

<b>Applicant:</b>	Bloor Homes		
<b>Proposal:</b>	Full application for the erection of 319 dwellings, including affordable housing, areas of open space, new vehicular junction onto Bretch Hill and Edinburgh Way and associated infrastructure.		
<b>Ward:</b>	Banbury Ruscote		
<b>Councillors:</b>	Cllr Barry Richards Cllr Sean Woodcock Cllr Mark Cherry		
<b>Reason for Referral:</b>	Major Development		
<b>Expiry Date:</b>	11 May 2017	<b>Committee Date:</b>	6 July 2017
<b>Recommendation:</b>	Approve		

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

- 1.1. Outline planning permission (ref 13/00444/OUT) was granted for 400 dwellings in March 2016 within the area allocated in the Cherwell Local Plan 2011-2031 Part 1 under Policy Banbury 3: West of Bretch Hill to provide an integrated extension to the Bretch Hill area of approximately 400 homes.
- 1.2. The site allocation lies on the western edge of Banbury abutting the existing Bretch Hill residential area to the east and the Drayton Conservation Area to the west.
- 1.3. The application site forms the second phase of residential development, occupying the southern part of the overall site. To the north, residential development permitted under the outline consent and subsequent reserved matters application is currently under construction.

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

- 2.1. The application seeks full planning permission for the erection of 319 dwellings (including affordable housing), open space and associated infrastructure.
- 2.2. This full application, in addition to the 110 dwellings already approved in the northern part of the site and the 51 unit sheltered housing development, which forms part of the development, would bring the total number of houses within the site allocation to 480.
- 2.3. The application takes access through the northern parcel from Bretch Hill and also incorporates a further secondary access between no.s 39 and 55 Edinburgh Way. The application includes a mix of dwelling types including affordable housing, substantial areas of open space, landscaping and equipped areas of play.

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

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/00444/OUT	Outline - Construction of up to 400 residential dwellings including 60 sheltered housing/extra care accommodation, 500sqm of small scale employment and training premises, open space, new vehicular junction and accesses and associated infrastructure	Approved
16/00576/REM	Reserved Matters application in respect of planning permission reference 13/00444/OUT for the erection of 110 dwellings, associated infrastructure and landscaping.	Approved

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

4.1. No pre-application discussions have taken place with regard to this proposal.

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

5.1. This application has been publicised by way of a site notice 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. The final date for comments was 18.04.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. Four letters have been received from local residents. The comments raised by these third parties are summarised as follows:

- Concern regarding an additional access point which will result in a loss of green space and exacerbate existing problems associated with car parking within the area.
- Additional traffic flow through the Bretch Hill estate and onto Warwick Road.
- Loss of countryside setting and impact on wildlife.
- Amount of housing being built in Banbury and impact on surrounding villages.
- Loss of hospital facilities at the Horton.
- Lack of affordable housing

5.3. 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. Banbury Town Council: No objections, although the Town Council still has concerns regarding the access arrangements.
- 6.3. North Newington Parish Council: The council reiterates its original comments regarding the detrimental visual effect on the surrounding landscape, skyline and historic features. A condition should be imposed to ensure adequate landscaping is incorporated to minimise the effect of the development.

### **CHERWELL DISTRICT COUNCIL**

- 6.4. CDC Planning Policy: No comments received.
- 6.5. CDC Strategic Housing: No objection
- 6.6. CDC Recreation and Leisure: Seek contributions towards outdoor sports facilities within the locality of Banbury and additional indoor sports facility capacity in Banbury. A contribution is also sought towards increasing capacity of local community halls and towards funding community development and a community development worker. There will also be a requirement to provide public art.
- 6.7. CDC Business Support: It is estimated that this development has the potential to attract New Homes Bonus of £1,746,884 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.
- 6.8. CDC Conservation: No comments received.
- 6.9. CDC Ecology: Standard conditions are recommended with relevance to the protected species of badger and bat.
- 6.10. CDC Environmental Protection: Conditions recommended.
- 6.11. CDC Economic Development: No comments received.
- 6.12. CDC Landscape Services: Detailed comments have been made in respect of the equipped areas of play and the landscaping scheme. Some amendments will be required in order to make the scheme acceptable.
- 6.13. CDC Urban Design: No comments received.
- 6.14. CDC Waste and Recycling: No comments received.

### **OXFORDSHIRE COUNTY COUNCIL**

- 6.15. OCC Transport: Objection. A number of concerns are raised in respect of the layout and design of the scheme. OCC Transport officer anticipates that the objection could be removed subject to amendments being made to the design and the submission of further information. A legal agreement is also required to link the development to the outline consent and secure further pro rata contributions to take account of the increase in housing numbers. Conditions are also suggested and a Residential Travel Plan will also be required.

- 6.16. The development will also affect a public right of way; these must be taken into consideration in the layout and development of the site.
- 6.17. OCC Drainage: Some concerns are raised relating to the detail of the drainage strategy for the development and further information is required to overcome these concerns.
- 6.18. OCC Education & Property: No objection subject to conditions. A legal agreement is required to link the development to the outline consent and secure further pro rata contributions to take account of the increase in housing numbers.

#### OTHER CONSULTEES

- 6.19. Natural England: Standard response issued. No objection is raised in respect of Statutory nature conservation sites and Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.20. Historic England: The submitted landscape plans differ from the approved Masterplan showing fewer proposed trees resulting in a weaker screen to the development so that it would be more visible in key views resulting in a greater adverse impact on the grade II\* listed building (Drayton Arch) and registered park. Planting proposals should be intensified.
- 6.21. Sport England: Objects, as it is not clear how the demand for sports facilities will be met through this development. Sport England may be willing to withdraw this objection if further information regarding contributions is available.
- 6.22. Thames Water: No objection in respect of sewerage infrastructure capacity, foul water discharge or surface water run-off. Recommend that petrol/oil receptors be fitted in all car parking/washing/repair facilities. The developer is required to adhere to the Broughton Road Development Modelling Report.
- 6.23. Oxfordshire Clinical Commissioning Group: A financial contribution is sought towards funding healthcare infrastructure.
- 6.24. Banbury District CPRE: Proposed buffer planting will be important to screen the proposal. Concern raised about a potential access shown on the southern boundary of the site, CPRE would not wish to see further development beyond the limits of the application site.
- 6.25. National Planning Casework Unit: No comment to make on the Environmental Statement.

### **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)

- PSD1 – Presumption in favour of Sustainable Development
- BSC 1 – District Wide Housing Distribution
- BSC 2 – Housing Density
- BSC 3 – Affordable Housing
- BSC 4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD 1 – Mitigating and Adapting to Climate Change
- ESD 2 – Energy Hierarchy and Allowable Solutions
- ESD 3 – Sustainable Construction
- ESD 6 – Sustainable Flood Risk Management
- ESD 7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- INF1 - Infrastructure
- Policy Banbury 3 – West of Bretch Hill

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Bretch Hill Design Code

## **8. APPRAISAL**

- 8.1. A number of matters will have already been dealt with at the Outline planning stage. The key issues for consideration in this case therefore are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Transport, highways, connectivity and parking
- Landscaping and Landscape Visual Impact
- Noise, air quality and contaminated land
- Impact on heritage assets
- Infrastructure and Planning Obligations

### **Principle of Development**

- 8.2. The principle of development of the site has been established through the allocation of the site within the Cherwell Local Plan 2011 – 2031 Part 1 (Policy Banbury 3 – West of Bretch Hill) and the granting of outline planning consent (ref. 13/00444/OUT) for up to 400 residential dwellings and related development and infrastructure.

- 8.3. This current application seeks full planning permission outside of the constraints of the local plan allocation and the outline consent in order to increase the provision of residential dwellings within the site, taking the overall development from 400 to 480 residential units. As such the proposal is contrary to Policy Banbury 3.
- 8.4. Policy BSC 1 sets out a commitment to delivering a wide choice of high quality homes to meet the District's housing need and the overall housing strategy to focus strategic housing growth at the towns of Banbury, Kidlington and Bicester and seeking to concentrate development in sustainable locations to protect the Oxford Green Belt. Policy BSC 2 seeks to ensure that land earmarked for development within the District is not under utilised, stating that '*Housing development in Cherwell will be expected to make effective and efficient use of land*'.
- 8.5. The site has been identified as a sustainable location for development on the edge of Banbury where services and facilities are easily accessible and reliance on private modes of transport is reduced. Increasing the provision of housing within this sustainable site also ensures the effective use of land, providing that a satisfactory design and layout can be achieved and adequate levels of amenity can be maintained , and that the objective of ensuring that this development area should not impact detrimentally upon either the visual amenity of the countryside of the local heritage interests can be met.
- 8.6. Policy BSC 2 also requires new housing to be provided at a density of at least 30dph. The increase in housing numbers results in a development at 34dph.
- 8.7. In accordance with policies BSC 1 and BSC 2, the increase in housing provision within the Bretch Hill site would be acceptable in principle. The development will be expected to conform to policies ESD 15 and the site specific principles set out in policy Banbury 3.

#### **Design, and impact on the character of the area**

- 8.8. The site is subject of an approved Design Code setting out the design principles for the overall development. Although submitted as a full application, the whole site is required to be brought forward in accordance with the Design Code and as such is applicable to this application.
- 8.9. The Design Code divides the wider site into 3 character areas, each of which are represented within this phase of the development, being the eastern fringe - taking a lead from the existing Bretch Hill context, the rural edge - responding to the open countryside, and the main street at the centre of the site.
- 8.10. The layout and design of the roads proposed complies with the road hierarchy set out in the Design Code and Key Buildings and Groups have also been designed to reflect the principles set out in the Code.
- 8.11. The submitted house type drawings are considered to comply with the aspirations of the Design Code and follow the same design as those already approved within the first phase of the development. As such the design and external appearance of the proposed dwellings is considered acceptable. In addition, material finishes as well as boundary treatment details are also in accordance with the Design Code.
- 8.12. Notwithstanding the above, some concerns have been raised by OCC Transport in relation to the detailed design of the streets and the design approach to some plot specific car parking.

- 8.13. In addition, planning officers have raised concerns in relation to the most southerly development parcel and an area of particularly concentrated frontage car parking situated along the eastern boundary of the site within the eastern edge character area as set out in the Design Code. Whilst the Design Code allows for frontage car parking within this location, officers have significant concerns that the concentration and proliferation of frontage car parking within this area is a poor design solution and would result in an unsatisfactory car dominated form of development and poor residential environment for future residents.
- 8.14. Officers have sought to secure a revised design to this part of the layout as well as revisions to overcome OCC concerns and the applicant is currently in the process of making amendments to the scheme to remove areas of frontage parking in favour on more acceptable on plot parking solutions.
- 8.15. Officers are confident that an acceptable design solution can be achieved to overcome their concerns and provide a high quality development in keeping with the rest of the site.

### **Residential Amenity**

- 8.16. The proposed layout demonstrates an acceptable level of residential amenity for future residents and adequate separation distances have been achieved across the site. The relationship to existing residential properties to the east of the site is also considered to be satisfactory, maintaining adequate separation distances and protecting the private amenity of existing residents. Any revised scheme received will need to be the subject of a further re-consultation exercise with nearby properties.
- 8.17. The loss of an existing area of amenity open space to accommodate the new access between nos 39 and 55 Edinburgh Way has been raised as an objection/concern from a neighbouring resident. Whilst it is noted that the loss of convenient amenity space is unfortunate, the inclusion of an additional access offers benefits to existing residents by providing 12 new on street parking bays directly outside their properties which will be more convenient and will assist in the reduction of on street parking in Edinburgh Way which has also been raised by nearby residents as an issue. This arrangement was agreed as part of the previous outline approval.
- 8.18. The proposed development also provides for a much larger area of public open space adjacent to this location which will be as convenient for local residents and is also overlooked by proposed housing. The new access at this point also provides a link for existing residents directly through to the new parkland edge which forms part of the proposed development providing wider opportunities for recreation and public amenity.
- 8.19. The application is therefore considered to be in accordance with policy ESD15 in this respect.

### **Transport, highways, connectivity and parking**

- 8.20. As set out above, the layout accords with the road hierarchy set out in the Design Code although some detailed design comments have been made by OCC and these are being addressed by the applicant.
- 8.21. The access proposed, as part of this application, from Edinburgh Way into the site provides for an additional secondary access to the proposed development. OCC have made no adverse comments in respect of this proposed access and provision

of parallel parking bays and it is therefore considered that the submitted detail is acceptable.

- 8.22. As set out above, as well as providing vehicular access into the site, permeability and connectivity is improved for pedestrians which promotes integration as set out in policy Banbury 3. Existing residents within the area will be able to access the proposed areas of public open space just within the site as well as the wider parkland edge which is considered to be a substantial public benefit of the overall development.
- 8.23. Within the site footpaths provided through the generous open space provision on the western side of the site allow interconnectivity between the side streets and also to the north and west to the Banbury circular walk to the west and to Stratford Road.
- 8.24. As set out above, officers have raised concern in relation to one specific area of the site and the proliferation of frontage car parking as a solution. These concerns have been noted by the applicant and revisions are being made to overcome this issue. Car parking across the remainder of the site is considered to be acceptable in accordance with the Design Code.
- 8.25. In considering the additional traffic impact as a result of the increase in residential development to 480 units, OCC have highlighted an error within the Transport Statement which needs to be reviewed in order to ascertain the impact of additional trips and whether any further mitigation is necessary. This additional information will be provided as part of the revisions and amendments required to the scheme.

### **Landscaping and Landscape Visual Impact**

- 8.26. The overall outline consent provides for 12.5ha of public open space. This full application is in accordance with the outline parameters providing 7.7ha of natural/semi natural green space within the western parkland area, locally equipped areas of play and 1.4ha of incidental open space. The additional area in the outline consent will already be provided as part of the first reserved matters submission that was approved.
- 8.27. Detailed landscaping plans have been submitted to accompany the application setting out the proposed soft and hard landscaping proposals for the site including equipped areas of play. The Landscape Officer has provided comment in respect of the submitted proposals and some amendments are required. The applicant has already addressed some of these matters through the submission of revised drawings and officers are confident that any outstanding issues can satisfactorily be resolved.
- 8.28. A Landscape Visual Impact Assessment has been submitted with the application and the Landscape Officer has confirmed that he is satisfied with the LVIA.

### **Impact on heritage assets**

- 8.29. In considering and mitigating the impact on heritage assets in close proximity to the application site, the large area of open space/parkland on the western side of the site was designated as part of the outline planning consent in accordance with policy Banbury 3.
- 8.30. This parkland area is designed to protect the setting of the adjacent Conservation Area as well as the listed Drayton Arch. Historic England have raised a concern that the submitted landscape plans differ from the approved Masterplan showing fewer proposed trees resulting in a weaker screen to the development so that it would be



more visible in key views thus resulting in a greater adverse impact on the grade II\* listed building (Drayton Arch) and registered park.

- 8.31. This issue has been discussed with the applicant and will be resolved as part of the revisions to the landscaping plans.

### **Infrastructure and Planning Obligations**

- 8.32. In accordance with policy INF1, a S106 legal agreement will be required to secure the necessary infrastructure required to mitigate the impact of the proposed development.
- 8.33. A S106 agreement has already been secured as part of the outline planning consent and a deed of variation will be required to link this development to the existing agreement and also secure an uplift in obligations to take account of the additional 80 dwellings proposed.
- 8.34. Any additional contributions sought will also need to meet the tests set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended).
- 8.35. Delegated authority is sought to give officers authority to secure the required uplift contributions and obligations and secure any additional contributions or obligations which are considered to be necessary and reasonable in accordance with Regulation 122 as set out above.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance benefits against any harm in order to come to a decision on the acceptability of a scheme.
- 9.2. The proposed development, subject to satisfactory amendments would be in accordance with the site wide Bretch Hill Design Code and the layout and appearance of the development would broadly accord with the outline planning consent and as such would integrate and be in keeping with the first phase of development, currently under construction, as well as the wider Bretch Hill area.
- 9.3. Whilst a number of matters remain outstanding, officers are confident these issues are relatively minor and can be satisfactorily resolved through the submission of amendments and additional information.
- 9.4. The proposed development provides for adequate living conditions of neighbouring and future occupiers and would not adversely affect highway safety. The proposed development also brings about substantial public benefits secured through the outline consent and the increase in housing numbers aids the viability of the scheme to ensure and enable these public benefits to be realised in a timely manner.
- 9.5. As such the proposed development would be in accordance with Cherwell Local Plan 2011-2031 Part 1 policies, in particular policy Banbury 3, BSC1, BSC2 and ESD15.

## **10. RECOMMENDATION**

That authority be delegated to officers to secure satisfactory amendments to the layout to overcome the design, highway and landscaping issues identified in the above report and approve planning permission subject to the imposition of planning

obligations and conditions (delegated authority shall also given to negotiate and draft the required planning obligations and conditions).

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