

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** BDW Trading Limited

**Proposal:** Discharge of Conditions 19 (Ecological Management Plan), Con 23 (Hard Landscaping), Con 24 (Hard Landscaping), Con 29 (Streetlighting), Con 30 (Fire Hydrants), Con 31 (Travel Plan), Con 32 (Public Artwork), Con 36 (On street parking controls) and Con 37 (public infrastructure) of 15/01326/OUT - up to 280 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from White Post Road and associated ancillary works

**Expiry Date:** 2 July 2021

**Extension of Time:** 2 July 2021

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

1.1. This application relates to part of the strategic allocation in the adopted Cherwell Local Plan 2011-2031, Banbury 17 which is being built out by Barratt/David Wilson Homes. Outline planning consent was granted on appeal in December 2017 for up to 280 dwellings and associated infrastructure. Reserved Matters consent for 280 dwellings was granted in July 2020 and construction on site has now begun. Whilst this is a strategic allocation for Banbury, this part of the allocation is within Bodicote Parish. A new vehicular access into the site has already been constructed from White Post Road.

## **2. CONDITIONS PROPOSED TO BE DISCHARGED**

2.1. This application seeks to discharge several conditions attached to the outline consent. These conditions relate to the ecological management plan, footpath 137/13 and bridleways, street lighting, fire hydrants, travel plan, public art, parking controls along White Post road and infrastructure provision. The application is accompanied by a number of plans and documents accordingly.

## **3. RELEVANT PLANNING HISTORY**

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

15/01326/OUT – outline consent for up to 280 dwellings and associated infrastructure

## **4. RESPONSE TO CONSULTATION**

4.1 CDC Arboriculture – No comments received.

4.2 CDC Ecologist – Comments that the numbers of bat and bird box provisions are low, and it is not clear which features are to be integrated into the fabric of the buildings. More than 2 swift boxes should be provided, and the words 'recommended' should be changed to 'should and could'. The plans should make it clear as to what is

actually intended. Also, hope to see bee bricks and green walls included. Following revision, the initial concerns raised were overcome.

- 4.3 CDC Landscape Services – Previous comments have been ignored. Seating must have hard surface beneath it and bins are too close to seating. Lack of play value. No right of access to the allotments, no passing places and fixed timber bollards are not acceptable. Timber gates to the allotments are no good but require metal security fencing. Following revision, the initial concerns raised were overcome.
- 4.4 CDC Public Art – No comments received.
- 4.5 OCC – to original submission - condition 19 no comment; condition 23 objection to bollards to bridleway/spine road crossing; condition 24 no objection; condition 29 no objection; condition 30 no comment; condition 31 objection; condition 32 no comment; condition 36 no objection; and condition 37 no objection. Following revision, the initial concerns raised were overcome.
- 4.6 Thames Valley Police – The lighting plan should include lighting within parking courts.
- 4.7 Thames Water – No comments received.
- 4.8 Resident – Would be sensible for the developer’s activities along Salt Way boundary to be co-ordinated with those of Salt Way Action Group regarding the Environmental Statement and the outlook from existing properties. Proposed hard surface should connect to the existing hard surface and not terminate at the boundary. Public Art – is this the best that can be provided; what is the relevance of a village pump? A full-size figure of a salt carrying packhorse and drover would be relevant.

## 5. APPRAISAL

- 5.1 The application seeks to discharge the following conditions.
- 5.2 Condition 19 requires the submission and approval of an Ecological Management Plan. The submission has been assessed by the Ecologist and the initial concerns raised have now been addressed by the revised submission dated May 2021 and the condition can now be discharged accordingly.
- 5.3 Condition 23 requires details of the improvements to the existing footpath 137/13 to be submitted and agreed. This has been assessed by OCC as highway authority who initially raised concerns regarding the installation of bollards where the bridleway crosses the shared footpath/cycleway and spine road making it difficult for horse riders and requested that the width between the bollards be widened. The submission has subsequently been amended accordingly and the condition can now be discharged.
- 5.4 Condition 24 requires details of the specification of any new/enhanced public footpaths, bridleways and cycle tracks to be submitted and agreed. The concerns raised by the landscape officer relate to play facilities and the allotments more specifically and not the footpath/bridleway. The condition is therefore recommended for discharge as submitted.
- 5.5 Condition 29 requires full details of the street lighting to be submitted and approved. This has been assessed by OCC as highway authority who raise no objection. Thames Valley Police raised a concern regarding the lack of lighting within the parking courts. This has been subsequently amended by the revised plan submitted 27<sup>th</sup> May 2021 and the condition can now be discharged accordingly.

- 5.6 Condition 30 requires fire hydrants to be provided in accordance with agreed details. No objections have been raised and the submission is accepted accordingly.
- 5.7 Condition 31 requires a travel plan to be prepared and approved. The submission has been assessed by OCC as highway authority who initially raised an objection on the grounds that the appendices and a number of details were missing. The Travel Plan has been updated to address the concerns raised and is now acceptable. The condition can now be discharged accordingly.
- 5.8 Condition 32 requires details of a scheme of public artwork to be installed to be submitted and agreed. The submission proposes a hand pump to be located within the southern public open space. It is considered that this is insignificant and does not appear to relate to the site context. Comments from a local resident also consider this to be a poor proposal. The applicant was asked to re-consider the proposal and provide something more meaningful. Regrettably, the applicant has declined to do so. Whilst it is considered that this is a very poor and unimaginative submission, it is unlikely that a refusal could be substantiated on this ground alone at appeal. It is therefore regrettable but recommended that the condition be discharged as submitted.
- 5.9 Condition 36 requires details of the on-street parking controls to White Post Road in the vicinity of Bishop Loveday Primary School to be submitted and agreed. The submission has been assessed by OCC as highway authority who raise no objection. The condition can therefore be discharged accordingly.
- 5.10 Condition 37 relates to infrastructure provision. A concern was initially raised with the applicant that services were shown running beneath trees and could therefore not be accepted. The applicant has clarified by email dated 25<sup>th</sup> June 2021 that this will be avoided during actual construction works on site. Accordingly, this is now considered acceptable.
- 5.11 The original application was EIA development. The submissions seek to provide additional details and information required by the outline consent and the Environmental Statement submitted at that time. The submission does not raise any additional issues or have any additional environmental impacts which have not been previously addressed. 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.

## **6. RECOMMENDATION**

That Planning Conditions 19, 23, 24, 29, 30, 31, 32, 36 and 37 of 15/01326/OUT be discharged based upon the following:

### Condition 19

Biodiversity Enhancement Plan Rev A dated May 2021 produced by FPCR Environment and Design  
Ecological Management Plan Rev B dated May 2021 and produced by FPCR Environment and Design  
Swift Nesting brick detail by Manthorpe building products

### Condition 23

Drawing Numbers 2832-5-2-DR-5016 Rev P4; 2832-5-2-DR-5017 Rev P5 and 2832-5-2-DR-5018 Rev P5

Condition 24

Drawing Numbers: 2832-5-2-DR-5016 Rev P4; 2832-5-2-DR-5017 Rev P5; and 2832-5-2-DR-5018 Rev P5

Condition 29

Drawing numbers: A4804b sheets 1 and 2; 0017-2021-S1

Condition 30

Drawing number 50172430 Rev 1

Condition 31

Residential Travel Plan dated February 2021 produced by Mode Transport Planning received 27<sup>th</sup> May 2021

Condition 32

Drawing number BOD.WP.210

Condition 36

Drawing number 957-278-20

Condition 37

Network drawings from Openreach, Thames Water, SGN, EPS and Aptus Utilities  
As clarified by email from David Green dated 25<sup>th</sup> May 2021

Case Officer: Linda Griffiths

DATE: 28 June 2021

Checked By: Andy Bateson

DATE: 29<sup>th</sup> June 2021

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