

**OS Parcel 7400 Adjoining Land South of Salt Way,  
Banbury**

**20/01048/DISC**

**Case Officer:** Linda Griffiths

**Applicant:** Mrs Sarah Griffiths

**Proposal:** Discharge of Condition 6 (Design Parameters Code) of 14/01932/OUT

**Ward:** Banbury Calthorpe and Easington

**Councillors:** Councillor Colin Clarke, Councillor Mallon, Councillor Mepham

**Reason for Referral:** Referred to Committee by Assistant Director, Planning and Development

**Expiry Date:** 27 August 2021

**Committee Date:** 7 October 2021

---

**SUMMARY OF RECOMMENDATION: THAT PLANNING CONDITION 6 (DESIGN PARAMETERS CODE) OF 14/01932/OUT BE DISCHARGED**

**1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

- 1.1. The site comprises 52 hectares of arable and pasture land located approximately 1.7km to the south of Banbury Town Centre. The northern edge is bounded by Salt Way. A tree bely along the southern boundary will be retained and incorporated into the green infrastructure.
- 1.2. Bloxham Road (A361) forms the western edge of the site, one of the main strategic routes into the town. It is currently rural in character and tree lined and will be realigned to form the new access into the site.
- 1.3. Outline planning permission was issued in December 2019 following the completion of a section 106 agreement. It is anticipated that work to create the new access and spine road will commence later this year.

**2. CONDITIONS PROPOSED TO BE DISCHARGED**

- 2.1. This report relates to the Design Code document that has been submitted in order to discharge condition 6 of the outline planning permission relating to the residential development on land to the south of Salt Way allocated in the adopted Cherwell Local Plan under Banbury Policy 17. The purpose of the Design Code is to guide the detailed design of the development of the site. The Lead Developer for the site, L&Q Estates will be responsible for delivering the strategic infrastructure on the site which includes the main spine road, greenways, structural landscaping and play space and the strategic foul and surface water drainage. It is understood that the residential areas will be split into land parcels and sold to other housebuilders to deliver.
- 2.2. The outline planning permission was issued on 19 December 2019. Condition 6 relating to the design code is as follows:

*No application for reserved matters approval shall be submitted (with the exception of an application solely providing details of the new link road) until a Design Parameters Code covering the entire application site has been submitted to and approved in writing by the local planning authority.*

*The Design Parameters Code shall be broadly in line with the principles contained in the design and access statement and its addendums and include details of:*

- *An indication of development densities across the site*
- *Character areas*
- *The general scale and form of buildings across the site*
- *The street form and hierarchy for all types of street/road*
- *General approach to public open space, recreation facilities and green infrastructure*
- *The approach with respect to existing public rights of way*
- *The approximate location of public artwork*
- *The approach to the new link road including its alignment*

*The Design Parameters Code shall also include a parameters plan for the local centre which shall include details of the following:*

- *An indication of uses within the Local Centre*
- *Amount of development proposed for each use*
- *An indicative block plan layout, including car parking arrangement*
- *Scale parameters of buildings*
- *Indicative access points*

*The development and all subsequent applications for reserved matters shall be in accordance with the approved Design Parameters Code unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To ensure that the development takes place in a cohesive way that leads to a satisfactory quality of urban design in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.*

- 2.3 There are also a number of other planning conditions attached to the consent which require other details such as highway requirements, landscaping and ecology to be addressed.
- 2.4 The clearance of planning conditions is ordinarily dealt with through officer delegation, but, given the important role that the Design Code will have in securing the future appearance and design of the site, it has been referred to the Planning Committee for determination by the Assistant Director, Planning and Development.
- 2.5 The recent changes (July 2021) to the NPPF reflect the new drive in Government policy towards the creation of 'beautiful' and 'sustainable' places. The NPPF envisages this happening through the design guides and design codes that are based on effective community engagement and reflect local aspirations for the development of the area. The Planning Committee represent the community as a whole and therefore are in a position to comment upon local aspirations for development in the district. The intention of referring this matter to the Planning Committee is to allow for suitable and proportionate public oversight to ensure the proposed design approach is fit for purpose within its local context.
- 2.6 The condition requires the approval of the design code prior to the approval of any reserved matters, with the exception of the spine road. The condition also requires all reserved matters applications to be in accordance with the design code. This will ensure that, should the Planning Committee resolve to agree the Design Code, that the future development of the site will come forward in accordance with its content.

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

#### **3.1 The following planning history is considered relevant to the current proposal:**

14/01932/OUT – outline consent for up to 1000 dwellings, local centre, primary school and strategic infrastructure

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

### **4. RESPONSE TO CONSULTATION**

4.1 Urban Design – There have been ongoing discussions throughout the consideration of this Code and the detailed comments can be read on the application documentation. A number of concerns and issues were raised from the outset, which following extensive and on-going discussions and meetings have now been largely addressed.

4.2 Arboricultural Officer – Comments have only been received in respect of the document issued in July 2021 (v20), where a number of observations were made. These comments can be read in full on the application documentation. Whilst a number of the comments are reasonable, most of the tree and shrub details have already been agreed by the Landscape Officer through negotiations throughout the determination of this application.

4.3 Ecology Officer – Comments have only been received in respect of the initial submission (v18, Apr.'20) advising that the code was disappointing from an ecological point of view, and it was difficult to assess whether a biodiversity net gain would be likely. It would be preferable to set aside areas for wildlife refuge and discourage dog walking/recreation in those areas. No commitments to biodiversity enhancements within the built environment. No further comments have been received from the ecologist on the subsequent Code amendments.

4.4 Landscape Officer – There have been ongoing discussions throughout the consideration of this application and the evolution of the code. The detailed comments can be read in full in the application documentation. A significant number of concerns were raised at the outset and the submission submitted in July has finally resolved the issues raised in terms of landscaping and the landscape officer now considers the submission to be acceptable.

4.5 OCC – Raised several objections to the initial submission, the details of which can be read in the application documentation. Following considerable discussions, meetings and negotiation the majority of the original concerns were addressed and overcome. The comments (2 August 2021) raised concerns regarding the tree species down the spine road, inadequate street dimensions for adoption in some areas and lack of a continuous footway at the Local Centre. Further amendments were made in respect to those comments (v21, v22 and v23, dated July and August 2021) which now satisfy OCC's earlier concerns.

4.6 Stagecoach – Raised a number of concerns regarding the spine road as a bus route and the provision of bus stops along its length. These issues have now been dealt with separately under the reserved matters submission relating to the spine road (20/03702/REM) refers. These comments can be read in full on the application file.

## 5. APPRAISAL

- 5.1 Outline planning permission for the residential development of this larger part of the Banbury 17 allocation was granted on 19 December 2019 following the completion of a Section 106 Agreement. This permission is for up to 1000 dwellings, local centre with community building, primary school, secondary school playing field land and strategic infrastructure and provision of a new spine road served from a new roundabout on Bloxham Road through the site to link at its eastern end with the spine road on the adjacent site being brought forward by David Wilson/Barratt Homes to link to a new access on White Post Road. The new spine road will also include a new bus service through the development.
- 5.2 Prior to submitting this application, a number of workshops and discussions have taken place with CDC and OCC Officers, Gallaghers (now L&Q Estates) and their agents in helping to steer the Code which was formally submitted through this application for consideration in April 2020.
- 5.3 There were a considerable number of issues and concerns with the original submission which despite much discussion and correspondence prior to its submission, lacked vision and clarity as to what type of development was envisaged on the site and lacked any clear and logical thought process.

### The Requirement for Design Codes

- 5.4 Design codes are designed to deliver an improved quality of development and to ensure consistency across the site. They also give housebuilders interested in taking one of the parcels an equal playing field in terms of what is expected. The use of design codes can also enhance the economic value of a site through better quality design and sense of place; give greater certainty to the planning process, and a more streamlined process. The aim of a design code is to provide clarity over what constitutes acceptable design quality for an area and therefore provide a level of certainty for developers, the Local Planning Authority and the local community generally. Codes are intended to focus around the design characteristics that are important to achieve and establish and firmly fix the 'must have' design elements.
- 5.5 Given that Banbury 17 is a large strategic allocation, and that this forms the larger portion of that allocation for up to 1000 dwellings plus the local centre on the edge of Banbury, it is vital that the development coming forward successfully integrates with the existing development, the rural nature of Bloxham Road and the remainder of the allocation at the eastern end being delivered by David Wilson/Barratt Homes as well as delivering a development that is locally distinctive.
- 5.6 A well written and clear design code should lead to better quality and consistency through all phases of the development. Whilst the Lead Developer (L&Q Estates) will deliver the main strategic infrastructure, it is likely that the residential parcels will be sold to other developers and the Code will provide clarity on what is expected across the site.
- 5.7 The NPPF at Chapter 12 'Achieving Well-Designed Places' advises at paragraph 129 that all design guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and National Model Design Code. Each of these documents promote good design which is locally distinctive with green tree-lined streets.

- 5.8 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 also seeks to ensure that new development within the District is of high quality and locally distinctive to protect the character and appearance of the District and to ensure that Cherwell District remains an attractive place to live and work.
- 5.9 Cherwell District Council's adopted Residential Design Guide 2018 SPD is also a material consideration and all new development should seek to comply with it.

#### The Design Code Submission

- 5.10 The Design Code was required under the outline conditions to provide certainty for developers and their agents who will be building out the development. It will help to inform officers determining the reserved matters applications as well as consultees, Members and members of the public about the standard of development expected. The Code will be used to inform pre-application discussions and will follow through to assist in the determination of the subsequent reserved matters applications.
- 5.11 The design code now under consideration (v23 submitted on 26 August 2021) has changed significantly since its original submission in April last year (as v18). It was considered that this original submission lacked clarity and vision and failed to successfully articulate the type of development to be created having regard to context, landscape, density, movement and street design. Those initial concerns were explained in a letter to the agents dated 30 June 2020 and can be read in full in the application documentation. Following a further series of written comments, meetings and discussions over the last 12 months, the Code has evolved through five further iterations (v19-v23) that have sought to address the concerns, and ultimately ensure the delivery of a successful and locally distinctive place.
- 5.12 The Code is broken down into chapters, namely: introduction, context vision and character, regulating plan, landscape, access and movement, built form, sustainability and implementation. These will be considered further below.
- 5.13 The Code includes three types of information; Mandatory design fixes which are elements that must be adhered to; Guidance which are elements within the code that should be achieved and illustrative material or precedent images that seeks to explore how the mandatory and guidance elements within the Code can be achieved. As the Code is designed to be a detailed '*book of rules*' for developing the site, it is vital that the document is clear in its vision and what will be required and that none of the statements are ambiguous or contradictory.
- 5.14 In terms of the pre-penultimate submission iteration (v21), dated July 2021, the applicant's agent was advised that a number of key issues remained to be addressed, these being the objections raised by OCC as highway authority and the requirement to ensure the use of 30% natural ironstone throughout the development. A final revised code that addressed those issues (v23, dated August 2021) was received on 26 August 2021.

#### Urban Form and Character Areas

- 5.15 The Code identifies two main character areas: Core and Suburban and a third smaller character area: Local Centre. The code deals with each of the character areas in turn. As each of the character areas is slightly different in character, location within the site or function, there are different rules for each of the areas. Each character area also differs slightly in terms of density and building heights. The edges of the site within each character area are also treated slightly differently with slightly different character area frontages created to the Bloxham Road Gateway, Greenways, Salt Way and

Spine Road/Greenway Nodes. The key elements of each character area are summarised below.

- 5.16 Densities and building height as required by the condition are identified on pages 82 and 83 of the Code.

#### Core Character Area

- 5.17 This is recognised as the most visible and active part of the development anchored by the spine road which runs through the site from the Bloxham Road in the west to its eastern boundary with the remainder of the allocation, which is being delivered by David Wilson/Barratt Homes. The Local Centre and primary school are also located just to the north of the spine road. This area will have the highest building density and the tallest buildings achieved through 2.5 and 3-storey buildings with 2-storey at the gateway into the development. Consistent and strong continuous built frontages are a key characteristic of this area. The materials originally specified in this area were 60% red brick, 30% buff brick and 10% render and the gateway frontage and greenway frontages were to be 100% natural ironstone. This however was confusing, contradictory and did not comply with the Council's Residential design guide SPD, which requires a minimum of 30% natural ironstone. The applicant was asked to re-consider this aspect to ensure that the code was clear in its requirement for 30% of dwellings to be in natural ironstone. The final iteration of the Design Code (v23) is now clear and policy compliant.
- 5.18 In terms of boundary enclosures, hard landscaped boundaries consisting of either stone or brick walls to match the associated dwelling are proposed to dwelling frontages and where enclosures abut the public domain.
- 5.19 One of the main characteristics of the core area is the spine road which has a 4m wide grass verge to the northern side with trees placed at 20m intervals. This tree lined feature has been the topic of much discussion and negotiation throughout the evolution of the Code and was agreed following the approval of reserved matters for the adjacent David Wilson/Barratt Homes development where this was achieved. One of the main concerns in respect of this Code, however, was the mandatory reference to the provision of up to an additional 25 accesses along the spine road to provide some direct access to dwellings along the spine road, including private drives. The main access points into each of the individual housing parcels either side of the spine road are already agreed, and these access points would be in addition to those. Whilst it is accepted that some additional access points may be appropriate and acceptable along the spine road, particularly to the southern side where there is no verge and tree planting, the provision of these should be limited and must not impact on the main character of the tree lined spine road. Following further discussions, specific reference to the number of additional vehicular access points have now been removed.
- 5.20 In terms of the built development itself, the code remains vague in terms of the design of dwellings and architectural detailing, and the form of development around the greenway nodes along the spine road also remains unclear in terms of what the character change is actually to be achieved here. This has been the subject of much discussion but remains un-resolved. However, it is hoped that the Residential Design Guide SPD can help to guide the development through the reserved matters submissions in these respects, so whilst the Code is disappointing on this point, it is considered that this would not be a reason for refusal.

#### Suburban Character Area

- 5.21 The suburban character area lies away from the main spine road and is generally less visible than the core area, receiving lower levels of vehicular traffic and through

movement. This area relates most closely with the strategic landscaping and defines the edges of the site with more informal and varied front garden set backs which must be a minimum of 1.5m. The density of development is slightly lower than the core and has a greater proportion of 2 storey homes. The building materials specified are 60% red brick, 30% textured brick and 10% render with ironstone along the Salt way and Greenways. As above this was ambiguous and contradictory and would not achieve delivery of 30% natural ironstone across the development, as required by the Residential Design Guide SPD. This it has now been amended in the latest revised draft (v23) on pages 86-89 of the Code, which is now policy compliant. In terms of boundary treatments, it is proposed that these should be soft landscaped boundaries to provide a greener and more informal character, using hedging trees or shrub planting.

### Local Centre

- 5.22 The Local Centre which is located just to the north of the spine road lies at the heart of the new community. It will accommodate a range of local retail and community uses including a community hall and garden. Co-located adjacent to the new primary school, the Local Centre will provide a focus for community activity for the development. It is also envisaged that there may be an opportunity to provide some residential use above the retail units.
- 5.23 The design of the Local Centre and 'school loop' highway has been informed by discussions with OCC to ensure appropriate access provision for the primary school is made with clear pedestrian and cycle routes through the local centre to the school. The local centre parking will also serve the school drop offs and collection.
- 5.24 It is important that the local centre provides sufficient outdoor space for people to gather and meet, and following extensive discussions, the indicative layout for this area is significantly improved. The Code also envisages that the Local Centre should be more contemporary in its design and choice of materials.
- 5.25 Whilst the indicative layout for the Local Centre site has been significantly amended and much improved from that originally proposed to address the concerns and objections made, it is still considered that it is somewhat compromised by its size and relationship with the primary school, access road, potential residential uses above and parking/servicing provision. This will require very careful consideration at reserved matters submission.

### Landscape Strategy

- 5.26 This chapter of the Code has evolved through extensive discussions with the applicant and agent. A series of seven coded landscape areas are proposed, these being the Parkland Gateway, Eastern Park, Greenways, Salt Way, Spine Road and Greenway Nodes and the Local Centre.

### Parkland Gateway

- 5.27 The aim of this strategic landscape area lies adjacent to Bloxham Road and will help to deliver an appropriate interface between the urban edge of Banbury and the rural approach along Bloxham Road and the adjacent parkland of Tudor Hall School. This area will sit either side of the new roundabout and vehicular access into the development.
- 5.28 The key characteristic here will be a gently rolling mound created by the new earthworks, retaining the existing public right of way with parkland planting and play area which will be integrated into the landscape and planting proposals. A dry

attenuation pond related to the street drainage will be incorporated close to the main entrance into the development.

### Eastern Park

- 5.29 The eastern park is located at the eastern end of the development and will include a NEAP, two adult sports pitches and allotments. The existing bridleway and public rights of way will be retained with some reconfiguration of one of the footways which currently crosses the proposed pitches. These footpaths will connect to the adjacent development and to Salt Way. Two attenuation basins are to be created within this space, with associated wetland and grassland planting.

### Salt Way

- 5.30 An informal linear green space will be created along the northern edge of the development adjacent to Salt Way to reinforce the setting and ecological benefits along Salt Way. A new LEAP will be located centrally along this space providing a range of equipment to cater for children of school age. Buildings along this route will be set back 20m from the Salt Way boundary.

### Greenways

- 5.31 There are a series of greenways incorporated into the strategic landscaping. These will be multifunctional and biodiverse informal open space corridors that create a green structure for sustainable movement, drainage and as open space destinations in their own right. They include retained landscape hedgerow features and will be planted with additional trees to enhance their landscape value.
- 5.32 Informal leisure routes along them will provide non-vehicular connectivity between development parcels, with at-grade crossings provided at key points as indicated on the Regulating Plan. A new bridleway route will be incorporated along the central greenway. Each greenway will have slightly different character, width and function.

### Spine Road and Greenway Nodes

- 5.33 As previously advised, the spine road will be characterised by a tree lined 4m grass verge and 3m footpath/cycleway along its northern side. A consistent tree planting approach is taken to provide a more unified character, with lime trees providing a strong repeating pattern at 20m spacings, punctuated by pairs of Gingko's at the Greenway Nodes.

### Local Centre Landscaping

- 5.34 The planting here will be more urban in character and made distinguishable through the intended use of structural and ornamental planting. Tree planting along the southern boundary of the Local Centre will be planted at regular intervals to allow for continuation of planting along the spine road. Planting areas will be characterised through the use of formal herbaceous, ornamental shrubs and clipped hedges providing visual and sensory amenity. A hard landscaped area will also be provided with outdoor seating within the local centre development.

### Streets

- 5.35 Oxfordshire County Council as Highway Authority have been involved in the development and completion of this document throughout and have endorsed the approach that has been detailed in the Code. Following a number of concerns and objections raised in respect of the initial submission, the Code has been revised



accordingly and subject to the latest objections raised on 2nd August being successfully resolved, as they are now in v23, the Code is considered acceptable in this respect.

- 5.36 The outline permission secured some key access and movement principles and these are brought through in the Code to create a safe and accessible development by foot and cycle with community facilities located at its centre served by well connected footpaths, cycleways and informal leisure routes, and a new bus route along the spine road to connect to the surrounding locality. An access and movement plan is provided on page 65 of the Code.
- 5.37 A street hierarchy provides legibility through the development with the main spine road and primary streets proposed to serve the higher density development within the centre of the site and residential streets, edge of parcel streets and private drives located within the development parcels themselves. After much discussion, the use of private drives has been minimised and will now only be used where they do not impinge on connectivity.
- 5.38 Whilst the spine road was proposed to be a tree lined avenue, concerns were raised about the lack of landscaping and tree planting opportunities within the development parcels themselves. This has now been addressed and build outs are proposed along residential streets to enable shrub and tree planting to be provided. OCC have raised concerns about the width of these build outs which were shown at 2.3m wide, these have now been reduced to 1.8m which is disappointing but should still be of sufficient width to achieve appropriate tree and shrub planting.

#### Sustainability

- 5.39 This has been subject of much discussion as the code has evolved, particularly having regard to CDC's Climate Change Emergency Declaration and Central Government advice and proposals in this regard to mitigate the impacts of climate change. This chapter remains disappointing with notes about sustainable design and construction, renewable energy measures and water resources rather vague and not mandatory.

### **6. CONCLUSION**

- 6.1 The Design Code has evolved through significant discussions and negotiations ensuring that the final document (v23) results in a comprehensive and sufficiently detailed Code which can be used by developers/house builders, the District and County Councils, consultees and the general public to ensure the delivery of a good quality development that is locally distinctive and respects its landscape setting on the edge of Banbury.
- 6.2 The revised Code now submitted for consideration (v23) has taken on board many of the comments and criticisms that Officers and consultees made. It is therefore now considered that the Code is acceptable, enabling the relevant condition to be discharged accordingly.
- 6.3 The original application was EIA development. The Code has sought to address the requirements of the outline application and the requirements identified through the ES submission and does not result in any additional issues that would need to be reassessed at this point in time. A number of conditions, such as the Landscape Ecological Management Plan will address the mitigation measures required in terms of biodiversity. 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 CONDITION 6 (DESIGN PARAMETERS CODE) OF 14/01932/OUT BE DISCHARGED, BASED UPON:**

Land at Wykham Park Farm - Design Parameter Code - August 2021 (Version 23)