

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** David Wilson Homes (Mercia) Limited And Gladman Developments

**Proposal:** Reserved matters to 15/01326/OUT - Layout, scale, appearance and landscaping for the residential development of up to 280 dwellings and 34 space car park.

**Expiry Date:** 3 October 2019

**Extension of Time:** 31<sup>st</sup> July 2020

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

- 1.1. The application site comprises 17.53ha of greenfield land to the south of the existing built up area of Banbury and within the Parish of Bodicote. The majority of the land was until recently in full agricultural use, although the eastern most section of the site adjacent to White Post Road has a more parkland character with a number of mature oak and beech trees, a number of which are protected by a TPO. The application site also includes part of the Banbury Cricket Club site adjacent to White Post Road including the initial section of access road and associated verges. The site is comparatively flat although there are modest undulations within the site, and it does fall slightly from the northwest along Salt Way to the southeast adjacent to Wykham Lane.
- 1.2. The site is bounded by established hedgerows along the majority of its boundaries and also contains 3 hedgerows within the site itself running from north to south. To the north, separated by a hedgerow of varying density, lies the historic trade route of Salt Way that is also a public right of way. A public footpath also runs north to south through the centre of the site from Salt Way and onto Wykham Lane.
- 1.3. The site forms part of a significantly larger area of land that has been allocated for residential development through the Cherwell Local Plan Part 1 2011-2031 under Policy Banbury 17 for up to 1345 dwellings. The application site comprises the eastern part of the land allocation which amounts to approximately 25% of the overall area of the allocated land. Outline planning consent for up to 280 dwellings on this part of the allocation was granted on appeal in December 2017 (15/01326/OUT refers). The remainder of the allocation is being brought forward by Morris Homes (known as Victoria Park) and L and Q Estates.

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

- 2.1. This application seeks reserved matters permission relating to layout, scale, appearance and landscaping. Access into the site from White Post Road was considered and approved as part of the outline submission. The submitted scheme proposes 280 dwellings, 30% of which are affordable, in accordance with the policy requirements.
- 2.2. The key features of the development will provide a central spine road through the development from the approved access onto White Post Road and to a point on the western boundary where it will meet the L&Q Estates development to continue onwards to the Bloxham Road. A 34 space car park will be provided adjacent to

White Post Road to serve school drop off, the existing public right of way will be upgraded to include a pedestrian and cycle route, sports pitches and changing facility, allotments adjacent to Wykham Lane and children's play space, including a MUGA. The existing public right of way will be re-aligned and a new bridleway proposed through the site which will meet at the boundary with the L&Q Estates site adjacent to continue through that site.

- 2.3. Several amendments have been made to the layout, landscaping and design of the development during the course of the application. These amendments have been made primarily in response to comments and concerns raised by the Local Planning Authority and the County Council. The application is being determined on the basis of the latest set of amended plans received in June.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 15/01326/OUT – Outline planning permission granted on appeal for up to 280 dwellings, structural planting, landscaping, public open space, children's play area, surface water flood mitigation and attenuation and new vehicular access from White Post Road.
- 3.3. At its Planning Committee on 4<sup>th</sup> August 2016, the Council resolved to grant outline planning permission as proposed subject to conditions and the applicants entering into a section 106 agreement. An appeal however was lodged against non-determination due to the applicant's frustration at progress in agreeing the terms of the section 106 agreement. Following an appeal hearing the appeal was allowed following the Council confirming at the hearing that it had no objection to the submitted Unilateral Undertaking.

### **4. 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>
18/00290/PREAPP	Reserved matters to 15/01326/OUT – Erection of 280 dwellings

- 4.2. The LPA raised significant concerns about the proposed approach to laying out the development, resulting in poorly integrated blocks served by disconnected streets. It was considered that the mix and typology of housing proposed which were predominantly detached would result in a bland uniformity with no distinct variations in character either along the spine road or elsewhere on the site. The specific requirements within the UU that need to be incorporated into the spine road did not appear to be shown. In short, it was considered that the proposals would not lead to the type and quality of development expected having regard to the site allocation policy, national design guidance/policies and the requirements of the outline planning permission.

### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. A full re-consultation of the revised scheme was also undertaken in

December 2019 following the submission of amended plans and documentation, and a targeted re-consultation was undertaken following the latest submission of amended plans in June. A full re-consultation including fresh publicity was not considered necessary having regard to the nature of the changes and the comments already received.

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

- Sports areas have moved from alongside Salt Way which provided a buffer between some of the houses and Salt Way. Goal keepers will have the sun in their eyes from mid-day onwards. Sites near Salt Way and the spine road would be easier for visiting teams to find
- Spine road appears to be aligned closer to Salt Way, need to be assured it will align with the other section towards A361
- Need to discourage parents and children from being tempted to cross the road from the car park without a proper crossing
- When will the remainder of the site come forward so that the entirety of the link road can be realised
- Dwellings proposed too close to Sycamore Drive, resulting in overlooking, loss of light and overshadowing. There is reasonable access from Wykham lane to enable the houses to be built nearer to that road and less residents would be affected by this change
- The houses are crammed in to half of the site and very close to houses on Sycamore Drive. There is a huge green area left along Wykham Lane
- Loss of views across Salt Way Fields to Bloxham Church
- Increase traffic, congestion and pollution through Bodicote and along Oxford Road. Traffic lights are already phased in favour of the Longford Park development.
- Increased rat-running through Easington and Timms Estate and spine road to Bloxham Road will either create another rat-run or further traffic hold-ups
- Bodicote will be a village no more, just a suburb of Banbury
- Need to ensure the developer adheres to the 20m to Salt Way, but 30 would be preferable
- Hedge needs to be infilled where there are gaps and allowed to grow up, the farmer cuts it currently
- Hope all dwellings are 2 storey
- Require a barrier to stop persons breaking through the hedge and onto Salt Way
- Assume the developer will have to adhere to certain working hours so as not to disturb residents in the area
- Towns infrastructure cannot cope with current population, let alone new developments

- Access to the paddock to the Coach house will need to be retained

- 5.3. *Further response received 31<sup>st</sup> December 2019:* Again, why are all the houses squashed up against Salt Way. Do we need another sports field and where is the pavilion/changing room for the sports field. Housing mix – as usual there is a large number of 4/5 beds and small number of 2/3 beds. This is an unfair mix as first time buyers are interested in 2/3 beds. There is insufficient car parking. Some houses do not have front gardens. Why is there no rainwater collection bins and what about solar panels?
- 5.4. *Further response received 10<sup>th</sup> January 2020:* Will not re-list previous objections but having viewed latest plans seems we are to be subjected to the usual anonymous boxes. This lack of thought in design is compounded by the siting of houses to Salt Way and all open space to Wykham Lane. Patently far too little car parking proposed and why car ports instead of garages, cost presumably, certainly not aesthetics or security.
- 5.5. *Further response received 12<sup>th</sup> March 2020:* Swifts should be planned into the Salt Way development and would urge that Swift bricks be incorporated within the structure of new buildings as swift numbers in Britain are in serious decline caused by loss of traditional nesting places. As there are already nesting swifts in the vicinity this makes Salt Way an especially appropriate place for swift bricks.
- 5.6. *Further response received 27<sup>th</sup> April 2020:* No objection to the proposal overall although architecturally uninspired. Areas of open space are adequate although devoid of a desire to maximise biodiversity. Areas of ‘species rich grass’ are fine, but very small compared to the larger areas of amenity grass and their provision feels like a tick box exercise to demonstrate a willingness to achieve biodiversity gain. North east gateway should be large wildflower meadow rather than sterile manicured lawn. This would allow people to reconnect with nature and provide a more natural interface with Bodicote. Why more football pitches and not tennis courts, public courts should be more available in a town of this size.
- 5.7. SALT WAY ACTIVITY GROUP – **comments** that it needs to be clear who will maintain the ditches along Salt Way. In terms of the proposals, encouraged to see the inclusion of wildflower meadows and tussocky grass in the buffer strip, but it is not clear how these will be managed in the long term. To maintain them once established the sward needs to be mown late (post July 16<sup>th</sup>), the hay left and turned to dry and drop seed and then removed. Large trees should be included along the Salt Way boundary. Suggest small grouping of trees with shrubs to Salt Way would be appropriate. The upgraded bridleway and green corridor should be developed as a feature with groups of trees to provide interest.
- 5.8. 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 (initial response): **Objects** - wishes to maintain its original stance in objecting to 15/01326/OUT and makes the following (summarised) comments in respect of the reserved matters submissions:

- assume allotments will be via the existing track
- in addition to play areas, are bins to be included near to bus stops, bridleways, pitches or green open spaces. When will these be provided and who will be responsible for maintaining them? Are aware of issues regarding litter bins and dog faeces on Longford Park and do not wish this to be repeated.
- new car park is a vast improvement which hopefully will address previous concerns regarding access and egress and potential traffic issues at peak times. Query who will be the primary users and who will maintain? The application contains no information about the management company or when its construction will commence. Clarification is sought.
- Western play area is far too close to the spine road, how will residents access the LAPS/LEAPS, no crossings are shown along the spine road. The western and central play areas are repetitive in proposed play equipment. A picnic style table and bench could be included. All play spaces must be inclusive and accessible to all. Need to ensure non-residents using the play areas are not tempted to park on nearby streets or Wykham Lane.
- Pleased to see MUGA retained and located as previously advised but extremely disappointed with the 'wood look' style which is not in keeping with the area. This would be of benefit to Bodicote Parish residents and should be handed to Parish to maintain.
- Parking appears to be sufficient but need to ensure residents don't use the 34 car park in lieu of allocated parking within the development.
- The reconfiguration of adult and junior pitches is an improvement on previous plans, but where will the allocated parking and changing facilities for these pitches be situated. Who will maintain these facilities, a Management Company or would they be handed over to Bodicote Parish?

*Officer Comment:* No further comments have been received.

- 6.3. BANBURY TOWN COUNCIL (initial response): **Comments** - Resolved that it is recognised that the site lies outside of Banbury TC's area but it is considered that the comments of our experienced landscape/open space team should be passed to CDC and Bodicote Parish Council so that the facilities are maximised and will hopefully match in usability and endurance what it is hoped can be provided on the adjacent Gallagher site. No objections to layout, scale or appearance. Object however to under-provision of affordable housing – should be calculated at 35%. The comments can be read in full on the application file.

*Further comments received 22<sup>nd</sup> April* – Cannot detect any significant change with regards to the issues raised in February. What level of affordable housing is now being proposed, it seems to be less than 30%.

#### STATUTORY CONSULTEES

- 6.4. OXFORDSHIRE COUNTY COUNCIL – RIGHTS OF WAY (initial response): **Comments** - it is not clear if there will be a signalised Pegasus type crossing of main street where the footpath and new bridleway is being provided. Given that this is a traffic free path, it is important that non-motorised users are able to use it safely. It is also not clear what legal mechanism is proposed to create the new bridleway and whether this route will be managed in perpetuity alongside other green

infrastructure and other public open space facilities. Other standard measures should be incorporated as follows:

- It is the responsibility of the developer to show the correct route of the public rights of way
- PRow should not be obstructed during development
- Development should be designed and implemented to fit in with the existing PRow network
- No vehicular access should be taken along the PRow without permission
- No gates shall be allowed to open across the PRow.
- PRow should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility.

6.5. OXFORDSHIRE COUNTY COUNCIL – TRANSPORT (*initial response*): Objection. Spine road details are yet to be agreed. Dimensions of the refuse vehicle used in swept path analysis are inconsistent with vehicles used in this area, as such it is not yet clear whether such vehicles could safely pass through this area without significant wheel and body encroachment onto the footway and adjacent infrastructure. Lack of cycle parking provision for dwellings with garages. Should the garage details be provided and found to have the required minimum internal dimensions, then this reason (to object) shall be removed. Bin collection points for some households requires clarification. Position of the proposed bus stop.

*Further comments received 20<sup>th</sup> January 2020*: Objection. Details of the spine road running through the site and extending into adjoining parcels need to be approved through a planning condition prior to any submission of reserved matters. Issues with respect to parking, including car port and garage dimensions. Swept path analysis is required using an 11.6m refuse vehicle.

*Further comments received 31<sup>st</sup> July 2020*: **Objection**. There appears to be a disconnect shown on the submitted plans at the point where the spine road would join up with the adjacent site. Concerned about the vehicular access to the allotments being outside the application site. Concerned that there is an under-provision of visitor parking which may result in indiscriminate parking especially along the spine road. Concerned about usability of some car ports and also the usability/practicality of rear parking courts and the provision of tandem parking, specifically serving plots 14-19 and 219-229.

6.6. OXFORDSHIRE COUNTY COUNCIL – DRAINAGE (*initial response*): Objection. Proposed layout is not in line with outline masterplan and not respecting existing surface water flow routes through the site and therefore not adequately managing flood risk.

*Further comments received 20<sup>th</sup> January 2020*: Objection. As above and also lack of information as to interaction between proposed landscape and drainage. Full outline design stage surface water management plan to be submitted.

*Further comments received 31<sup>st</sup> July 2020*: **No objection**. It is noted that the applicant has looked to maximise the opportunities for SuDS within the existing constraints of the layout which have been discussed at length previously between

OCC and the applicant's consultants. It is also noted that a detailed review of the drainage proposals is required but this will be provided in due course as part of the discharge of condition application 19/00213/DISC.

- 6.7. OXFORDSHIRE COUNTY COUNCIL – ARCHAEOLOGY: **No objection**, conditions attached to outline require a phase of archaeological mitigation in advance of the development, so no further conditions are required.
- 6.8. THAMES WATER: **No comments** received

#### NON-STATUTORY CONSULTTEES

- 6.9. CDC – HOUSING (*initial comments*): The proposed mix of rental units does not meet identified needs within the SCMA and housing needs register, there is an over provision of 3 bed units and no 4 beds or bungalows are included. 50% of all social rented housing should meet building regulation standard M4(2) Category 2: Accessible and adaptable dwellings. Confirmation that the proposed property types will meet these minimum standards needs to be obtained. All bungalows must be suitable for wheelchair users. All social rented housing must meet the governments nationally described space standard as a minimum, some of the floor plans appear to fall below. Affordable housing should be indistinguishable from market housing and should be located in clusters of no more that 10 units of any one affordable tenure or 15 of multiple affordable tenures. Parking provision appears acceptable.

*Further comments received 17<sup>th</sup> January 2020:* Objection. The total number of affordable units proposed has been mis-calculated. Sizes of the affordable housing units do not comply with the DCLG Technical housing standards – nationally described space standards. The housing mix proposed does not meet the district's housing need. The levels of clustering of the affordable units are too high – as per drawing BOD-HA-009.

*Further comments received 8<sup>th</sup> April 2020:* Objection. Previous comments still stand. The clustering is generally ok, although in one area, with Plots 7-12, 18 and 20-29 clustering of units is over the desired number. The affordable housing should be tenure blind but it can be distinguished by rear parking courtyards which are not provided for the market housing. There is some concern that the affordable houses do not meet the required Technical Housing Standards (NDSS). For instance Type SH76 is only 80.6m<sup>2</sup> and should be 86m<sup>2</sup> to be a 3bed 5person house. SH52 is the correct size. This application has not fully met our requests and seek further information and clarity from the developer before agreeing to their proposals.

*Further comments received 17<sup>th</sup> July 2020:* **No objections.** Following the comments above, Strategic Housing have had discussions with various parties about the clustering and mix of affordable housing. Pleased to see that the developer has addressed as far as is practicable, the clustering issues and the site is showing a much better distribution. The developer has also adjusted the original rented mix comprising 59 dwellings to better meet our needs. This new mix was agreed with the developer, Strategic Housing and the Registered Provider in June 2020. The total number of affordable homes is 84, not 74 as stated on page 34 – Affordable Housing – in the revised Design and Access Statement dated May 2020. There are a variety of house types and although some are smaller than we would like, the sizes were agreed at outline stage, which was prior to the Technical Housing Standards – Nationally Described Space Standards being adopted and therefore the dwelling sizes are on balance acceptable.

- 6.10. CDC – LANDSCAPE OFFICER (*initial comments*): This needs a lot of revising to make it acceptable. The information supplied is inadequate in places. The

LAP/LEAP need to be overlooked, the MUGA is too close to the car park and detail for the allotments is missing. The proposed allotment submission is not acceptable as proposed. Soft landscape drawings have incomplete keys and tiny bits of grass to be mown should be avoided. Biodiversity enhancements are lacking.

*Officer comment:* A number of comments are also made in respect of plant species proposed. The comments can be read in full on the application documentation.

*Further comments received 13<sup>th</sup> January 2020:* Objection. LAP/LEAP too far from houses and attenuation basins are too near the play area. MUGA would be better sited near play areas and pitches. LAP/LEAP and MIUGA details/equipment not acceptable. No road access to the allotments. Planting proposals have not been amended following previous comments.

*Further comments received 9<sup>th</sup> April 2020:* **Comments** in respect of plant species and suggests alternatives. Need a plan showing the extent of root barriers provided to protect paths and roads. All trees within 5m of hard surfaces need barriers. More tree planting north of the car park to the school. No planting specification. Not clear where the vehicular maintenance access is to the play area. Bollards will need to be drop bollards. All management and maintenance plans need to be of the same standard as our technical specification.

*Officer comment:* The Landscape Officer was invited to provide further comments on the latest proposal with a deadline of 13<sup>th</sup> July to comment. However comments are still awaited at the time of writing this report.

- 6.11. CDC – ARBORICULTURAL OFFICER: **Comments** - I have looked at the layout which shows trees to be removed. Would like to see an AMS that details the measures to be undertaken on site to ensure the protection of the trees for the duration of the construction. Particular consideration should be shown to the trees covered by TPO 007/1994.

*Further comment received 10<sup>th</sup> January 2020:* AMS still awaited.

*Officer comment:* The Arboricultural Officer was invited to provide further comments on the latest proposal with a deadline of 13<sup>th</sup> July to comment. However comments are still awaited at the time of writing this report.

CDC - ECOLOGY: **No comments** received

CDC - No comments WASTE AND RECYCLING: received

- 6.12. THAMES VALLEY POLICE (*initial response*): Have some **concerns** in relation to community safety/crime prevention and if these are not addressed the development may not meet the requirements of the NPPF or HMCLG's Planning Practice Guidance on design. A number of comments are made in respect of landscaping which must ensure natural surveillance throughout the development and must not impinge on lighting. SBD lighting standards should be incorporated, particularly concerned about tree-lined streets. Lighting is important in reducing fear and crime. Some plots do not have active windows overlooking their parking, boundaries to gardens which abut public areas should incorporate features to make them difficult to climb. No details of utility metres; these should be easily accessible to authorised personnel.

*Further comments received 30<sup>th</sup> December 2019:* It appears nothing has changed since my previous comments which is disappointing given the size of the development. Surprised that there is no commitment to achieving Secured by



Design accreditation and also that the applicants still have not contacted me as promised in their Design and Access Statement. Site plans do not appear to show the car ports. Car ports are problematic as they are insecure, create hiding places and make vehicles, people and property vulnerable.

*Further comments received 9<sup>th</sup> April 2020: **Objection.*** Once again, disappointed with attitude toward police advice which has largely been ignored since my original comments. The recent amendments have actually worsened the proposals from a crime prevention design perspective and increased the likelihood of residents and visitors becoming victims of crime and anti-social behaviour and recommend that the authority does not approve this application until all the matters have been addressed. The comments can be read in full on the application file.

*Further comments received 9<sup>th</sup> July 2020:* I appreciate that the applicants have provided more information on Secured by Design (SBD) principles within their amended Design and Access Statement (DAS). However, unsurprisingly they still have failed to provide a commitment to achieving SBD accreditation. In addition, regardless of the principles mentioned and mitigations proposed, the layout remains poor in crime prevention design terms due to the high number of unsecured rear parking courts. The justifications for my view on this aspect have been provided previously and I will not waste time repeating them. I will simply ask the authority to take said advice into account when considering the application for approval in the knowledge that police have recommended that it should not be approved with this layout unless significant mitigations are made. In addition, my request for a condition regarding SBD accreditation still stands in any case, as it is clear that the applicants will not pursue this unless forced to. The comments are made on behalf of Thames Valley Police and relate to crime prevention design only.

6.13. BBOWT: **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
- BSC3 – Affordable housing
- 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 and the natural environment
- 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 Guidance (October 2019)

### **8. APPRAISAL**

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

- Principle of development
- Design Principles and Layout
- House Types
- Affordable Housing and Housing Mix
- Highways
- Drainage
- Landscaping and Play Provision
- Biodiversity
- Sustainability

#### **Principle of Development**

8.2. The site forms part of a larger site, on land south of Salt Way – East, which is allocated to deliver a new neighbourhood of up to 1,345 dwellings with facilities and infrastructure under Policy Banbury 17 of the adopted Cherwell Local Plan Part 1 2011-2031. 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 shaping 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.

8.3. Outline planning consent was granted for this part of the Banbury 17 allocation on appeal under application number 15/01326/OUT due to a failure to agree certain heads of terms for the planning obligation within the applicant's preferred timescales, following the application receiving a resolution to grant planning permission by Planning Committee. Many of the concerns about the content and drafting of the planning obligation were resolved during the appeal process such that ultimately the Local Planning Authority did not object to the appeal proposals and the appeal was subsequently allowed. This application now seeks reserved matters consent for the erection of 280 dwellings on the site together with the accompanying infrastructure including the first section of spine road that will eventually link to Bloxham Road, public open space, sports provision, allotments, children's play space and a new car park adjacent to White Post Road.

- 8.4. The outline planning permission for the remainder of the Banbury 17 allocation was granted in December 2019 (14/01932/OUT refers). Whilst development has not yet begun on that site, the developers for that site have now submitted a number of applications relating to the discharge of conditions, one such application relating to the Design Code for the site. Whilst there is no similar requirement for a Design Code to be produced for the current application site, the Council does need to be cognisant that the approach to design and layout on this site needs to contribute towards delivering on the Council's vision for the whole of Banbury 17 and therefore this scheme cannot be considered in isolation.
- 8.5. As the outline permission reserved all matters for later approval with the exception of access, it is only the means of access from White Post Road shown in drawing number 1361/22 Rev E that was approved at outline stage. Other connections were shown indicatively, although the new spine road and bridleway have defined specifications together with co-ordinates where these meet the boundary with the adjacent site as set out in the S106 planning obligation. Drawing number 5713/ASP03 Rev H was submitted as a joint development framework plan for the whole Banbury 17 allocation and as a representation of key parameters governing how the proposed development might be carried out on the site and on which the EIA was based. It does not follow however, that what is shown in this framework plan is necessarily acceptable in all respects when considering matters of detail and it did not form an approved plan in the decision notice.
- 8.6. In conclusion, the principle of development has been established through the Banbury 17 allocation and the grant of outline planning permission in 2017. However this is the first reserved matters application to come forward in respect of this Banbury 17 allocation and it is considered important therefore that the final layout provides a high standard of design and place making qualities that will set the bar for the development of future parcels and the production of the design code relating to the adjacent site.

## **Design Principles and Layout**

### *Policy and Background*

- 8.7. 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'*. The housing Minister's speech at the design Quality Conference 2018 also highlighted the importance of good design and creating attractive, thriving places to live where quality can help drive up the quantity of new homes being delivered. These aspirations and requirements are all relevant to this application proposal.
- 8.8. 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'*. 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 proposals considered here.*

- 8.9. The Cherwell Residential Design guide 2018 seeks to ensure that the quality of design across the District is raised, ensuring a legacy of successful places for future generations to enjoy. Regrettably the submission makes no 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.

#### *Assessment*

- 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 the physical appearance of a development, but how it works, functions and fits together ensuring a quality of life for those who live there.
- 8.11. The application was accompanied by a Design and Access Statement (DAS) which seeks to set out the design rationale behind the proposals. Policy ESD15 also advises that the design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the proposals and then demonstrated in the DAS. It was considered that the initial submissions failed to properly explain the overarching principles that had been defined and which had been followed through and incorporated into the proposed scheme. The result was a scheme based around a series of poorly connected blocks of development of detached and semi-detached units creating a somewhat uniform and characterless development of little hierarchy, legibility or sense of place.
- 8.12. In terms of creating a sense of place, providing an attractive street scene and a safe refuge for pedestrians and cyclists away from the road is vital. The outline consent requires the provision of a 3m wide footpath/cycle way down one side of the spine road and this has always been shown on the plans considered and approved at outline stage. However, in order to create that sense of place, safe refuge and attractive street scene, the applicant was requested to provide a tree lined verge along the spine road and this is now shown and following negotiations has been increased to 4m in width which is welcomed. This increase in width to 4m has created a green corridor through the development and is now of sufficient width to accommodate tree planting within it without interfering with the passage of vehicles, pedestrians or cyclists. The increase in the width of the verge, albeit only down one side is also important in creating appropriate living conditions for residents along the spine road as the increased verges will move vehicles and buses away from dwellings and help to reduce any noise and vibration from the larger vehicles that will use the spine road.
- 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. Again, as above, the initial submission failed to do this. However the house types and designs have been improved and are now considered acceptable, although in many instances the 'corners' remain disappointing, for example plots 1-3, plots 37-41 and plot 28.

- 8.14. The DAS seeks to divide the development into a number of character areas. The character of streets is fundamental to the character of a place. It is important to be able to differentiate between character areas as one moves through the development, however, the original submission failed to do that; the character areas identified were more akin to variations on a theme based on hierarchy and position of streets within the development which are not appropriate for creating areas of distinct character and which did not differ sufficiently. Considerable discussions with the applicant followed, advising that the character areas should be more clearly defined around 2 or 3 clearly defined specific blocks and areas with varying building typology and urban form, frontage set-backs, landscaping and spaces within housing blocks with smaller sub-character areas to deal with the Salt Way edge etc. Whilst the latest DAS is improved in this respect, the character areas defined remain disappointing and fail to provide any real distinctions between the character areas and between different parts of the site across the development to aid legibility and create a sense of place. There remain concerns in this regard, albeit the relationship with the remainder of the Banbury 17 allocation means that this development could be read as a single character area within the allocation as a whole. On balance, whilst the character areas could be improved further, this is not considered sufficient reason to refuse consent in this case.
- 8.15. To ensure 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 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 which 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 into the Council's adopted Residential Design Guide. There were many instances across the initial layout which fell short of the recommended distances. However, the amended submission has sought to address this issue and this aspect is now considered acceptable.
- 8.16. 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 is limited. For the majority of dwellings, parking is provided on-plot and for those fronting the spine road parking is generally provided within rear parking courts. The design of some of these parking courts remains disappointing in that they are open and clearly visible to the spine road, although the applicant has introduced drive-throughs for some which is welcomed. It is important therefore that the treatment of these parking courts is appropriate, using walls to enclose them rather than fencing.
- 8.17. The provision of rear parking courts has also been raised by the Police Architectural liaison Officer as a concern. However, this has been a consequence of the restricted direct access from the spine road, and whilst other options, such as access from the rear within the parcels may have been a better option in this respect, it is considered that a refusal on this point alone in design terms cannot be justified. A condition of the outline consent however requires the scheme to accord with the principles of 'Secured by Design' and this matter will need to be considered further in respect of the discharge of that condition.
- 8.18. The County Council has raised concerns about the usability of some of the parking courts; this is considered in the "Highways" section of this report.

- 8.19. It is important that the detailed design layout should focus on the composition and arrangement of buildings along the street as a whole, rather than the design of individual buildings in isolation. A number of street scenes have been included, but many are excluded. It has therefore been difficult throughout the consideration of the application to properly assess the appropriateness of some street scenes and the urban form created in terms of how certain house types sit together. Again following considerable discussion, in respect of the house designs, window arrangements, porch design, ridge heights and eaves levels, amended proposals have been submitted which on balance, are now generally considered to be acceptable.
- 8.20. In terms of design and the proposed layout, many of the concerns raised above have also been highlighted by the Police Crime Prevention Design officer who has advised that in order to comply with the requirements of the NPPF and HMCLG's Planning Practice Guidance on design a number of amendments should be made to the scheme, including landscaping proposals, use of parking courts, safe pedestrian routes and active surveillance. It is also important in terms of residential amenity that the amount of garden and outdoor space should be appropriate to the size of the property, with an expectation that larger properties will be located within larger plots with a larger garden, reflecting the needs of larger families. There were many instances across the layout where gardens were significantly less than 10m in length and also dominated/enclosed by buildings such as garages to other properties. This matter has now been on the whole satisfactorily addressed, although the provision of private amenity space for many of the affordable units remains an issue.
- 8.21. A materials plan has been submitted with the application. The layout indicates a total of 83 dwellings which equates to 29.6% of the total to be constructed in natural stone which is welcomed and accords with the council's adopted Residential Design Guide in this respect which requires 30% on sites such as this. The majority of these are shown along the spine road which is appropriate. Other materials proposed are red/orange and buff bricks along with some render. Red and grey tiles are proposed for the roofs. It is suggested that this plan is not approved as part of this application as the Local Planning Authority is not familiar with the materials proposed and no samples have been submitted for consideration. It is also essential to ensure that natural ironstone is used as the plan does not specify the stone type. Sample panels will also need to be constructed for approval. There are also a number of instances across the layout where the garage does not accord with the materials either side and the plan does not show walls to all rear parking courts which is essential, particularly those which are open to view along the spine road.
- 8.22. 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, and whilst elements as discussed above remain disappointing, in the interests of ensuring the delivery of this strategic site, the proposals are, having carefully considered the relevant policy guidance and Government advice, considered to be acceptable.

### **House Types**

- 8.23. Traditional Cherwell vernacular tends to be simple flat fronted dwellings, avoiding projecting gables, deep or square plan forms, hipped or pyramidal roofs, exposed wide gables and narrow fronted detached houses. In general, apartment buildings should also be designed to be indistinguishable from the individual houses adjacent and within the development. Those submitted originally were not considered acceptable as they failed to reflect local traditional vernacular and neither was it clear how the house type designs had evolved having regard to context and the proposed character areas. Many of the house types proposed had overly wide gable

spans and shallow pitches and house type ASH which was designed to turn a corner was not appropriate as a detached unit and the applicants were advised that this should be used as part of a terrace to successfully address and turn the corner. The amended arrangement of pairs of semi detached units to serve prominent corners, whilst an improvement, remains disappointing.

- 8.24. The traditional arrangement of windows and doors varies from building to building, but as a general rule of thumb they should follow the same rules. Window openings should normally diminish in height as the building rises, so ground floor windows should be taller/larger than the first or second floor windows, the arrangement of windows should consider the balance and proportion of the overall street façade and horizontal strips of windows should always be avoided.
- 8.25. Windows make a fundamental contribution to the character and appearance of buildings, and their arrangement and proportions are fundamental in establishing the character of a building, that is, whether it is classical or cottage style. In respect of this submission, originally the windows across many of the proposed house types were poorly proportioned and for many house types were larger at first floor level than ground floor with varying cill heights.
- 8.26. The majority of house types have now been amended following discussions with the applicant and on balance are now considered to be acceptable.

#### **Affordable Housing and Housing Mix**

- 8.27. The outline planning permission provides for up to 280 dwellings on the site. No details of the mix of housing were provided at outline stage. 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 2011-2031 seeks to encourage a mix of housing on all new developments that meets the need of the 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. The original submission did not comply with this policy as 67% of the market dwellings were 4 and 5 beds with only 33% being 3 beds and no 1 and 2 beds proposed. This issue was raised with the applicant and whilst the number of 3 beds has increased and the number of 4 and 5 beds decreased slightly with 45% and 55% respectively, there remain no 1 and 2 bed market houses which is very disappointing.
- 8.28. 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 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 2011-2031 is relevant in this respect.
- 8.29. Policies BSC3 and Banbury 17 require the provision of 30% of the new homes to be affordable housing. This has been secured through the signed unilateral undertaking attached to the outline planning consent. In terms of the original submission, the Housing Officer made a number of comments, mainly that the proposed mix of rental units did not meet identified needs and was not in line with previous comments provided during pre-application discussions., these being an over-provision of 3 bed units and that the scheme did not include any bungalows or 4 bed units. Following discussions with the housing Officer the affordable housing scheme

has subsequently been amended and 2 number bungalows are now provided as requested and the scheme is therefore now acceptable.

- 8.30. The Council's SPD 'Developer Contributions' requires 50% of all social rented housing should meet the Building Regulation Standard M4(2) Category 2: Accessible and adaptable dwellings and all bungalows must be suitable for occupation by wheelchair users and therefore meet the building regulation M4(3)(2)(b) Category 3: Wheelchair accessible dwellings. All social rented housing must meet the government's nationally described space standard (technical housing standards) as a minimum, however, some of the floor plans provided for the scheme fell below these minimum requirements. This advice was also given to the applicant previously during pre-application discussions. It has not been possible to negotiate with the applicant in this respect and the dwelling sizes remain small which is disappointing, but the submitted scheme accords with the signed Unilateral Undertaking submitted with the outline consent which is silent on this matter and has now therefore been agreed by the Strategic Housing Officer. This is without prejudice to the Council's position on seeking the nationally described space standards on other housing sites in the District, in line with its SPD.
- 8.31. Affordable housing should be indistinguishable from market housing in terms of external design and integrated throughout the site. The affordable housing units should be located in clusters of no more than 10 units of any one affordable tenure, or 15 units of multiple tenures with which the originally submitted scheme did not comply. Furthermore, many of the affordable units which are to be located in larger blocks did not have any private amenity space. This matter has now been addressed and the clustering of affordable units as shown is acceptable and the affordable blocks now have a very small area of communal space at the rear.
- 8.32. Having regard to the above, the affordable housing proposed is now considered acceptable and whilst the mix of private housing is disappointing, it is accepted that a housing mix was not specified or required at outline stage and Policy BSC4 allows for the mix to be negotiated having regard to "evidence from developers on local market conditions". It is therefore recommended that in the interests of delivering this strategic site that the affordable housing scheme and housing mix is accepted.

### **Highways**

- 8.33. An objection and a number of detailed comments have been received from the Local Highway Authority and are considered below.
- 8.34. Concerns have been raised about the alignment of the spine road at the point it meets the western boundary of the site, and in particular that it will not line up with the section of spine road on the adjacent site. The applicant has confirmed that this issue arises from how the neighbouring development is shown, and that the spine road is within the coordinates set by the unilateral undertaking. It will be for the neighbouring development to respond to, and join up with, the specific alignment of the spine road proposed in the current application.
- 8.35. Tandem parking is utilised for much of the development, 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 one tires of moving cars around. Whilst tandem parking can be acceptable on minor streets it is not appropriate for higher hierarchy, busier roads. Garages must also be of sufficient size to accommodate a vehicle and cycle storage.



- 8.36. The issue of tandem parking within rear parking courts remains an issue for the Local Highways Authority in respect of the latest submission. This is regrettable; if parking courts are tight and not easy to manoeuvre within, they will be under-utilised which will increase the likelihood of cars being parked within the adjacent highway. This could be an issue in respect of the spine road which is also a bus route and therefore passage along it needs to be maintained. However there is a requirement to keep the number of direct accesses to the spine road to a minimum because it is the main route through the development which means that dwellings fronting it need to be served by parking courts. It is considered that a better design solution could be to serve the parking courts from the adjacent side roads, however, this is not what has been proposed. Having considered this issue carefully, it is considered that a refusal on this ground is unlikely to be successful at appeal given the lack of obvious and better alternatives, and therefore this solution as shown is accepted.
- 8.37. The Local Highways Authority also raised concerns with the width of the accesses to some of the parking courts, including concerns about visibility. The applicant has submitted amended plans to address this which are considered acceptable.
- 8.38. The concerns about visitor parking are noted. However these are not considered sufficient to justify refusing consent, and should parking along the spine road prove to be an issue post occupation, the Highways Authority can apply traffic regulation orders to control this.
- 8.39. There is a public footpath which currently runs north-south through the site from Salt Way to Wykham Lane. There is also a requirement of the original outline consent to provide a new footpath/bridleway through the development to link up with the adjacent Gallagher site. The proposal has been assessed by OCC's Rights of Way Officer who advises that the rights of way and green infrastructure provision is welcomed but that it is not clear if there will be a signalised Pegasus type crossing of the main street where the footpath and new bridleway is being provided. Given that this is a key traffic free route, it is important that non-motorised users are able to use it easily and safely. The submission is not clear on the legal mechanism proposed to create the new bridleway and whether this route will be managed in perpetuity alongside other green infrastructure and public spaces.
- 8.40. It should be noted that the approval and provision of the bridleway is required through the planning obligation attached to the outline permission (15/01326/OUT) which requires approval of a bridleway scheme and details of its ongoing provision, management and maintenance. This is currently being considered separately (application ref: 20/00813/OBL refers). It should be noted that if revisions are required under the provisions of the UU (the scheme has not yet been agreed), that this scheme may also need to be subsequently amended and a revised submission made accordingly. A Planning Note should be included to highlight this.

### **Drainage and Flood Risk**

- 8.41. An objection from OCC as Lead Flood Authority was made to the original scheme as the proposal was not in line with outline masterplan and not respecting existing surface water flows. These were highlighted in the original Flood Risk Assessment which showed that there was scope for this to be maintained through the green space to be provided.
- 8.42. The Drainage Officer at OCC has now confirmed no objections to the principles of the proposed drainage scheme. However, the proposed drainage scheme is also being considered through the discharge of condition 8 of the outline consent. A revised submission is awaited following discussions with OCC as Lead Flood Authority. The proposed drainage for the site now indicates a series of swales and

attenuation basins throughout the open space. Whilst this may be acceptable in principle, the details, including depth and form of these water features cannot be agreed until the technical drainage information has been agreed.

- 8.43. It should be noted therefore, that the final agreed drainage proposals may result in the need to make amendments to this approved scheme and therefore a further submission would be required. It is suggested that a planning note attached to the decision notice should be included to this effect.

### **Landscaping, Open Space and Play 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 unilateral undertaking requires the provision of 2 x Local Areas of Play (LAPs), 1 x combined LAP/LEAP (Local Equipped Area of Play) and a Multi-use Games Area (MUGA). The LAPs and LEAP 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 number of amendments were requested, including the types of play equipment proposed. Following discussions with the applicant the concerns have been addressed and the location of the play facilities proposed are now considered on balance to be acceptable.
- 8.46. The planning obligation also requires the provision of a junior and adult football pitch as part of the development in order to mitigate the impact of the development on existing sports facilities. The location of the sports pitches to the south of the housing parcels and spine road is considered to be generally appropriate although the initial submission did not include a car park and therefore vehicular access to the pitches or an appropriate sports pavilion. This has since been addressed and is considered to be acceptable.
- 8.47. The planning obligation also includes a requirement for the provision of additional allotments within the site. Their provision is indicated at the southern edge of the site adjacent to the existing allotments which is considered to be acceptable in principle. However, the submission does not comply with the Council's specification and this remains under discussion as part of a separate application to discharge the relevant clause of the obligation.
- 8.48. The matter of vehicular access to the allotments is also unresolved. The applicant proposes to utilise a field access off Wykham Lane between the existing and proposed allotments. However this access falls outside the application site boundary and so cannot be permitted as part of this application. Furthermore Wykham Lane is a classified road and so planning permission is required to either create, widen or improve a vehicular access onto Wykham Lane.
- 8.49. The applicant has provided evidence to demonstrate that the use of the field access by vehicles accessing the existing allotments is lawful with the passage of time. However it is not within the remit of this reserved matters application to make a determination on this matter. Therefore a planning note will be added to the decision notice advising that a CLUP will be required to determine whether the provision of a vehicular access to the allotments from Wykham lane and along the public bridleway is lawful. Notwithstanding the lawfulness of its use, if any improvements or widening of the access is required, planning permission will be required.

- 8.50. On the basis that it is the applicant's firm position (and that of the allotment society) that use of the existing field access to serve the allotments is lawful, and this access falls outside the application site boundary, this is not considered a reason to refuse reserved matters consent. However it should be noted that if consent cannot be achieved for access from Wykham Lane, it will be the applicant's responsibility to amend the reserved matters layout accordingly to provide access through the development. This issue has been raised with the applicants throughout the consideration of the application.
- 8.51. In terms of the provision of the public open space, the locations as indicated are considered to be acceptable and are generally as expected based on the outline consent. The public open space at the eastern end of the site performs an important function given that it provides the remaining gap between Bodicote and Banbury, but it should retain its parkland character.
- 8.52. In terms of the landscaping proposals, these were omitted from the original submission, but as this is specifically a reserved matter, these have since been submitted for consideration. The scheme provides areas of public open space at the eastern and southern ends of the site as well as a central green corridor which also includes the bridleway. The width of the verge along the spine road has been widened from 2m to 4m as requested and will be planted with trees along its route. This will be a key feature of the development.

### **Biodiversity**

- 8.53. 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. Disappointingly, neither the DAS nor the Planning statement address ecology and biodiversity enhancement. It is therefore recommended that conditions are included in the consent to address this issue.
- 8.54. The Salt Way is a non-designated heritage asset. There are dense hedgerow boundaries within the site of good condition and areas of BAP habitat and individual woodland parcels around the boundary of the site.
- 8.55. Policy Banbury 17 also requires the detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity. The outline application was accompanied by an Ecological Appraisal which concluded that the designated sites would not be adversely impacted by the development and that Salt Way, would also be protected by the retention of existing hedgerows along with the provision of a 20m wide buffer to it. In terms of the original submission, this 20m buffer was breached, but this has now been resolved through the amended scheme and is acceptable in this respect.
- 8.56. The appraisal also advised that the hedgerows within the site would be largely retained and incorporated into the development, but where loss was unavoidable that this would be mitigated with the planting of replacement and additional native hedgerows appropriate to the local area. The internal hedgerows are removed as part of the scheme as it was advised at pre-application discussions that their removal would aid connectivity and movement across the site. This is regrettable in terms of biodiversity, and additional native hedge planting is minimal. However, on balance, for the reason already stated this is accepted.

## **Sustainability**

- 8.57. This application relates to a large strategic residential allocation within the adopted Cherwell Local Plan 2011-2031 on the edge of the built up area of Banbury. A new spine road will be provided through this development and the remaining allocation to provide a new link from Bloxham Road to White Post Road. This route will also be a main bus route through the development. The site is therefore in a highly sustainable location in terms of transport and access to the existing built up area and schools etc. A new bridleway will also be provided linking into the remainder of Banbury 17 and existing public rights of way to Salt Way will be retained. A small local centre, including a new community building will be provided on the adjacent Banbury 17 site to serve the whole allocation.
- 8.58. In terms of energy efficiency and sustainable construction, there is no mention of this in the planning statement and very little in the DAS which merely advises that DWH make a commitment to achieving the appropriate requirements under the Building Regulations. Having regard to Policies ESD1-5 of the adopted Cherwell Local Plan 2011-2031, current global issues on climate change and the fact that CDC have declared a Climate Change Emergency, this is very disappointing. However unfortunately, the Energy Statement submitted with the outline application and accepted by the Inspector is poor and lacks detail and commitment in this respect. The applicant has been requested to consider this matter further but declined. On this basis, regrettably, the application must be accepted as submitted.

## **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 number of 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, the adopted Cherwell local Plan 2011-2031 and Government guidance within the NPPF. The application is therefore recommended for approval accordingly.

## **10. RECOMMENDATION**

That reserved matters consent is granted, subject to the conditions listed on the decision notice.

Case Officer: Linda Griffiths

DATE: 30<sup>th</sup> July 2020

Checked By: Alex Keen

DATE: 31<sup>st</sup> July 2020

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