

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** L & Q Estates

**Proposal:** Discharge of conditions 19 (public right of way), 22 (management, storage and/or disposal of spoil), 23 (soil management plan), 48 (vehicular traffic access), 49A (Framework Construction Management Plan) & 49B (Site Specific Construction Management Plan) of 14/01932/OUT relating to the site access works.

**Expiry Date:** 25 June 2021

**Extension of Time:** 25 June 2021

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

- 1.1. The site is the larger part of the Banbury 17 allocation in the adopted Cherwell Local Plan 2011-2031 for up to 100 residential dwellings and associated infrastructure.

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

- 2.1. This application seeks to discharge several conditions of the outline consent relating to the site access works. The conditions in question relate to the public right of way (19), management and storage of spoil (22) and soil (23), vehicular access (48) and the construction traffic management plans (49A & 49B). The application is accompanied by a Framework Construction Management Plan, OCC Technical Approval Certificate, public right of way details and construction access details.

## **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 1,000 dwellings and associated infrastructure.

## **4. RESPONSE TO CONSULTATION**

- 4.1 Environmental Health – The Framework Construction Management Plan reference FCMP-Part A and the S278 Roundabout Works – Framework Construction Plan, Part B are both satisfactory, although the council contact details of notification of works outside normal agreed working hours need to be added to the last paragraph of section 4.9 in both documents. There are no objections to the conditions relating to these documents being discharged.
- 4.2 Landscape Services – there should be no storage of any plant or machinery where any play areas are to go.
- 4.3 OCC – Transport – condition 19 – objection; condition 22 – no objection provided spoil is managed and contained within the area shown; condition 23 – no comment; condition 48 – objection; condition 49 – objection.
- 4.4 Update 9<sup>th</sup> June 2021 – no objection, revised Framework Construction Plans Part A and B, have been submitted to address concerns relating to conditions 19, 48 and 49.

4.5 OCC – Rights of Way – ongoing discussions between applicant and Countryside Access staff are ongoing in terms of both temporary and permanent diversion of the Public Rights of Way. Applicant should be aware that permanent diversions cannot have a guaranteed success, and this should be taken account if works are beginning on site.

## **5. APPRAISAL**

5.1 The proposed highway works to from the site access (S278 works) have been technically approved through a Section 278 Agreement with OCC as the highway authority. Technical approval for the works was issued on 11<sup>th</sup> September 2020 and the approval certificate is included with the submission.

5.2 Notwithstanding the technical details of the site access, the site access works constitute a ‘phase’ of the overall development site and therefore it is necessary to discharge the relevant, phased pre-commencement conditions before these site works can commence. These conditions 19, 22, 23, 48 and 49 are referred to in more detail below.

5.3 Condition 19 – requires any public right of way within 10m of any development to be protected during development. The details relating to this are contained within the Framework Construction Management Plan. The submission was assessed by OCC who initially raised an objection on the grounds that the submission included insufficient detail of how the rights of way were to be protected. It was suggested that they were to be diverted but no details were provided. Following the submission of an amended Framework Construction Plan, OCC’s objection has been removed and the condition can be discharged accordingly.

5.4 Condition 22 – requires details of the management, storage and/or disposal of spoil resulting from any works to be agreed. The details relating to this are contained within the Framework Construction Management Plan. The submission has been assessed by the Landscape Officer, Environmental Health and OCC who raise no objection provided the spoil is contained wholly within the area shown. The condition can be discharged accordingly.

5.5 Condition 23 – requires details of the management and storage of soil resulting from the development to be agreed. The details relating to this are contained within the Framework Construction Management Plan. The submission has been assessed by the Landscape Officer, Environmental Health and OCC who do not raise any objections. The condition can therefore be discharged accordingly.

5.6 Condition 48 – requires the details by which vehicular traffic would access Wykham Park Farm during construction to be agreed. The details relating to this are contained within the Framework Construction Management Plan. The submission has been assessed by OCC who raised a number of issues and required clarification in terms of how it can be managed out of hours and when the Estate Road link to the farm access is built, it will need to be gated. This has been subsequently addressed through the revised Framework Construction Plans A and B and can therefore now be discharged.

5.7 Condition 49 – this condition is split into 2, (a) relates to the Framework Construction Management Plan and (b) to the site-specific Construction Management Plan. The details relating to this are contained within the Framework Construction Management Plan. The submission was assessed by Environmental Health, who raised no objection, and OCC who initially raised a number of issues and therefore requested a number of amendments. The specific details can be read in the consultation response dated 2<sup>nd</sup> March 2021.

- 5.8 Following the submission of revised Framework Construction Plans A and B, OCC recommended that the condition be discharged accordingly.
- 5.9 The original application was EIA development. The conditions to be discharged do not raise any additional issues and are details required to be submitted to specifically address conditions relating to the outline consent. 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, 22, 23, 48 and 49 of 14/01932/OUT which specifically relate to the access works for the development be discharged based upon the following:

### Condition 19

Framework Construction Management Plan (Part B); 8686 038 Rev A; 8686 068 Rev A; WHF-HYD-XX-XX-DR-D-0100 Rev P9

### Condition 22

Framework Construction Management Plan (Part B); 8686 038 Rev A; 8686 068 Rev A; WPF-HYD-XX-XX-DR-D-0100 Rev P9; WPF-HYD-XX-XX-DR-C-0209 Rev P3; Earthworks Technical Note WPF-HPD-XX-XX-RP-C-0002 Rev 005

### Condition 23

Framework Construction Management Plan (Part B); 8686 038 Rev A; 8686 068 Rev A; WPF-HYD-XX-XX-DR-D-0100 Rev P9; WPF-HYD-XX-XX-DR-C-0209 Rev P3; Earthworks Technical Note WPF-HPD-XX-XX-RP-C-0002 Rev 005

### Condition 48

Framework Construction Management Plan (Part B); 8686 038 Rev A; 8686 068 Rev A; WPF-HYD-XX-XX-DR-D-0100 Rev P9

### Condition 49 (a and b)

Framework Construction Management Plan Revision B May 2021 (Part A and B); Document Number WPF-XXX-XXX-DR-C-2500 Rev P01; Drawing number OBCL/1000/001 issue 01; PRoW Temporary Diversion Signage

Case Officer: Linda Griffiths

DATE: 22 June 2021

Checked By: Andy Bateson

DATE: 22<sup>nd</sup> June 2021

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