

Case Officer: Linda Griffiths

Recommendation: Approve

Applicant: Persimmon Homes

Proposal: Discharge of condition 8 (Levels), 11 (Drainage Phasing), 19 (Protection of PROW), 22 (Spoil Management), 23 (Soil Management), 25 (Street Lighting), 32 (Trees), 41 (Alternative PROW route), 48 (Access during Construction) and 49b (Site Specific CMP) of 14/01932/OUT relating to the western perimeter road and ancillary loop road

Expiry Date: 9 December 2022

Extension of Time: 16 December 2022

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site is part of a wider parcel of land allocated for residential development with associated infrastructure through the adopted Cherwell Local Plan 2011-2031 under Policy Banbury 17. The whole site was formerly in agricultural use and extends from Bloxham Road in the west to White Post Road in the east. A new spine road will run directly through the site from Bloxham Road linking to White Post Road, Bodicote.
- 1.2. Outline planning consent was granted in December 2019 for up to 1,000 dwellings, a primary school, local centre and other infrastructure to serve the development.
- 1.3. This application relates to the western perimeter road and loop road ancillary to the main spine road. The ancillary roads to the spine road will provide essential sections of road required to facilitate the delivery of the development parcels for the community infrastructure; primary school and local centre as well as a link to Wykham Park Farm.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. This application seeks to discharge several conditions relevant to the western perimeter road and ancillary loop attached to the original outline consent. The conditions sought for discharge relate to site levels, drainage, protection of public rights of way, storage/disposal of spoil, soil management plan, street lighting, protection of existing trees and hedges, protection of bridleway, access to Wykham Park Farm during construction and a construction management plan. The application is accompanied by a series of drawings and construction traffic management plan.

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;

15/01326/OUT – outline consent granted on appeal on the eastern part of the allocation for up to 280 dwellings and associated infrastructure;

18/00895/REM – reserved matters consent to 15/01326/OUT;
30/01048/DISC – design code approved for western part of site to 14/01932/OUT;
20/03702/REM – reserved matters to 14/01932/OUT for spine road; and
20/03724/REM – reserved matters to 14/01932/OUT for western perimeter road and ancillary loop road.

4. RESPONSE TO CONSULTATION

- 4.1 CDC Arboriculture: makes **observations** – the arboricultural report by EDP is very comprehensive and produces a detailed constraints and tree protection plan. In clause 2.1 of the report, the impact assessment has been based on the illustrative masterplan and then refers to Appendix EDP2.1 but I cannot see an impact assessment plan in relation to the proposed illustrative plan in that appendix. An assessment plan is therefore required.

Update: No comments received following re-consultation on the submitted assessment plan issued in November 2022.

- 4.2 CDC Ecology: No comments received to original consultation or re-consultation in November 2022.
- 4.3 CDC Environmental Health: **no objection**. Construction Management Plan is satisfactory and the Soil Management Plan so far as it relates to contaminated soil is satisfactory.
- 4.4 CDC Landscape Officer: No comments received to initial consultation or re-consultation in November 2022.
- 4.5 OCC Transport: **No objection** to discharge of conditions 8 and 19. No comment to condition 32. No information provided in respect of conditions 20, 25 and 41.

Update: No further comments received to re-consultation in November 2022.

- 4.6 OCC Drainage: No comments received to initial consultation or re-consultation in November 2022.
- 4.7 OCC Rights of Way: No comments received to initial consultation or re-consultation in November 2022.
- 4.8 Salt Way Activity Group: No comments received to initial consultation or re-consultation in November 2022.

5. APPRAISAL

- 5.1 Condition 8 relates to site levels. The accompanying plans include details of the roads and long sections. These plans were approved as part of the reserved matters submission relating to the roads in question (20/03724/REM) refers. The submission has been assessed by OCC as highway authority who raise no objection. This condition can therefore be discharged accordingly.
- 5.2 Condition 11 relates to the approval of a foul and surface water drainage scheme. The accompanying plans were approved as part of the reserved matters permission relating to the roads in question (20/03724/REM) and can therefore be discharged accordingly.

- 5.3 Condition 19 relates to protection of public rights of way during construction. The accompanying Infrastructure works construction management plan has been assessed by OCC who raise no objection. The condition can therefore be discharged accordingly.
- 5.4 Condition 22 relates to details for the storage or disposal of spoil from the development. The Infrastructure Works Construction Management Plan has been assessed by Environmental Health who raise no objection. The condition can therefore be discharged accordingly.
- 5.5 Condition 23 relates to the soil management plan relating to soil risings from the development. The submission has been assessed by Environmental Health who have raised no objection. The condition can therefore be discharged accordingly.
- 5.6 Condition 25 relates to street lighting. The submitted plans were approved under the reserved matters for the development (20/03724/REM) and are therefore considered acceptable. The condition can therefore be discharged accordingly.
- 5.7 Condition 32 relates to the retention of trees and hedgerows unless directly necessary in accordance with subsequent reserved matters approvals. The application is accompanied by an arboricultural impact assessment relating to the ancillary road which was considered as part of the reserved matters submission and a revised Arboricultural Impact Assessment was received in November 2021 in response to the comments of the Arboriculture Officer. The condition can therefore be discharged accordingly.
- 5.8 Condition 41 relates to the need to temporarily or permanently divert footpaths as a consequence of development. During construction works short term temporary diversions of routes 120/47, 120/46 and bridleway 137/11 will be required to allow site clearance and construction of drainage, utilities, highway and earthworks. Any permanent footpath diversions relating to the new Bloxham Road access junction and the sports pitches have previously been approved. Details of the temporary and permanent footpath diversions are also included in the Construction Management Plan. It is therefore considered that this condition can be discharged accordingly.
- 5.9 Condition 48 relates to access by vehicular traffic to Wykham Park Farm. It is proposed to retain the existing farm access in-situ and be made available for use until such time as the estate road has been constructed to binder course. This is considered acceptable, and the condition can be discharged accordingly.
- 5.10 Condition 49b relates to a site-specific Construction Traffic Management Plan. This has been assessed by Environmental Health who raise no objection. No comments have been received from OCC as highway authority. It is considered that the condition can be discharged accordingly.
- 5.11 The original application was EIA development. The conditions relating to this application specifically require the submission of details relating to the western perimeter and ancillary loop roads, which have reserved matters consent and do not adversely affect or change matters discussed through the Environmental Statement. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for these condition discharges 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, 41, 48 and 49b of 14/01932/OUT be discharged based upon the following:

Condition 8:

Approval is given for the site levels as shown on drawing numbers WPF-HYD-XX-XX-DR-C-0012 Rev P11 Ancillary Roads General Arrangement (Sheet 1 of 2), WPF-HYD-XX-XX-DR-C-0013 Rev P10 Ancillary Roads General Arrangement (Sheet 2 of 2), WPF-HYD-XX-XX-DR-C-0222 Rev P07 Long Sections (Sheet 2), WPF-HYD-XX-XX-DR-C-0223-P01 Long Sections, WPF-HYD-XX-XX-DR-C-0224 Rev P04 Long Sections (Sheet 4), WPF-HYD-XX-XX-DR-C-0601 Rev P10 Drainage Layout (Sheet 1 of 5), WPF-HYD-XX-XX-DR-C-0602 Rev P09 Drainage Layout (Sheet 2 of 5), WPF-HYD-XX-XX-DR-C-0603 Rev P09 Drainage Layout (Sheet 3 of 5), WPF-HYD-XX-XX-DR-C-0604 Rev P09 Drainage Layout (Sheet 4 of 5), WPF-HYD-XX-XX-DR-C-0605 Rev P10 Drainage Layout (Sheet 5 of 5) and WPF-HYD-XX-XX-DR-C-2203 Rev P04 Drainage Strategy General Arrangement (Sheet 4) accompanying this application.

Condition 11:

Approval is given for the drainage proposals as shown on drawing numbers: WPF-HYD-XX-XX-DR-C-0601 Rev P10 Drainage Layout (Sheet 1 of 5), WPF-HYD-XX-XX-DR-C-0602 Rev P09 Drainage Layout (Sheet 2 of 5), WPF-HYD-XX-XX-DR-C-0603 Rev P09 Drainage Layout (Sheet 3 of 5), WPF-HYD-XX-XX-DR-C-0604 Rev P09 Drainage Layout (Sheet 4 of 5), WPF-HYD-XX-XX-DR-C-0605 Rev P10 Drainage Layout (Sheet 5 of 5), WPF-HYD-XX-XX-DR-C-2203 Rev P04 Drainage Strategy General Arrangement (Sheet 4) and 04841-HYD-XX-XX-DR-C-5605 Rev P05 Drainage Layout (Sheet 6 of 6) and Drainage Planning Statement Ref: WPF-HYD-XX-XX-RP-C-0010 Rev P01 accompanying this application.

Condition 19:

Approval is given for the protection of Public Rights of Way during construction in accordance with the Infrastructure Works – Construction Management Plan, Part B April 2021, Revision 2, Issue 2 - Paragraph 4.14 accompanying this application.

Condition 22:

Approval is given in respect of the management of spoil as set out in the Infrastructure Works – Construction Management Plan, Part B April 2021, Revision 2, Issue 2 - Paragraph 4.15 and Appendix D accompanying this application.

Condition 23:

Approval is given to the soil management plan in respect of this development as set out in the Infrastructure Works – Construction Management Plan, Part B April 2021, Revision 2, Issue 2 - Paragraph 4.15 and Appendix D accompanying this application.

Condition 25:

Approval is given for the lighting detail as shown on drawing numbers WPF-HYD-XX-XX-DR-C-0012 Rev P11 Ancillary Roads General Arrangement (Sheet 1 of 2) and WPF-HYD-XX-XX-DR-C-0013 Rev P10 Ancillary Roads General Arrangement (Sheet 2 of 2) accompanying this application.

Condition 32:

Approval is given for the Arboricultural Impact Assessment – Ancillary Road Reserve Matters Ref: edp5378-r018a, the accompanying Tree Protection Plans Ref: edp5378_d014d (Sheets 1-9) and Arboricultural Impact Assessment at Appendix F of the Construction Management Plan, Part B Revision 2 April 2021 accompanying this submission.

Condition 41

Approval is given for the temporary and permanent diversion routes relating to Public Rights of Way 120/46 and 120/49 as shown on drawing numbers 8686 087 and 8686 088, 8685-115 and included at Appendix E of the Construction Management Plan Part B Revision 2 April 2021 accompanying this application.

Condition 48:

Approval is given for the retained access to Wykham Park Farm as set out in the Infrastructure Works – Construction Management Plan, Part B April 2021 Revision 2, issue 2 accompanying this application.

Condition 49b:

Approval is given for the site-specific construction management plan relating to the western perimeter and ancillary loop road as set out in the Infrastructure Works – Construction Management Plan, Part B April 2021 Revision 2, Issue 2 accompanying this application.

Case Officer: Linda Griffiths

DATE: 12 December 2022

Checked By: Andy Bateson

DATE: 12th December 2022
