

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** L & Q Estates

**Proposal:** Discharge of condition 49 (Part B) (FCMP - Earthworks Phase) of  
14/01932/OUT

**Expiry Date:** 11 January 2022

**Extension of Time:**

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

- 1.1. The application 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. The application seeks to discharge condition 49b of the outline consent relating to the earthworks phase of the development only. The application is accompanied by an Infrastructure Works Construction Management Plan Part B April 2021, Revision 2, Issue 2, which explains the nature of the works intended.

## **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;

21/00283/DISC – discharge of condition 49b in respect of the site access works.

## **4. RESPONSE TO CONSULTATION**

- 4.1. Environmental Health: no objection provided the hours of work are amended to match those on CDC's website for noisy construction work.
- 4.2. OCC Transport: No objection.

## **5. APPRAISAL**

- 5.1. The earthworks constitute a 'phase' of the overall development site and it is therefore necessary to discharge the relevant phased pre-commencement conditions before these site groundworks can commence. Condition 49b relates to the site-specific Construction Management Plan. The details of this are contained within the submitted Infrastructure Works Construction Management Plan.
- 5.2. The submission has been assessed by Environmental Health and OCC as highway authority. The highway authority has raised no objections but Environmental Health, whilst raising no in-principal objection, wish to see hours of operation for noisy works

amended. The hours of working start at 7am during the week and Saturdays, whereas the EHO considered that 7.30am during the week and 8am on Saturday would be more appropriate. However, it should be noted that the hours of operation have already been approved elsewhere on the site through the access works CEMP and, on balance, is therefore considered acceptable in this instance also.

- 5.3. Having regard to the above, it is recommended that the condition be discharged accordingly.
- 5.4. The original application was EIA development. The condition to be discharged does not raise any additional environmental issues and the details are required to be submitted to specifically address a condition attached 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 Condition 49b of 14/01932/OUT relating to the earthworks be discharged based upon the following:

Condition 49b:

Infrastructure Works – Construction Management Plan, Part B April 2021, Revision 2, Issue 2.

Case Officer: Linda Griffiths

DATE: 14 December 2021

Checked By: Andy Bateson

DATE: 14<sup>th</sup> December 2021

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