

Case Officer: Linda Griffiths

Recommendation: Permit Discharge

Applicant: Persimmon Homes (South Midlands) Ltd

Proposal: Submission of Play and Incidental Open Space Scheme in accordance with Paragraph 3.1.2 of the Fourth Schedule and Open Space Scheme in accordance with Paragraph 5.1.1 of the Fourth Schedule of the Section 106 Agreement dated 18th December 2019 relating to application 14/01932/OUT

Expiry Date: 14 September 2023

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application submission relates to Parcels 1 and 3 of the larger part of the Wykham Park or Banbury 17 allocation in the adopted Cherwell Local Plan 2011-2031 for up to 1,000 residential dwellings and associated infrastructure. Parcels 1 and 3 will comprise 237 of the 1,000 approved dwellings. Development has commenced on site.

2. OBLIGATIONS PROPOSED TO BE DISCHARGED

- 2.1. The application seeks to discharge obligations within the Section 106 agreement attached to the outline consent relating to open space and play space provision within Parcels 1 and 3, which are the first development parcels to come forward. Reserved matters consent relating to parcels 1 and 3 was granted in April this year and includes the provision of 2 no. LAPs.

3. RELEVANT PLANNING HISTORY

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

14/01932/OUT – outline planning permission granted for up to 1,000 dwellings and associated infrastructure.

20/03702/REM – reserved matters consent for the spine road.

20/03274/REM – reserved matters for the western perimeter road and ancillary loop road.

22/02068/REM – reserved matters consent for parcels 1 and 3 for 237 dwellings.

4. RESPONSE TO CONSULTATION

- 4.1. Landscape Officer: a series of objections were raised to the landscaping scheme and comments given in terms of the proposed play equipment. Those comments can be read in full in the application documentation.

5. APPRAISAL

- 5.1. The submission seeks to discharge obligations relating to the provision of play space and incidental open space. Whilst the requirement falls under the outline permission, the Play and Incidental Open Space Scheme (paragraph 3.1.2 of the Fourth Schedule) and Open Space Scheme (paragraph 5.1.1 of the Fourth Schedule) relates solely to the first phase of residential development which was granted reserved matters consent in April this year (22/02068/REM refers).
- 5.2. The submission has been assessed by the Landscape Officer who raised several objections to the detailed landscaping scheme. It should be noted however that this scheme has already been agreed by a previous landscape officer (who has now left the authority) and has therefore been approved under the reserved matters approval. To request changes at this point would therefore not be reasonable.
- 5.3. The submission accords with the specific requirements of the obligation and is therefore considered acceptable. It is therefore recommended that the obligations be discharged accordingly.
- 5.4. The original application was EIA development. The proposals have been approved under the reserved matters submission and do not raise any additional issues beyond those already considered under the ES. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this obligation and it has been taken into account in considering this application.

6. RECOMMENDATION

That the Obligation request in respect to 14/01932/OUT relating to development parcels 1 and 3 only be discharged based upon the following:

P21-2662-100D; 101D; 102D; 103D; 104D; 105D; 106D Detailed Landscape drawings; P21-2662-107C Detailed LAP Proposals; and P21-2662-108D Landscape Composite Plan.

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DATE: 25 October 2023

Checked By: Andy Bateson

DATE: 25th October 2023
