

**Case Officer:** Caroline Ford

**Recommendation:** Approval

**Applicant:** Barton Willmore LLP

**Proposal:** Partial Discharge of condition 24 (access routes details), 25 (road surface treatment) and 31 (landscape design) of Phase 1 (to the front and side of plot 357) - 10/01780/HYBRID

**Expiry Date:** 14 August 2019

**Extension of Time:** n/a

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

- 1.1. The application relates to Phase 1 of the Exemplar development at NW Bicester now known as Elmsbrook. The development is constructed and complete and has been built in accordance with the development granted planning permission by 10/01780/HYBRID (which was EIA development), as amended through an NMA process and in accordance with details approved through previous discharge of condition applications.

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

- 2.1. The application seeks to re-discharge planning conditions 24, 25 and 31 for phase 1. The change is in response to the requirements of Oxfordshire County Council who, upon inspection of Phase 1, have requested that the footway around the edge of plot 357 be made 1.2m wide. Currently, the footway narrows with planting along the side and front of plot 351, which is made up of lavender, and an amenity grass mix. The footpath will be provided to be continuous with the wider footways. The condition seeks to re-discharge conditions 24 (which seeks details of paths), 25 (which seeks details of the final surface treatment of each road, lane, street or footpath) and 31 (which seeks details of landscape design) for the specific area identified at the front/ corner of plot 357.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. As described above, the main permission for the site was granted by 10/01780/HYBRID. The planning conditions being discharged have previously been cleared – condition 31 by 15/00534/DISC and conditions 24 and 25 by 14/00120/DISC for this area of the site.

## **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No formal pre-application discussions have taken place with regard to this proposal but the changed area was pointed out to me on site and the need for the change has arisen due to discussions with Oxfordshire County Council.

## **5. RESPONSE TO CONSULTATION**

- 5.1. Oxfordshire County Council (Transport Development Control): No objection as the change illustrated in the plan is to address comments made following an inspection by OCC to increase the footway in the identified location to 1.2m wide.

## **6. APPRAISAL**

- 6.1. The application proposes a minor change to overcome a concern raised by Oxfordshire County Council regarding the width of the footway in this area. Their requirement is for the footway to be made 1.2m wide with existing kerbing to be retained. This means that part of the landscaping to the front/ side of plot 357 will need to be removed to enable an additional area of footway to be laid to create the 1.2m footway. Whilst it is regrettable to remove an area of landscaping, the benefit of doing so in terms of achieving a wider footway in this location overcomes any harm and indeed the landscaping to be removed is a very minor area. The footway is to be continuous with the wider footways which is acceptable. In my view, the proposal is acceptable, and I recommend the conditions be re-discharged for the area of the site this change relates to (i.e. to the front and side of plot 357 only).
- 6.2. The original application was EIA development. The EIA is dated now, however the EIA was not so detailed as to consider specific landscape elements or final finishes of surfaces on the development. The work is minor in nature and is proposed to meet highway requirements (which would have been expected through the EIA). Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition and it has been taken into account in considering this subsequent application.

## **7. RECOMMENDATION**

That planning conditions 24, 25 and 31 be partially discharged for the area to the front and side of plot 357 on residential Phase 1 based upon the following:

Condition 24: The detail shown on drawing number ICS 01 XX DR C 070 P01 titled 'Footway Remedial Works Adjacent to Plot 357' is considered to be acceptable for the purpose of demonstrating the amended arrangement to widen the footway to the front and side of plot 357 to 1.2m.

Condition 25: The detail shown on drawing number ICS 01 XX DR C 070 P01 titled 'Footway Remedial Works Adjacent to Plot 357' is considered to be acceptable for the purpose of demonstrating the amended arrangement to widen the footway to the front and side of plot 357 to 1.2m and for the surfacing to be continuous with the wider S278 footway surface works as confirmed by email dated 02/08/2019.

Condition 31: The detail shown on drawing number ICS 01 XX DR C 070 P01 titled 'Footway Remedial Works Adjacent to Plot 357' is considered to be acceptable for the purpose of demonstrating the amended landscape arrangement to accommodate the proposed widening of the footway to the front and side of plot 357 to 1.2m.

Planning note

This decision has been considered in the context of the information contained within the Exemplar Environmental Statement Report (report no. 0505-UA001881-UP31R-01 dated November 2010 prepared by Hyder Consulting) and the Exemplar Environmental Statement Addendum (report no. 0513-UA001881-UP31R-01 dated April 2011 prepared by Hyder Consulting) which is considered sufficient for the purpose of considering the information provided and has therefore been taken into account.

Case Officer: Caroline Ford

DATE: 02/08/2019

Checked By: Alex Keen

DATE: 05/08/2019

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