

**Case Officer:** Lewis Knox

**Recommendation:** Approve

**Applicant:** Mr Jon Bryan

**Proposal:** Reserved Matters Application (layout, scale, appearance and landscaping ) for 22/02101/OUT - 250 dwellings, public open space, landscaping and associated supporting infrastructure at Land Adjoining Withycombe Farmhouse, South of Banbury Rise, Banbury.

**Expiry Date:** 10 April 2024

**Extension of Time:** 15 April 2024

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises agricultural fields located along the western edge of Banbury. The site is bound to the east by the Bretch Hill residential estate, to the north by the Banbury Rise residential development (Local Plan allocation Banbury 3) with Grade II listed Withycombe Farm to the west. The site benefits from established hedgerows surrounding most of the perimeter of the site, with other mature trees in and around the site. It is located within a plateau on the land before the valley ascends further to the west.
- 1.2. Outline permission was granted under 22/02101/OUT for up to 250 dwellings with associated public open space, landscaping and supporting infrastructure. All matters were reserved except for access.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Outline planning permission, including access, was granted on the site for up to 250 new dwellings and associated infrastructure (outline application 22/02101/OUT). The current application seeks reserved matters consent following the grant of outline consent for the following reserved matters - Layout, Landscaping, Appearance and Scale.
- 2.2. The submitted plans show 250 dwellings, with a mixture of open market and affordable tenures. All affordable dwellings are to be provided in line with the S106 agreement attached to the outline consent.

## **3. RELEVANT PLANNING HISTORY**

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

**Application: 22/02101/OUT**      Permitted      10 January 2024

Outline planning application for a residential development comprising up to 250 dwellings (with up to 30% affordable housing), public open space, landscaping and associated supporting infrastructure. Means of vehicular access to be determined via Edinburgh Way, with additional pedestrian and cycle connections via Dover Avenue and Balmoral Avenue. Emergency access provision also via Balmoral Avenue. All other matters reserved

#### 4. PRE-APPLICATION DISCUSSIONS

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

<b>Application:</b> <b>23/00461/PREAPP</b>	Response Sent	28 June 2022
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Pre-application advice request - new dwellings (follow up to 22/00710/PREAPP).

- 4.2. Pre-application request to discuss reserved matters issues. General layout, scale, appearance; including materials and landscaping would largely match the previous phases within Bretch Hill and Officers were content with this. Variations of the layout making minor alterations were submitted throughout the application taking account of Officer's assessments and suggestions. Final layout was viewed favourably and considered likely to be acceptable at application stage.

#### 5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **7 February 2024**, by advertisement in the local newspaper expiring **8 February 2024** 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 was **8 February 2024**.

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

- Water pressure
- Vehicular Traffic
- Security
- Access to healthcare
- Access to amenities
- Protection of environment
- Construction impacts

- 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.

##### TOWN AND PARISH COUNCILS

- 6.2. **Banbury Town Council:** No comments received.

- 6.3. **Drayton Parish Council:** No comments received.

## OTHER CONSULTEES

- 6.4. **OCC Highways:** Initial objections removed following discussions.
- 6.5. **OCC Archaeology:** Raised no objections. Conditions suggested are covered by those on the outline consent.
- 6.6. **CDC Landscape Services:** Raised concerns, but those concerns would be covered by adherence to conditions.
- 6.7. **CDC Ecology:** Raised concerns, but once again those concerns are covered by compliance with previous outline conditions of approval.
- 6.8. **OCC Drainage:** Raised no objections.
- 6.9. **CDC Conservation:** Raised no objections.
- 6.10. **CDC Building Control:** No adverse comments.
- 6.11. **CDC Arboriculture:** No comments received.
- 6.12. **CDC Environmental Health:** Raised no objections.
- 6.13. **CDC Housing Standards:** No comments received.
- 6.14. **Legal Rights of Way:** No objections.
- 6.15. **CDC Planning Policy:** No comments received.
- 6.16. **CDC Recreation and Leisure:** No comments received.
- 6.17. **OCC Rights of Way:** No objections.
- 6.18. **CDC Strategic Housing:** No comments received.
- 6.19. **Thames Water:** No objections.

## **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 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced several 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):

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3: Affordable Housing

- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection & Enhancement of Biodiversity & Natural Environment
- 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
- C30 – Design Control

7.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Cherwell Residential Design Guide SPD
- Cherwell Developer Contributions SPD
- Banbury Vision & Masterplan SPD

## 8. APPRAISAL

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

- Design, and impact on the character of the area;
- Residential amenity;
- Landscaping;
- Highway Safety & Parking;
- Archaeology;
- Ecology & Drainage.

Design, and impact on the character of the area

8.2. The outline planning permission secures the use of the site for residential purposes therefore for this reserved matters application, it is necessary to consider the impact of the layout and design of the proposed development on the character of the area, rather than the impact of the change of use of the site.

8.3. The site is positioned to the south of previous phases of the same Banbury 3 development area, which are nearing completion. This final phase would round off the residential development on the western edge of Banbury. Properties on the neighbouring Balmoral Avenue and wider Bretch Hill estate are generally finished in a mixture of materials with red and buff brick, with hanging tile details, render, stone cladding and concrete roof tiles. They are two stories in height, and most are detached or semi-detached although some terraces are noted.

- 8.4. The previous phases of the development, which this would expand upon, are similar in their scale to the neighbouring Bretch Hill estate with mainly two-storey detached and semi-detached dwellings with some terracing and some three storey townhouse dwellings.
- 8.5. Materials again are mixed with a predominantly red brick character, interspersed with buff brick with some render and some reconstituted ironstone along more prominent avenues. Immediately to the west of the site is Withycombe Farmhouse, which is a Grade II Listed building and beyond that is open farmland. Overall, it is considered that the character and appearance of the local area is mixed with some common themes which are evident in all nearby residential estates.
- 8.6. The proposed development includes 250 units with the majority of these being 2-storey dwellinghouses although there are some flats proposed towards the eastern side of the development, which would reach 4-storeys. There are also some 3-storey dwellings located within key landmark areas to help with the legibility of the development.
- 8.7. Overall, Officers consider the proposed development responds well to the adjoining residential developments to the north and east and those permitted and planned to the south. The scale and layout of the proposed homes would be appropriate to the location and whilst the design is more contemporary than some of the surrounding residential development, the sensitive approach to the scale and materials of the proposed development should ensure the new homes appear as a natural extension of earlier development phases.

#### Residential Amenity

- 8.8. By virtue of the position of the proposed dwellings relative to existing properties to the north and east, Officers are satisfied that the amenities of those properties would not be unacceptably affected through loss of light, overbearance or loss of privacy.
- 8.9. Some additional traffic noise from intensified use of the existing access road through previous phases of development will inevitably arise, however this has already been found to be acceptable by virtue of the outline consent. It is noted that the outline consent has a condition requiring a Construction Traffic Management Plan to control the impact of construction traffic.
- 8.10. It is noted that some of the proposed dwellings do fall slightly short of the Council's guidance in terms of separation distances between properties - 14m in the case of windows facing blank elevations and 22m in the case of facing windows. Whilst this is unfortunate, the affected dwellings sit at 90-degree angles to each other and so the potential impact would be mitigated and would not be direct. Furthermore, these kinds of relationships are evident in previous phases of the development and are not considered to have caused material harm to the amenities of occupants. Accordingly, no material harm to residential amenity would result from these proposals sufficient to justify a substantive refusal reason and hence it is deemed acceptable in this regard.

#### Landscaping

- 8.11. The Council's Landscape Officer raised several general comments and concerns regarding proposed landscaping, however, none of those were considered fundamental to the acceptability of the scheme and further details regarding planting schemes would be required as part of the condition discharge process to address those concerns.

- 8.12. It was agreed that the majority of the concerns raised could be addressed via an appropriately worded condition, which would be added to any permission.

#### Highway Safety and Parking

- 8.13. Oxfordshire County Council as the Local Highways Authority initially raised objections to the reserved matters submission on grounds of inadequate cycle parking, parking provision, footway widths, pedestrian visibility, refuse tracking and carriageway and footway gradients.
- 8.14. Following discussions between the applicants and the LHA objections regarding parking provision and footway widths were removed. Whilst it is noted that some of the plots do not conform to latest OCC guidance in terms of vehicular parking; with some plots exceeding the parking provision permitted, it is considered that in the interests of continuity between this and earlier phases of development, the approach proposed would be acceptable in this instance. The parking provision proposed matches that which was approved on the previous phases to the north and as such is not considered to cause substantive harm in this instance.
- 8.15. Similarly, the width of the proposed footpaths throughout this phase of development would not conform to current OCC guidance. However, if complied with, this would see a material difference from the previous phases of the development. Officers considered that the change in width from one development to the next would result in an incongruous appearance and would impact on the seamless transitions between phases which had previously been achieved. Through discussions with the LHA, the initial objection was removed, and the LHA agreed with the need for the whole development to be read as one rather than a piecemeal development.
- 8.16. Officers agree with the LHAs comments that cycle parking spaces for each dwelling must conform to the guidance set out within OCC's Parking Standards for New Developments and as such an appropriately worded condition will be included on any permission requiring this to be achieved.
- 8.17. The applicant submitted amended plans to show pedestrian visibility measuring 2.0m x 2.0m and as such it is considered that this objection was addressed, and the scheme is now acceptable in this respect.
- 8.18. Following initial concerns regarding the refuse tracking diagrams, OCC's position was amended, and they subsequently agreed that the submitted diagrams were acceptable for the purposes of this application.
- 8.19. Initial objections regarding the gradient of footways and carriageways were also removed following discussions between the interested parties.
- 8.20. Overall, it is considered that the proposed highway and parking scheme for the development would be acceptable and would not cause harm to the users of the new or existing road networks in and around the development.

#### Archaeology

- 8.21. OCC Archaeologists raised no objections to the scheme as proposed. It was considered that the written scheme of investigation from Orion Heritage submitted in association with this application is acceptable. A condition was suggested for the submission of an archive and report following the works that are to be carried out by contractor Worcestershire Archaeology.

8.22. Given that related conditions are attached to the original outline consent and are yet to be discharged at the time of writing this report, it is not considered necessary to add the suggested condition, as it is still covered by the outstanding conditions. The information requested will need to be submitted as part of any submission to discharge these.

8.23. It is concluded that as the Archaeologist is content with the details submitted, the scheme would not cause harm to the archaeological interests within the site subject to the outstanding conditions being discharged.

#### Ecology and Drainage

8.24. The Lead Local Flood Authority have raised no objection to the application.

8.25. The ecological impact of the scheme was considered at outline consent stage and found to be acceptable subject to conditions. Officers are satisfied that the layout is consistent with the ecological report submitted as part of the outline consent and given that enhancements and management requirements will be agreed through the discharge of those planning conditions, Officers are satisfied that no further consideration of ecological matters is required at this stage.

### **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. Officers consider the scheme is consistent with the outline consent and the layout and design responds well to the surrounding residential development. Whilst minor concerns exist in respect of landscaping and ecology these issues are covered by conditions on the original outline permission as well as this consent. Officers are therefore satisfied these would not justify refusal of the scheme. As such, when taken altogether, Officers are satisfied that the proposal should be approved.

### **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

1. The development shall be carried out in complete accordance with the approved plans listed below unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended):

- WE102-SL-001J (Site Layout)
- WE102-SL-030 (External Works)
- WE102-SL-020B (Materials Layout)
- Drake brick 277\_277-1.PL-01
- Drake brick 801.PL-01
- Drake floor plans 801.PL-04
- Oahstone brick 389\_389-1.PL-01
- Oahstone render 389\_389-1.PL-02
- Oahstone render 815.PL-01
- Oahstone floor plans 815.PL-04
- Lyttelton Bryon stone 807.PL-03

- Lyttelton Bryon 807.PL-04
- Lyttelton Bryon brick 807.PL-01
- Lyttelton Bryon 807.PL-04
- Lawrence stone 301.PL-03
- Lawrence brick 301.PL-01
- Lawrence render 301.PL-02
- Lawrence stone 301-1.PL-03
- Lawrence brick 301-1.PL-01
- Lawrence render 301-1.PL-02
- Wixham stone 307.PL-04
- Wixham brick 307.PL-01
- Wixham floor plans 307.PL-05
- Wixham tudor 307.PL-03
- Wixham floor plan 307.PL-05
- Wixham brick 307-1.PL-01
- Wixham floor plans 307-1.PL-05
- Wixham tudor 307-1.PL-03
- Wixham floor plan 307-1.PL-05
- Makenzie brick 384\_384-1.PL-01
- Makenzie 384\_384-1.PL-04
- Makenzie render 384\_384-1.PL-02
- Makenzie 384\_384-1.PL-04
- Henley stone 385.PL-04
- Henley brick 385.PL-01
- Henley brick 385-1.PL-01
- Kilburn brick 386\_386-1.PL-01
- Hilcott stone 400.PL-04
- Hilcott stone 400-1.PL-04
- Wollaton stone 401.PL-04
- Wollaton plans 401.PL-05
- Wollaton brick 401.PL-01
- Wollaton plans 401.PL-05
- Wollaton stone 401-1.PL-04
- Wollaton plans 401-1.PL-05
- Hallam stone 470.PL-04
- Hallam brick 470.PL-01
- Hallam tudor 470.PL-03
- Hallam stone 470-1.PL-04
- Hallam brick 470-1.PL-01
- Hallam render 470-1.PL-02
- Skelton brick 474.PL-01
- Skelton floor plans 474.PL-05
- Skelton tudor 474.PL-03
- Skelton brick 474-1.PL-01
- Skelton floor plans 474-1.PL-05
- Wyatt stone 476.PL-04
- Wyatt brick 467.PL-01
- Wyatt floor plans 476.PL-05
- Wyatt render 476.PL-02
- Wyatt tudor 476.PL-03
- Wyatt brick 467-1.PL-01
- Wyatt tudor 476-1.PL-03
- Shakespeare brick 480.PL-01
- Shakespeare 480.PL-05
- Shakespeare tudor 480.PL-03
- Harwood stone 481.PL-04
- Hardwood brick 481.PL-01



- Hardwood 481.PL-05
- Hardwood tudor 481.PL-03
- Hardwood brick 481-1.PL-01
- Hardwood 481-1.PL-05
- Hardwood tudor 481-1.PL-03
- Peele stone 482.PL-03
- Peele 482.PL-04
- Peele brick 482.PL-01
- Peele stone 482-1.PL-03
- Peele 482-1.PL-04
- Peele brick 482-1.PL-01
- Davenant brick 485.PL-01
- Davenant 485.PL-04
- Davenant brick 485-1.PL-01
- Davenant 485-1.PL-04
- Davenant stone 485-1.PL-03
- Locke brick 486.PL-01
- Locke render 486.PL-02
- Locke tudor 486.PL-03
- Dawlish stone 496.PL-03
- Dawlish floor plans 496.PL-04
- Dawlish stone 496-1.PL-03
- Dawlish floor plans 496-1.PL-04
- Single brick Garages GL01.PL-01
- Single brick Garages GL02.PL-01
- Double brick Garages GR02.PL-01
- Tiverton brick NSS.M(3)1BB2P-SD.PL-01
- Symons brick NSS.1BF01.PL-01
- Symons brick NSS.851.PL-01
- Symons floor plans NSS.851.PL-03
- Acton elevations RV922.PL-01
- Acton elevations RV922.PL-01
- Acton GF plan RV922.PL-01
- Acton FF plan RV922.PL-01
- Acton SF plan RV922.PL-01
- Acton elevation RV922-1.PL-01
- Acton elevation RV922-1.PL-01
- Acton GF plan RV922-1.PL-01
- Acton FF plan RV922-1.PL-01
- Acton SF plan RV922-1.PL-01
- Elyot brick 270\_270-1.PL-01
- Elyot brick 270\_270-1.PL-01
- Elyot render 270\_270-1.PL-02
- Elyot brick 803.PL-01
- Sansom CLA brick NSS.M2B4P.PL-01
- Sorley brick 3B5P.PL-01
- Storer Sorley brick 868.PL-01
- Storer Sorley floor plans 868.PL-03
- Sutherland CLA brick NSS.M3B5P.PL-01
- Sutherland floor plans NSS.M3B5P.PL-08
- Sutherland CLA brick NSS.M3B5P(3).PL-01
- Sutherland floor plans NSS.M3B5P(3).PL-08
- Sutherland CLA brick NSS.M3B5P.PL-01
- Sutherland floor plans NSS.M3B5P.PL-08
- Landscaping Sheet 002 WE102-LS-002c
- Landscaping Sheet 003 WE102-LS-003c
- Landscaping Sheet 004 WE102-LS-004c

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- Landscaping Sheet 005 WE102-LS-005c
- Landscaping Sheet 006 WE102-LS-006c
- Site Landscaping Specification & Schedule WE-LS-007b
- Site Landscaping Overall Plan WE-LS-008b
- Ecological Enhancement EC04
- Refuse Tracking WE102-EN-002A.

Reason: To clarify the permission and for the avoidance of doubt.

2. The development hereby permitted shall be constructed in accordance with either:
  - a) The materials identified on drawing WE102-SL-020B (Materials Layout)

OR

- b) An alternative schedule listing the materials and finishes to be used for external walls, roof, cills and headers, porches, windows, doors, meter boxes, rainwater goods, soffits and fascia's of the dwellings which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. Notwithstanding the landscaping scheme submitted, prior to commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
  - a) planting plans
  - b) written specifications including cultivation and other operations associated with tree, plant and grass establishment
  - c) a schedule of plants noting species, plant sizes and proposed numbers/densities
  - d) existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate)
  - e) existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate)
  - f) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate).

The approved scheme shall be carried out concurrently with the development and completed prior to the first occupation of the development hereby permitted. Thereafter, all planting, seeding or turfing comprised in the landscaping shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which 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 agreed 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 Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Case Officer: Lewis Knox

DATE: 15.04.2024

Checked By: Andy Bateson

DATE: 15<sup>th</sup> April 2024

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