

OS Parcels 4083 And 6882 Adjoining And North Of  
Broken Furrow, Warwick Road, Banbury

**16/00498/DISC**

**16/00499/DISC**

**16/00511/DISC**

**16/00512/DISC**

**Case Officer:** Nathanael Stock      **Ward(s):** Banbury Hardwick

**Applicant:** Cherwell District Council

**Ward Member(s):** Cllr Tony Ilott  
Cllr John Donaldson  
Cllr Nicholas Turner

**Proposal:** Discharge of Conditions 3 (energy strategy), 4 (brick sample) and 5 (roof tile sample) of 16/01485/CDC (16/00498/DISC), Discharge of Conditions 3 (energy strategy), 4 (brick sample) and 5 (roof tile sample) of 16/01484/CDC (16/00499/DISC), Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle store /parking facilities) and Partial Discharge of Condition 9 (landscaping scheme) of 16/01484/DISC (16/00511/DISC) and Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle store /parking facilities) and Partial Discharge of Condition 9 (landscaping scheme) of 16/01485/CDC (16/00512/DISC)

**Committee Date:** 24.11.2016

**Recommendation:** Delegate authority to officers to determine all four applications

## **1. Application Site and Locality**

- 1.1 The applications relates to a small area within the western part of a larger site (approx. 26ha) allocated for development, to which Policy Banbury 5 of the Cherwell Local Plan 2011-2031 applies.
- 1.2 The larger site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries.
- 1.3 There are two public footpaths that run across the site, one across the western side of the western field from the Warwick Road towards Hanwell and one which runs along the northern boundary of the eastern field for a short distance before turning towards Hanwell. There are records of bats and badgers on the site and there are also notable habitats including lowland mixed deciduous woodland and a broadleaved woodland plantation. Other site constraints include naturally occurring contaminants, a minor aquifer and known records of minerals.
- 1.4 The site's surroundings consist of the Hanwell Fields development to the south, amenity space, which is not public, to the east (and which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

## **2. Description of Proposed Development**

The applicant seeks the Council's approval of details required by condition, specifically Conditions 3, 4, 5, 8, 9 (partially), 12, 18 of 16/01484/CDC and 16/01485/DISC.

## **3. Relevant Planning History**

12/00021/SO - Screening Opinion - Proposed development including up to 380 residential dwellings along with associated access, landscaping and infrastructure – EIAYES

12/01789/OUT - Outline application for up to 350 dwellings, together with new vehicular access from Warwick Road and associated open space – granted with conditions

15/00462/REM - Reserved Matters to outline application 12/01789/OUT - 118 dwellings together with new vehicular access from Warwick Road and associated open space (Phase 1) – granted with conditions

15/01589/REM - Reserved Matters application for 232 dwellings dealing with appearance, landscaping, layout and scale (this development forming the 2nd phase of development which received Outline permission under 12/01789/OUT) – pending consideration

16/00504/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) – granted with conditions

16/00515/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) – granted with conditions

16/01095/OUT - Variation of Condition 2 of 12/01789/OUT - pending consideration

16/01210/REM - Reserved matters to outline 12/01789/OUT - Erection of 21 No. houses, associated highways access and parking - pending consideration

16/01484/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) (revised scheme of 16/00515/CDC) – granted with conditions

16/01485/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) (revised scheme of 16/00504/CDC) – granted, conditions

## **4. Response to Publicity**

N/A

## **5. Response to Consultation**

### Parish/Town Council:

No comments

### Internal consultees

None

### Oxfordshire County Council:

None

### Other External Consultees:

None

## **6. Relevant National and Local Planning Policy and Guidance**

### **6.1 Development Plan Policies:**

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. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

PSD1 - Presumption in Favour of Sustainable Development  
SLE4 - Improved Transport and Connections  
BSC3 - Affordable Housing  
ESD1 - Mitigating and Adapting to Climate Change  
ESD2 - Energy Hierarchy  
ESD3 - Sustainable Construction  
ESD4 - Decentralised Energy Systems  
ESD5 - Renewable Energy  
ESD7 - Sustainable Drainage Systems (SuDS)  
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment  
ESD13 - Local Landscape Protection and Enhancement  
ESD15 - The Character of the Built Environment  
ESD17 - Green Infrastructure  
INF1 - Infrastructure  
BAN5 - Land North of Hanwell Fields

#### Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development  
C30 - Design of new residential development

## 6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## 7. Appraisal

- 7.1 Condition 3 of both consents requires the submission of an Energy Strategy, which must be in line with the mandatory requirements of Code 4 in respect of ENE1 2010. The submitted details are considered acceptable.
- 7.2 Condition 4 of both consents requires the submission of a sample of the brick to be used in the construction of the external walls of the development. The submitted brick is the Arden Olde Farmhouse Original, which is considered acceptable.
- 7.3 Condition 5 of both consents requires the submission of a sample of the tile to be used in the construction of the roof of the development. The submitted tile is the Sandtoft TLE, which is a larger, concrete tile – such tiles are not supported within the Cherwell district in new major housing developments, of which this development forms part. An amended tile has been sought from the applicant.
- 7.4 Condition 8 of both consents requires the submission of full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas. Drawings “16022-GNA-A-ST-DR-A-0202-B” (Proposed Site Plan Building A), “16022-GNA-XX-ST-DR-A-0201-C” (Proposed Overall Site Plan) refer, as do three separate drainage drawings by Monson. No comments have yet been received from OCC Highways and will be reported to Members at the Committee.
- 7.5 Condition 9 of both consents requires a landscaping scheme for the developments. Drawings “16022-GNA-A-ST-DR-A-0202-B” (Proposed Site Plan Building A) and “LS-01” (‘Detailed Soft Landscape Proposals Car Park Areas’) refer. No details are provided for the means of enclosure, or for the specification or colour of the hard surface materials proposed, and some of the soft landscaping proposed is not considered acceptable, e.g. ornamental planting proposed in places where hedging is required in order to make the front parking areas acceptable in planning terms. Amended details have been sought.
- 7.6 Condition 12 of both consents requires full details of existing and proposed ground and finished floor levels and all boundary treatments and means of enclosure. Drawings “16022-GNA-A-ST-DR-A-0203-A” (Access and Refuse Strategy), “16022-GNA-XX-XX-DR-A-4400” (Fence Detail) and “H489A-MO-Z1-XX-GA-C-31400 C1” (Building A Proposed Site Levels Plan”) refer. The details of proposed levels take account of existing levels and no building up is proposed on what is a relatively flat site with a slight slope. The proposed details are considered acceptable. Notwithstanding the said plan re fencing, further details have been sought in respect of boundary treatments and means of enclosure.

7.7 Condition 18 of both consents requires details of covered cycle parking facilities for the developments. Drawing “H489A-MO-Z1-FN-DR-S-21202 C1” (‘Building A Refuse and Cycle Store Details’) refer. The said drawing provides a section of the slab for the cycle store, a foundation layout for the refuse store, and a typical section through the foundation of the refuse store. Two of these three are not required by the condition. The drawing is not clear as to elevational appearance or materials. Further details have been sought.

## **8. Conclusion**

8.1 The submitted details are acceptable in the case of Condition 4 (bricks) but are either unacceptable or missing in respect of other conditions subject of these current applications.

8.2 The applicant is eager to receive a determination of the application, but also approval of details, and it is in the interest of Local Planning Authority to do what it can to enable the applicant to begin development as quickly as possible once acceptable details have been agreed.

8.3 Notwithstanding that the target date for 16/00511/DISC and 16/00512/DISC is subsequent to that next meeting of the Planning Committee, it therefore seems prudent to seek delegated authority to approve amended details as soon as possible rather than wait to the following meeting of the Planning Committee. Obviously any matters resolved before Committee will be reported to Committee and an amended recommendation will be made.

**9. Recommendation: Delegate authority to officers to determine all four applications once acceptable amended details have been received (if consultee comments have not been received by Committee.**

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