of the outline consent required a mix in accordance with Policy BSC4, as set out in the adopted Cherwell Local Plan. It is important to have consideration of the mix of housing in considering urban design as well as responding to identified local housing needs. Policy BSC4 of the adopted Cherwell Local Plan seeks to encourage a mix of housing on all new developments that meet the needs of Cherwell District as identified by the results of the SHMA 2014. This advises that there is a greater need for 3-bedroom properties in Cherwell and the suggested mix is shown on Table 67 of the Local Plan.
- 8.34. The mix of affordable housing was required to be approved prior to commencement of development pursuant to a planning obligation in line with standard practice to ensure delivery and security of affordable housing in perpetuity. The mix of market housing also needs to be considered as part of this reserved matter to ensure that these also make a strong contribution towards meeting the housing needs identified at a local level. For example, smaller units for people aspiring to purchase their own homes whose needs are not appropriate for affordable housing. Consideration of, and compliance with Policy BSC4 of the adopted Cherwell Local Plan is relevant in this respect. The approved layout plans indicate a good mix of 2, 3 and 4-bed market houses, the majority being 3-bed properties. It is considered that the submission provides an appropriate and acceptable mix of market housing in accordance with the Development Plan.
- 8.35. Policies BSC3 and Banbury 17 require the provision of 30% of new homes to be affordable houses. This has been secured through the accompanying Section 106 Agreement to the outline planning consent. The Strategic Housing Officer has been consulted on this submission, but to date no comments have been received. The application seeks to provide a mix of 50 x 1, 2 and 3-bedroom affordable rented units and 21 x 2 and 3-bedroom shared ownership. It is unfortunate that no 4-bed units or bungalows are provided, but in the absence of any comments from Strategic Housing, and in the interests of delivering this strategic site, it is considered that the affordable housing as proposed in the submission should be accepted.
- 8.36. Affordable housing should be indistinguishable from market housing in terms of external design and integrated throughout the site. The affordable housing units should also be located in clusters of no more than 10 units of any one affordable tenure, or 15 units of multiple tenures. The submitted layout generally accords with these requirements and is therefore considered, on balance, to be acceptable.

Access and Highways

- 8.37. An objection and several detailed comments were received from the Local Highway Authority to the original submission and are considered below.

- 8.38. The car parking provision meets with the County Council's standards. There is no evidence of electric vehicle charging points on the layout and OCC require these to be provided for each dwelling. This, however, is now a requirement of the Building Regulations and will therefore be left to be addressed at that stage. A significant number of dwellings do not have garages and therefore require a facility for secure covered cycle storage, either in the form of sheds or bespoke cycle storage units. This matter has subsequently been addressed by the revised submission.
- 8.39. A 2014 travel plan has been submitted with the application which will need to be updated to meet current standards and criteria. A condition is recommended regarding this.
- 8.40. A 1.0m flat landing is required behind the highway before any ditch/balancing pond. The depth of ditches indicated were of concern due to their close proximity to the carriageway. Additional information has been submitted and this has now been addressed to the satisfaction of OCC.
- 8.41. The County Council requires a swept path analysis for an 11.6m long refuse vehicle passing an on-coming or parked family car throughout the layout. The carriageway will require widening on the bends to enable this manoeuvre. Again, following the receipt of an amended scheme, this issue has been addressed to the satisfaction of OCC.
- 8.42. The original submission was dominated by on-street, car parking and rear parking courts, which were considered unacceptable for a number of reasons. A number of objections were also raised by Thames Valley Police regarding lack of surveillance and opportunity for crime across the layout, and in particular in connection with the proposed parking courts. Following considerable discussions with the Local Planning Authority and TVP during the consideration of this application, the layout has been amended to try to address the concerns. Whilst several rear parking courts are still proposed to serve these properties fronting the spine road, these are now sufficiently overlooked by the properties they serve and convenient for use. Whilst rear parking courts are always unfortunate, those proposed are now considered on balance to be acceptable having regard to the need to provide a continuous built frontage along its route and OCC's requirements to keep the number of vehicular direct access points along it to a minimum as this will be a main bus and cycle route through the development.
- 8.43. Tandem parking is unfortunately utilised within parking courts, particularly along the spine road. The principle of tandem parking involves increased manoeuvring of vehicles, usually requiring one vehicle to be removed temporarily to get the second one out, then driving the first car back in place before driving off with the second. This can often lead to parking on the adjacent street as people tire of moving cars around. Whilst tandem parking can be acceptable on minor streets it is not normally considered appropriate for higher hierarchy busier roads and parking courts. This matter has been raised with the applicant, and several tandem parking spaces have now been removed by re-designing the parking courts. Due to restrictions of direct access from the spine road and the desire to provide a continuous built frontage, a small number of tandem car parking spaces remain in the parking courts. In the interests of creating a good urban form, which has been defined through the approved Design Code along the spine road, these are accepted in this particular instance.

Landscaping and Open Space Provision

- 8.44. The planning obligation associated with the outline consent was informed by landscaping and recreation provision requirements contained within a range of Local Plan policies, in particular Policies Banbury 17 and BSC11.
- 8.45. The submission includes detailed landscaping proposals and 2 x Local Areas of Play (LAPs) which are for young children and should be easily accessible, overlooked for security and feature an attractive and age-appropriate play environment. The initial submission was assessed by the Landscape Officer and a few amendments were requested relating to the type of play equipment and landscaping details proposed. The final amended scheme has now addressed the original concerns of both the Landscape and Arboriculture Officers and is now acceptable in this respect.
- 8.46. In terms of biodiversity, Policy ESD15 of the adopted Cherwell Local Plan advises that new development should integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible in accordance with Policies ESD10 and ESD17 of the adopted Cherwell Local Plan 2011-2031. Well-designed landscape schemes should be an integral part of the development proposals to support improvements to biodiversity, the micro-climate and air pollution and provide attractive places that improve people's health and sense of vitality. The Ecology Officer was consulted on the application submission but has not provided any comments in terms of biodiversity and the proposed landscaping scheme.
- 8.47. In terms of tree planting, whilst the applicant sought to include numerous trees within the development, many were shown within private areas and very close to dwelling frontages and rear gardens. Due consideration must be given to the proximity of trees to dwellings and their subsequent size in 25 years and therefore the long-term future for such provision. To successfully deliver the vision for this development, the applicant was asked to give further consideration to providing trees within the public domain, including within small informal landscaped areas and verges. Revised plans were submitted and the amended scheme is now improved in this respect, including several street trees to help mitigate the visual impact of areas of frontage parking and improve the amenity and visual quality of the street scene.
- 8.48. It is important that there is a clear distinction between the public realm and private amenity space/curtilage through enclosure, walls, hedges/planting and other threshold features. This is important in establishing a sense of ownership and maintaining privacy. There were a few instances across the initial submission where ownership/control was unclear and a number of locations where double boundaries occurred, leaving some areas adjacent to dwellings inaccessible and difficult to maintain. These concerns have now been addressed through the latest submission.
- 8.49. The submission also includes details for two LAPs to be provided within the development, which will be enclosed by 1 1.2m bow top rail fences.
- 8.50. The submission has been assessed by the Landscape Officer who raised a number of objections to the original and subsequent submissions in respect of the planting proposal and the play areas. The final submitted landscape plans have sought to address all the concerns raised and are therefore now considered acceptable.
- 8.51. Having regard to the above, the application proposals are now considered to be in accordance with the Development Plan and the NPPF in terms of landscaping.

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 delivery of housing is high on the Government's and District Council's agenda. Having regard to the above, and the need to issue a decision within the agreed timescales, whilst a few issues remain with the development and there is scope for further improvement, the proposed development is significantly improved on the original submission and is now considered acceptable. The application is therefore in accordance with the saved policies of the adopted Cherwell local Plan 1996 and adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF. Accordingly, the application is therefore recommended for approval.

10. RECOMMENDATION

That reserved matters consent is granted, subject to the conditions listed in the decision notice and as summarised below.

1. Materials
2. plans
3. Material samples
4. Biodiversity
5. Lighting
6. Window details
7. Window/door recess
8. Guttering etc
9. Landscaping
10. Tree pits
11. Means of enclosure
12. No conversion of garages. Car ports etc
13. SuDS details
14. Access, parking and turning
15. CTMP
16. Residential Travel Plan

Case Officer: Linda Griffiths

DATE: 19th April 2023

Checked By: Andy Bateson

DATE: 20th April 2023
