

Application 10/00294/DISC	No:	Ward: Bloxham and Bodicote	Date Valid: 24/09/10
Applicant:	JJ Gallagher Ltd & Hallam Land Management		
Site Address:	Land North east of Oxford Road West of oxford canal and East of Bankside, Banbury		

Proposal: Discharge of conditions No. 11, No. 12, No. 13, No.14 and No. 15 of 05/01337/OUT – Provision of Master Plan and Design Code

1. Site Description and Proposal

1.1 The site is commonly known as the Bankside development and lies to the east of Bankside (Banbury) and the properties on Oxford Road (Bodicote), to the North of Canal Lane (Bodicote) and the west of the Oxford canal.

1.2 Outline planning permission was granted on 30 September 2009 under planning application reference no. 05/01337/OUT. The consent included 40 planning conditions and this application seeks to discharge the following conditions;

11. MASTER PLAN

No reserved matters applications shall be made or development commenced until a Master Plan, in compliance with the Environmental Statement Assessment Plan, has been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved Master Plan. Any revisions to the Approved Master Plan shall also be made by submission in writing and shall not be implemented unless or until approved in writing by the Local planning Authority.

12. The Master Plan shall include,

- a) An overall layout plan showing the distribution of all principal land uses throughout the site, including residential, employment, retail, primary school, community facilities, areas of mixed use and open space, the means of access thereto, including the general alignment of the access roads and principal pedestrian and cycle routes.
- b) The character areas to be covered by Design Codes
- c) Details of the landscape structure, mitigation planting and hedge and tree protection corridors
- d) The Parcels into which the development is to be divided (each parcel being a part which is intended to be developed as a single entity and in respect of which a Reserved Matters application is to be submitted.
- e) The principles for foul, surface and land drainage from the site and the development including surface water source control measures and balancing, sewers and connections
- f) The location of the sports pitches, two local areas of play (LEAPS) and a neighbourhood equipped area of play (NEAP) and the boundaries and principle features of the community park

13. DESIGN CODES

No reserved matters applications shall be made or development commenced until Design Codes for the site have been produced in accordance with condition 14 and following consultation with the local planning authority and local people, and have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Codes.

14. The Design Codes shall include,
 - a) the character, mix of uses and density of each phase, sub-phase or parcel identified on the Master Plan to include the layout of blocks and the structure of public spaces
 - b) the character and treatment of the perimeter planting to the development areas
 - c) the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
 - d) the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
 - e) the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking to be provided to serve the proposed uses
 - f) the materials to be used within each character area
 - g) the treatment of the hedge corridors and retained trees and local areas of play within each phase, sub-phase or parcel
 - h) measures to ensure energy efficiency and compliance with BRE Eco Homes good/very good ratings
 - i) measures to ensure the retention of Canal lane as a rural footpath/bridlepath through the built development and its enhancement for walkers and equestrians
 - j) the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site
 - k) measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
15. Unless otherwise agreed in writing by the Local Planning Authority the Master Plan and Design Codes shall be submitted to the Local Planning Authority within 12 months of the date of this permission.

- 1.3 It is unusual for the discharge of conditions applications to be brought to planning committee for consideration but given the scale of the overall development it was considered appropriate to give Members an opportunity to consider what has been submitted in terms of the design code and gain an understanding of the principles that will apply to the site. Members will therefore be required to determine whether or not the submitted documents are sufficient to comply with the conditions and as such discharge them.

2. Application Publicity

- 2.1 It is not a statutory requirement to consult on discharge of condition applications but given the scale of the development and the precise wording of the conditions it was considered appropriate to consult with local residents. When the application for the

discharge of conditions was first submitted in 2010 a round of consultation was carried out, with letters being sent to individual properties. Since the submission of the latest design code document a further round of consultation has been carried out with site notices being posted at various locations around the site. The consultation period will expire on 16 May 2012.

2.2 As a result of the first round of consultations the following comments were received from 5 local residents;

- The village of Bodicote as a result of the development will become part of Banbury
- No provision of additional main roads
- Adding to existing problems of congestion
- Any relief road will feed into already congested road system
- Reliance of private car to get children to secondary schools
- Inadequate parking for new residents
- New settlements should be away from existing towns and provide adequate space for residents, modeled on garden suburbs
- Density too high
- Insufficient garden space
- Scheme is precursor for social ills
- Conditions 11-16 are fundamental to proposal
- Object to development being called Longford Park and the reference to Haynesbridge
- Concern about traffic using Canal Lane – gates will prove useless – potential of using rising bollards
- How will coaches access the school
- Would prefer dwellings to back onto Canal Lane – removing temptation of parking in front of properties on Canal Lane itself
- That the hedges along Canal lane be protected both physically and in title
- School should be closer to Banbury
- Where will the school parking be provided and how will on-road parking be prevented
- Roads should be wide enough for both on-street parking and emergency vehicle access
- Some details on the plans are not clear
- Tree planting and mitigation is not clear – is sufficient being provided to protect the privacy of existing residents
- However is the character precedence of Deddington relevant to this scheme given the distance between the two locations
- Location of play areas not good for ensuring natural surveillance
- School and community centre should be better located away from Canal Lane
- Full consultation period has not been given

It is likely that further comments will be received prior to committee, these will be summarised in a written or verbal update at the committee meeting.

3. Consultations

3.1 Following the first consultation **Bodicote Parish Council** made comments identical

to some of those raised above.

- 3.2 **Banbury Town Council** did not raise objections to the initial submission but did raise concerns that no reference is made to Sustrans/Connect 2 scheme to link the development to the town along the canal and the lack of links between the development and the existing Bankside Road and Park. The Town Council would have also liked to have seen some reference to allotments as there is a shortage within the town. Adequate changing facilities should also be provided for the pitches.
- 3.3 The **Local Highway Authority** has made the following comments;
1. The drainage strategy should be part of the Design Code and as such OCC's Drainage Engineer should be involved
 2. The movement hierarchy looks satisfactory in principle
 3. Tree planting and the use of tree pits is acceptable in principle however the specifications of the tree pits should be agreed as part of the design code
 4. As long as road materials meet OCC specification the LHA is unlikely to have any issues in this respect – happy to leave colour and textures to CDC
 5. In relation to parking the indicative layouts seems acceptable in principle although can't see that regard has been had to location of services – materials must be impermeable where services are proposed.
 6. On street parking should comply with Manual for Streets and be unallocated
 7. The street hierarchy is acceptable in principle but the following are not agreed:
 - Tree types – requiring input from County's Tree Officer
 - Street types and materials – location of services need to be considered
 - No agreement to porous asphalt
 - Junction spacing – distorted grid proposed – will also accept cross road layout
 - Radii for side street 6m
 - Traffic calming for Primary street – suggest at intervals up to 150m
 - Traffic calming for side streets – every 60m

4. Planning Policies referred to in the reasons for the conditions

- 4.1 South East Plan
CC6 – Sustainable communities and character of the environment
CC7 – Infrastructure and Implementation
H5 – Housing design and density
H1 – Regional housing provision

- 4.2 Non-Statutory Cherwell Local Plan
H10 – Banbury Urban Extension: Land off Bankside

Other relevant documents

NPPF

Preparing Design Codes (Communities and Local Government 2006)

5. Appraisal

- 5.1 The Assessment Plan which forms part of the Master Plan as required under

conditions 11 and 12 has remained almost identical in layout to the plan finally agreed as part of the Outline application but does contain additional detail. It identifies the following information;

- The extent of the site boundary
- The extent and location of the built development, including the number of units and the average density across the site
- The location of the primary school, employment uses including a public house, formal sports provision including play areas, general locations for landscaping and the canal basin
- The community park
- Existing public rights of way
- Strategic footway/cycleway link
- The location of the two Character Areas, Haynesbridge and the Plateau

The Master Plan also contains plans identifying the movement hierarchy, drainage, landscape plan, code parcel plan and incorporating each of these plans to produce an overall masterplan. It is considered that the level of information submitted in relation to the master plan is sufficient to address conditions 11 and 12 and as such it will be recommended that these conditions be discharged.

- 5.2 The Design Code element begins by setting out the areas that have the potential to influence the design and character of the development. Positive examples of design, layout and use of materials are taken from Banbury, the Oxford Road in Banbury and Bodicote, Bodicote itself and Deddington. It goes on to set out key development principles including features such as privacy distances, the use of corner buildings, maximum storey heights, the use of street trees and measures to seek to protect the amenities of the existing residents only the Oxford Road in Bodicote. It will be required that where there are new properties backing onto existing gardens the new properties will have a set back of no less than 22 metres sustaining distances in the region of 42 metres between rear facing elevations. This, as well as restricting the maximum building height, is considered acceptable in order to protect the amenities of existing residents.
- 5.3 The document is not required to detail the precise layout of the individual plots but is required to have some regard to the potential block structure, this has been done.
- 5.4 The document identifies two areas with potential for distinct neighbourhood identities. The first is the Plateau, the area of built development to be located behind the Oxford Road frontages in Bodicote and south of the Canal Lane. The Code sets out that this character area will take the form of a village with a local centre, with residential streets and a housing perimeter that will look out onto parkland.
- 5.5 The second area is located to the north of the site, adjacent to Bankside, and is to be referred to as Haynesbridge. Given the proximity of this site to the town and its relationship with the canal and wider countryside this is seen as a different development to the Plateau and as such will take it influences from a wharf and tow path environment, with strong frontages to the canal and a linear street layout.
- 5.6 In relation to the use of materials the palette will generally reflect those traditionally used in the northern part of the district with a range of red and buff bricks with

accents of engineering bricks in the Haynesbridge area. Natural stone will be used on key buildings in key locations and render will be used to break up the use of brick. Roof materials will include red to grey tiles, grey blue concrete tiles, artificial Stonesfield slate and natural slate.

5.7 The Design Code evolves through various levels of detail and sets out the parameters for each of the character areas covering in more detail where the densities for each of the parcels, the locations of key buildings and identifying key locations within each character area, referring to areas such as main streets, village centre frontages, Oxford Road frontage, hedgerow lane frontage, park fringe, Cherwell Heights frontage, canal frontage and canal basin frontage. Each of these key locations is then covered in greater detail later on in the Design Code. Additional plans set out specifically the hierarchy of streets, the locations where maximum building heights will apply, the locations of the local areas of play and the boundary treatments for key locations. Specifications for each area are set out in tables, adding some substance to the illustrations.

5.8 A further level of detail is provided where the Code sets out various types of treatment for Key Locations. Looking specifically at a few examples it is made clear that in relation to Canal Lane only the existing properties will be able to gain access along the lane, new properties and the school will be accessed from within the development with vehicular access being physically restricted through the use of gates and the layout of the roads. In relation to the Oxford Road frontage it is demonstrated that a significant set back will be required with a belt of landscaping and internal access roads. Key buildings will be located in prominent locations close to the access. The village centre will accommodate the key community buildings surrounding a shared surface area which will include parking provision, a bus stop and a recycling area. The canal frontage will have a variety of set back distances but somewhere between 20 and 30 metres and properties will front onto the canal.

The requirements of this part of the code are illustrated by way of plan drawings, cross sections and indicative pictures.

5.9 A park parameters plan sets out the community park design principles which includes the existing hedgerows and trees, the mix of species to be included in the avenues, copse woodland, wet woodland and new hedgerows, locations for close mown grass, wildflower meadow, undisturbed grass areas, formal and informal paths, boundary treatments, play areas and attenuation basins.

5.10 Sustainability principles are set out within the code and it requires that the development be implemented in accordance with the Code for Sustainable Homes which applies at the time of construction but also recognises that the development will also have to comply with the relevant building regulations.

5.11 Highway specifications are dealt with in the technical appendices and details elements such as the speed limits, surfacing, highway widths, access and parking arrangements and vision splays. Methods for dealing with cycle parking are also covered in this section.

5.12 The Code also specifies the boundary treatments for specific key locations, excluding those around individual house plots as these will be dealt with by

reserved matters applications. The boundary treatments range from post and rail fences on the more rural edges to brick pillar and railings in the village centre. It also specifies that the design of the properties should incorporate storage areas for three wheeled bins and sets out appropriate measure for achieving this.

5.13 Conclusion

The Code was first submitted to the Council in 2010 and after initial communications with the applicants there was a long period during which there was no contact from the applicants preventing the progression of the submission. However for the last few months there have been lengthy communications during which the Council has sought amendments to the scheme in order that the Code better serves its purpose and meets the requirements of the conditions. The most recent version of the document was submitted at the end of April and officers are of the view that the majority of the code now meets the requirements of the conditions. However there are various elements of detail which are considered to require further amendment and refinement.

It is important that whilst the general principles of the code are satisfactory to officers that the detail is agreed as the Code will be mandatory and future developers will be required to comply with the contents of the code. The Design Code will influence the overall character, layout and appearance of the development. It does not specify particular forms of architecture or design but will secure some consistency across the site and ensure that where it is important to protect existing residents for example this will be adhered to and developers will be aware of what is required of them before they purchase a parcel of land and begin to design their own schemes.

6. Recommendation

That, subject to the expiry of the consultation period members resolve to approve the masterplan and design code but delegate to officers the final discharge of conditions following the submission of a satisfactory document addressing the remaining concerns of the officers.

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