

Case Officer: Linda Griffiths

Recommendation: Approve

Applicant: Persimmon Homes South Midlands Ltd

Proposal: Discharge of Conditions 13 (intrusive investigation), 26 (fire hydrants) and 49B (Site Specific Construction Management Plan) of 14/01932/OUT relating to land parcels 1 and 3.

Expiry Date: 30th March 2024

Extension of Time: 5th April 2024

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. This application comprises Parcels 1 and 3 of the larger part of Wykham Park or Banbury 17 allocation in the adopted Cherwell Local Plan 2011-2031 for up to 1,000 residential dwellings and associated infrastructure. Parcels 1 and 3 will comprise 237 of the 1,000 dwellings. Development has commenced on site with construction started on the first 70 plots in Parcel 1, closest to Bloxham Road.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. The submission requests the discharge of the following conditions: condition 13 (intrusive investigation); condition 26 (fire hydrants); and condition 49B (site specific construction management plan). The application is accompanied by a series of plans, documents and reports to address the three conditions.

3. RELEVANT PLANNING HISTORY

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

14/01932/OUT – outline planning permission granted for up to 1,000 dwellings and associated infrastructure.

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

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

22/02068/REM – reserved matters consent for parcels 1 and 3 for 237 dwellings.

4. RESPONSE TO PUBLICITY

4.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper. The final date for comments was **8 March 2024**, although comments received after this date and before finalising this report have also been taken into account.

4.2 No comments have been raised by third parties.

5. RESPONSE TO CONSULTATION

- 5.1. CDC Environmental Protection: satisfied that conditions 13 and 49B can be discharged.
- 5.2. OCC as LLFA: No comments as the conditions are not related to drainage.
- 5.3. OCC Fire Service: No response received.
- 5.4. OCC Transport: Initial objection - condition 49B should not be discharged.

Update 3rd April 2024: No longer objects.

6. APPRAISAL

- 6.1. Condition 13 relates to contamination. The Formation Level Testing Plots 1 to 24 report by Travis Baker and associated Marlstone Rock Assessment have been considered by CDC Environmental Health Protection who advise that the results are acceptable and condition can be discharged accordingly.
- 6.2. Condition 26 relates to the provision of fire hydrants, the positions of which are identified on Drawing Number WN0021318-1-1-1. The condition can be discharged accordingly.
- 6.3. Condition 49B requires the approval of a site-specific construction management plan (CMP). The original submitted CMP prepared by CMS in respect of ensuring that any foreseeable effects of construction traffic on the network in relation to Parcels 1 and 3 are adequately mitigated was considered to be generally acceptable to OCC as local highway authority except that it did not restrict deliveries to outside of local peak periods. OCC expect delivery of material on site to avoid AM peak until 9am and between the PM peak of 1600hrs – 1800hrs. The revised CMP received 23rd February 2024 has addressed this issue and OCC Transport no longer object. The condition can therefore be discharged accordingly.
- 6.4. The original application was EIA development. The conditions above relate to subsequent information and detail submissions which do not adversely affect or significantly 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.

7. RECOMMENDATION

That Planning Conditions 13, 26 and 49B of 14/01932/OUT in respect of development Parcels 1 and 3 be discharged based upon the following:

Condition 13:

Plots 1-24 Formation Level Testing Report and associated Marlstone Rock Assessment.

Condition 26:

Drawing number WN0021318-1-1-1 submitted with this application.

Condition 49B:

Compound Layout Drawing number 385/COM/001 and Access Plan Drawing Number 385/COM/001 Rev A and revised Construction Management Plan received 23rd February 2024.

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DATE: 3 April 2024

Checked By: Andy Bateson

DATE: 3rd April 2024
