

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** Ms Sarah Griffiths

**Proposal:** Discharge of conditions 8 (Levels), 11 (Drainage Phasing), 19 (Protection of PROW), 20 (Details of Footpath, bridleways & Tracks relevant to RM), 22 (Spoil Management), 23 (Soil Management), 25 (Street Lighting), 32 (Trees,) 42 (Bridleway Protection), 48 (Access during Construction) & 49b (Site Specific CMP) of 14/01932/OUT relating to the construction of the main spine road.

**Expiry Date:** 14 June 2021

**Extension of Time:** 17<sup>th</sup> December 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 1,000 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 construction of the spine road through the site. The conditions in question relate to levels (8), drainage (11), public right of way (19), footpath details (20), spoil management (22), soil management (23), street lighting (25), trees (32), alternative public right of way (42), protection of bridleway (48) and construction management plan (49b). The application is accompanied by a Drainage Statement, Preliminary Earthworks Strategy, Construction Management Plan and an Arboricultural Impact Assessment.

## **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;

20/03702/REM – reserved matters consent granted for the spine road details.

## **4. RESPONSE TO CONSULTATION**

- 4.1. Environmental Health – Having read the CMP provided, I have the following comments in respect of condition 49b – Para 49 – normal working hours, I would like to see working set to match those published on our website for noisy construction hours – namely Mon-Fri 07.30 to 18.00 and Sat 08.00 to 12.30 and no work on Sundays and Bank Holidays. Once this has been done, I would be happy for the condition to be discharged.
- 4.2. Landscape Services – PROW diversions acceptable. I can't see anything about spoil management, but topsoil mounds should be no higher than 2m.

Update 11<sup>th</sup> October in respect of amended submission – No comments on the spine road or PRow but concerned about the depth of the detention basins and the lack of visibility and overlooking. It is not good practice to rely on basins on the periphery of a development and these are particularly deep. The one on the east has a potential water depth of 2.7m. This could be a death trap. The water should be attenuated through a series of much shallower basins. If this is not possible then the basin needs fencing securely, which won't look very attractive.

- 4.3. Arboricultural Officer – main concern relates to the removal of tree groups 41, 42 and 43 which are more effectively a hedgerow of about 400m that have been categorised as B under BS 5837, so should be retained unless there is substantial reason to remove them. The road should have been located to the south of this which is also a bat travel route.
- 4.4. CDC Legal Services Rights of Way – Any diversion proposal should provide the necessary improvements and enhancements to the PRow network to accord with our Local Plan Policy ESD17. We are satisfied that minimal diversions are necessary to enable the approved development to proceed and have no objections to the discharge of the PRow conditions 19 and 20 attached to this application.
- 4.5. OCC Transport – **condition 8** – insufficient detail information. **Condition 48** – we have not received any information about a separate access for construction. I therefore believe they are proposing to use the S.278 roundabout for access. Given that approval has been issued for the S.278 access, we recommend the discharge of condition 48. However, there is inadequate information for the approval of **condition 49b**, concerning the site specific CMP. We have not yet received a detailed submission which includes street lighting and tree proposals. Therefore, we cannot recommend discharge of **condition 25 or 32** at this stage. Also, given that we have not received details for the different phases for their reserved matters, we cannot recommend discharge of **condition 20** until we have received those details.

Based on the above comments, the Transport Officer recommends the discharge of 48, however, we are unable to discharge conditions 8, 25, 32 and 49b at this stage.

The applicant provided revised/supplemental information to address those criticisms. However, no further comments were received from OCC in respect of the amended submission despite chasing for a response.

- 4.6. OCC Drainage as Lead Flood Authority – no objection.
- 4.7. OCC Rights of Way – no comments received.
- 4.8. Salt Way Activity Group – no response received.

## 5. APPRAISAL

- 5.1. Condition 8 – relates to site levels and requires the submission of existing and proposed levels to be agreed. The levels have already been agreed through the submitted reserved matters and are shown on the drawings submitted. The levels will also be considered through the section 38 agreement. The proposed levels shown are considered acceptable and the condition can be discharged accordingly.
- 5.2. Condition 11 – relates to the submission and approval of a drainage scheme for this part of the development. The application documentation which includes a drainage planning statement and drawings has been assessed by OCC as Lead Flood Authority who advise that the submission is acceptable and that the condition can be discharged accordingly.

- 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 at Paragraph 4.14. The submission was assessed by OCC and the District Council's Legal Services Public Rights of Way Officer. No objections are raised, and the condition can be discharged accordingly.
- 5.4. Condition 20 – relates to the submission and approval of any new footpath, bridleway or cycleway provision, including a timetable for their provision. These are included within the approved reserved matter plans and general arrangement drawings included with this submission and are acceptable. The delivery of which is associated with the delivery of the spine road which be within 200 occupations or 2 years from first occupation, (whichever is the earlier).
- 5.5. Condition 22 – requires details of the management, storage and/or disposal of spoil resulting from any works to be agreed. The details relating to the construction of the spine road are contained within the framework Construction Management Plan at paragraph 4.15 and appendix D. The submission has been assessed by the Landscape Officer, Environmental Health and OCC and no significant concerns are raised. The condition is therefore recommended for discharge accordingly.
- 5.6. Condition 23 – requires details of the management and storage of soil resulting from the development to be agreed. The details relating to the construction of the spine road are contained within the Framework Construction Management Plan at Paragraph 4.14 and Appendix D. The submission has been assessed by the Landscape Officer, Environmental Health and OCC. The proposals are considered acceptable, and the condition can be discharged accordingly.
- 5.7. Condition 25 – relates to street lighting detail. The submitted drawings have been designed to OCC's technical requirements in respect of street lighting and align with the reserved matters consent relating to the spine road. Street lighting detail will also be considered through the Sec 278 approval. It is recommended that the condition is discharged accordingly.
- 5.8. Condition 32 – relates to the protection of trees and hedgerows. The concerns of the arboricultural officer are noted, however, the removal of the length of hedgerow referred to has already been agreed through the outline submission. Therefore, the condition is discharged accordingly.
- 5.9. Condition 42 – relates to the protection of the Bodicote 11 bridleway during construction. The detail relating to the construction of the spine road is included in the Construction management Plan at paragraph 4.14. No objections have been received from the public rights of way team and the submission is considered acceptable and the condition can therefore be discharged accordingly.
- 5.10. 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 under section 3. The submission has been assessed by OCC who recommend that the condition can be discharged as this has already been approved through the Sec 278.
- 5.11. Condition 49b – this part of the condition relates to the site-specific Construction Management Plan. Following initial concerns raised by OCC in respect of the detail, the submission has been amended. The submission has also been assessed by Environmental Health who raise no objection. The condition can now be discharged accordingly.

5.12. 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 8, 11, 19, 20, 22, 23, 25, 32, 42, 48 and 49b of 14/01932/OUT be discharged based upon the following:

### Condition 8:

Drawing numbers 0005- P12; 0006-P13; 0007-P13;0008-P12; 0009-P12; 0221-P04; 0222 P05; 0223 P03 and 0224-P04

### Condition 11:

Drawing numbers 0601 P08; 0602 P08; 0603 P08; 0604 P08; 0605 P10 and 0010 P01 drainage planning statement

### Condition 19:

Onsite Framework Construction Management Plan (Part B) Rev 1 Issue 2 July 2021 Paragraph 4.14

### Condition 20:

Drawing numbers 0005-P12; 0006-P13; 0007-P13; 0008-P12 and 0009-P12 and as clarified by the agents email dated 14<sup>th</sup> December 2021.e

### Condition 22:

Onsite Framework Construction Management Plan (Part B) Rev 1 Issue 2 July 2021 at Paragraph 4.15 and Appendix D

### Condition 23:

Onsite Framework Construction Management Plan (Part B) Rev 1 Issue 2 July 2021 at Paragraph 4.15 and Appendix D

### Condition 25:

Drawing numbers 0005-P12; 0006-P13; 0007-P13; 0008-P12 and 0009-P12

### Condition 32:

Arboricultural Impact Assessment: edp5378-r011-B

### Condition 42:

Onsite Framework Construction Management Plan (Part B) Rev 1 Issue 2 July 2021 Paragraph 4.14

### Condition 48:

Onsite Framework Construction Management Plan (Part B) Rev 1 Issue 2 July 2021 Section 3

Condition 49b:

Onsite Framework Construction Management Plan (Part B) Rev 1 Issue 2 July 2021

Case Officer: Linda Griffiths

DATE: 14 December 2021

Checked By: Andy Bateson

DATE: 16<sup>th</sup> December 2021

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