



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Andy Preston – Head of Public Protection & Development Management

Gladman Developments Ltd  
Andrew Green  
Gladman House  
Alexandria Way  
Congleton Business Park  
Congleton, Cheshire  
CW12 1LB

Please ask for **Matthew Parry**  
Direct Dial **01295 221837**

Our ref **15/01326/OUT**

Your ref

Email **Planning@cherwell-dc.gov.uk**

31.07.2015

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990**

**ACKNOWLEDGEMENT OF APPLICATION**

**Application No: 15/01326/OUT**

**Applicant's Name: Gladman Developments Ltd**

**Proposal: OUTLINE - Up to 280 dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicle access point from White Post Road, creation of car park and associated ancillary works. All matters to be reserved with the exception of access**

**Location: OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane Bodicote Oxfordshire**

**Parish(es): Bodicote**

I acknowledge receipt of your application and fee of £26892. The application was received on 14.07.2015 and registered as being valid on 14.07.2015 based on the information supplied. The application reference number is 15/01326/OUT. Please retain this letter for your records.

Should you have any queries regarding the processing of the application, please contact Development Management at the above address, quoting the application reference number.

**Other information about the Council's planning application process and democracy are available on the main council web site. [www.cherwell.gov.uk](http://www.cherwell.gov.uk)**

Yours faithfully

Head of Public Protection  
& Development Management

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 10 August 2015 17:35  
**To:** Andy Green  
**Subject:** Land North of Wykham Lane, Banbury - Ref: 15/01326/OUT

Dear Andrew

I have initially very briefly reviewed some of the documentation submitted in support of the above planning application. The adopted site allocation policy (Banbury 17) stresses the need for a combined masterplan for the whole of the site that enables the Council to consider the relationship between the two developments in the site allocation as well as assess the provision of necessary infrastructure as well as its phasing. An indicative masterplan has been provided though this is not to scale and does not show precise locations for all of the key infrastructure provision across the two sites. Gallaghers are currently liaising with CDC and OCC officers about the location and scale of the necessary education infrastructure as well as the phasing of the spine road. They are willing to draw up a final masterplan once these are agreed so that key infrastructure and locations for it can be secured as part of a S106 at outline stage. The Council will expect both Gallaghers and Gladmans to agree to this same masterplan which could be secured by planning obligations to the two consents (assuming they are approved). It may be worth liaising with Gallaghers to help create this masterplan though it will probably be another week or two until the size/location of the required education infrastructure is better known.

Access is not a reserved matter on this application. It is therefore necessary for all access points to the development to be known in detail which includes the connection to White Post Road and the vehicular connection through the west of the site to Bloxham Road. Pedestrian and cycle access should also be shown to and whilst some of this could be left to condition, links between the two sites should be shown in the masterplan.

I have also briefly reviewed the content of the ES. Whilst many of the main likely significant effects are considered, there are in my view a number that have not. In particular, the likely social and cultural impact of the proposed development stemming from its effect (individually and cumulatively with Salt Way West) on the character and identity of Bodicote as a separate village from Banbury and its value to local residents and the history of the village. Moreover, this an issue of ongoing local concern and ought to be addressed in an ES to establish the impact and if necessary any mitigation measures.

I should also add that the ES accompanying the Gallagher's application included assessment of a number of other potential effects that are not included in your submitted ES. Some of these issues I do not think are necessary to address given that the effects were not found to be significant or likely to be cumulatively significant, however I do think that the effect on Water Resources, Soil Resources and Ecology should be addressed to ensure that the ES is robust. I appreciate that information on some of these issues has been submitted in separate reports but for the purposes of an ES they should be compiled into one single cohesive document with a non-technical summary covering all main issues. This is not a specific request for further information under section 22 of the EIA Regulations 2011 (as amended) at this stage but I do think they should be voluntarily provided as 'any other information' to assist in robust consideration of the application. This information would require re-consultation.

If you have any queries please let me know and in the meantime I will keep you updated as things progress.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 17 August 2015 12:13  
**To:** Andy Green  
**Subject:** FW: 15/01326/OUT 280 dwellings OS Parcels 6741 and 5426 W of cricket field and N of Wykham lane Bodicote

Dear Andy

Following my email of last week, please see below forwarded comments from one of the Council's landscape architects. They are not satisfied the landscape and visual impact assessment is satisfactory given the lack of genuine assessment of baseline conditions, construction effects, cumulative effect or landscape character. The document also does not seem to be in a user-friendly format. Could these please be updated/amended to better assess the individual and cumulative impact of the development from commencement through to year 15.

On a further note, the Council is keen to take a joint masterplan (when submitted) to design review, a service provided by BOB-MK with a panel that would sit at CDC offices. There is a cost to this of approx. £3000. Would you be willing to make a contribution towards this cost on the basis of the proportion of the overall site that the Gladman's scheme constitutes with the remainder funded by Gallaghers?

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Judith Ward  
**Sent:** 17 August 2015 12:03  
**To:** Matthew Parry  
**Subject:** 15/01326/OUT 280 dwellings OS Parcels 6741 and 5426 W of cricket field and N of Wykham lane Bodicote

Hi Mathew

Landscape effects and visual effects should be assessed. I can only see visual effects. The nature of the receptor should be stated. I can see very little reference to people who are the important receptors of visual effects and the effect on them.

Landscape effects are changes to the physical landscape which may give rise to changes in character and how this is experienced. To include landscape character and sense of place.  
Visual effects are changes that arise in the composition of available views as a result to changes in the landscape and peoples' responses to changes. How will people be affected by changes in views. Areas where the nature of view changes and the way it affects people.

At the moment I can't see a clear description and evaluation of this. How will the landscape and visual amenity be changed as a result of this proposal? This can all be shown on a summary table if it is expanded to include assessment. There is no explanation in the table of how Aspect arrived at the statements they make. They must justify their statements.

This is a systematic process which should be clearly shown from Baseline description to development proposals to potential effects to receptors and sensitivity to mitigation and finally assessment of the effects after mitigation at say 0 and 15 years.

The document is twice as long as it needs to be with half the information. The landscape character assessment should come before visual effects and should be an assessment in a table not a verbal description with very little assessment.

This development is an addition to other developments consented and the cumulative effect of this development on the others south of Saltway should be mentioned. There is no mention of construction effects.

The document is not user friendly. The executive summary is a collection of statements in no logical grouping. The baseline assessment is description not assessment.

This document needs a lot more work on it before it is acceptable as a Landscape and Visual Assessment. Please request that it is re-written in a concise logical form with a robust assessment of effects.

I'll complete the planning obligations requests and send them to you

Judith

Judith Ward  
Landscape Planning Officer  
Environmental Services  
Cherwell and South Northants Councils'  
Direct dial 01295 221711 Extension 1711  
[Mailto:judith.ward@cherwellandsouthnorthants.gov.uk](mailto:judith.ward@cherwellandsouthnorthants.gov.uk)

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 20 August 2015 12:25  
**To:** Andy Green  
**Cc:** Chris Still  
**Subject:** Land west of White Post Road, Bodicote - Ref: 15/01326/OUT

Dear Andy

Following on from our previous email correspondence, I am contacting to re-emphasise the importance of the submission of a coordinated masterplan covering the whole of the allocated site as set out in Policy Banbury 17 and its supporting text (para C.206). Both officers at CDC and OCC consider it imperative that a coordinated approach is submitted and a framework for key links and infrastructure between the two parcels of land established at this stage. This will enable the Council to, amongst other things, satisfactorily assess and secure delivery of a spine road as well as other footpaths between the sites (see para C.208 of the Local Plan) that will provide a fixed basis to guide the layout of phases of development at reserved matters stage. Otherwise details of the actual routing and specification of the road could come forward at different times in an uncoordinated manner that would prejudice the ability of the site to be properly masterplanned by developers and assessed by the LPA. Securing the actual access and egress points (from White Post Road, Bloxham Road and between the two parcels of land) as part of the two contemporaneous applications is therefore considered to be key to establishing certainty going forward.

Officers in both CDC's Policy and DM teams consider this essential as do officers at OCC such that without this coordinated comprehensive masterplan at outline stage to be able to tie to any planning permission, officers are not likely to be able to consider the proposals favourably. The Council is keen to encourage all large scale developments to be subject to design review. Whilst at outline stage (and even with a coordinated masterplan) there will be relatively limited detail other than broad areas of development types and key infrastructure, it would be too late at reserved matters stage to truly consider the overall strategic layout of the site given that the timing and coordination of the reserved matters between the two sites and the submission of various condition details would make this problematic. The Council may decide to take the proposals to design review irrespective of developer involvement though in this case the developers would not be able to attend and present their scheme.

As an aside I should say that the various requirements of Banbury 17 are being considered across the whole site allocation rather than individually to the two planning applications. Therefore, whilst individually the scheme would not trigger a requirement to provide extra-care housing (see Policy BSC4) it might be expected that this site will contribute in accordance with the ratio set out in the policy (i.e. approximately 31 extra care dwelling) as would the Gallagher's scheme to the west. If so, this would be expected to be secured by planning obligation. Similarly, it will be expected that the scheme would deliver allotment provision on site given that it would trigger a policy requirement to provide it even by itself (Policy BSC11) and clearly if taken as a whole with the Gallagher's scheme. Therefore approximately 0.2ha of the site will be expected to be set aside for allotments and this would be expected to be adjacent to the existing allotments and in a sensible position with respect to the allotments provided as part of the Gallagher's scheme. This area should also be identified on a coordinated masterplan to which this land could then be secured for this purpose within a S106.

In due course it may be worthwhile arranging a meeting between planning officers at CDC as well as highway/infrastructure officers at OCC to agree some of the details for the masterplan and discuss any other issues that have arisen. I understand that Gallagher's are happy to provide a coordinated masterplan once the size and location of the necessary primary and secondary school land has been established – something that is currently the subject of some discussion but seems to be nearing agreement. I should however just say that I will be on leave for most of the second half of September as well as early October though I do not know the exact dates at present.

Best regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council

Telephone: 01295 221837

Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)

Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Chris Still  
**Sent:** 21 August 2015 09:16  
**To:** matthew.parry@cherwell-dc.gov.uk  
**Cc:** Andy Green; Liam Ryder  
**Subject:** Land west of White Post Road, Bodicote - Ref: 15/01326/OUT



Matthew

I forgot to mention when we spoke yesterday that we have been in contact with your landscape officer Judith Ward and it would appear that she has not seen the ES. This has now been provided (and may explain some of her comments) but just wanted to check that all of the other consultees have had sight of this.

Many thanks

Chris Still

[Chris Still](#) - Planning & Development Manager | [c.still@gladman.co.uk](mailto:c.still@gladman.co.uk) | DDI: 01260 288 932 | [www.gladman.co.uk](http://www.gladman.co.uk)

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**Andy Green**

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**From:** Andy Green  
**Sent:** 27 August 2015 11:00  
**To:** 'Matthew Parry'  
**Cc:** Chris Still  
**Subject:** RE: Land west of White Post Road, Bodicote - Ref: 15/01326/OUT  
**Attachments:** 1361: PROPOSED RESIDENTIAL DEVELOPMENT, WHITE POST ROAD, BANBURY

Matthew

We have now arrange the Highways meeting for 10am on 11/09/15 (please see attached). As we are in the vicinity it would be good to meet you on the same day say 1.30/2pm. Can you confirm if this is possible? If not please suggest dates W/C 14/09/15

Regards

Andy

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**From:** Andy Green  
**Sent:** 27 August 2015 08:55  
**To:** 'Matthew Parry' <Matthew.Parry@Cherwell-DC.gov.uk>  
**Cc:** Chris Still <C.Still@gladman.co.uk>  
**Subject:** RE: Land west of White Post Road, Bodicote - Ref: 15/01326/OUT

Dear Matthew

We are presently trying to set up a meeting with the OCC Highways Authority, week commencing 7<sup>th</sup> September 2015, to discuss the spine road. I would like to set up a meeting with you after this to discuss any issues arising from that meeting also to address and consultation responses. Can you provide some appropriated dates, prior to your leave, for this meeting?

Regards

Andy

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**Andy Green**

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**From:** Andy Green  
**Sent:** 17 September 2015 07:58  
**To:** 'Matthew Parry'  
**Subject:** White Post Road, Banbury 15 01326 OUT  
**Attachments:** 150916 Yourviews comments after submission of PA.pdf



Matthew

Thank you for meeting with us yesterday, it was a very useful meeting. Further to the paper copy handed over yesterday please find attached an electronic version of the 'yourviews' comments we have received following the submission of our application.

Regards

Andy

[Andy Green](#) - Project Manager | [a.green@gladman.co.uk](mailto:a.green@gladman.co.uk) | DDI: 01260 288 820 | M: 07793 454 576

[Gladman Developments](#) | Gladman House | Alexandria Way | Congleton | Cheshire | CW12 1LB

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[www.gladman.co.uk/land](http://www.gladman.co.uk/land)

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 21 September 2015 14:32  
**To:** Andy Green  
**Cc:** Chris Still  
**Subject:** Land West of White Post Road, Banbury - Ref: 15/01326/OUT

Dear Andy

Following our meeting last week I thought it would be useful to update you on a number of queries that arose during the meeting to assist in moving things forward on the application. I have not however yet had the opportunity to discuss matters with the County Council and I trust that you be initiating some talks with their highway officers directly regarding access arrangements from White Post Road and the spine road.

First, having discussed the application submission with Judith Ward (one of CDC's landscape architects) we are still concerned that the submitted ES and LVIA do not fully assess the cumulative impact on the wider landscape or the setting to Bodicote itself within the landscape. Using the maximum heights specified in the D&A, in order to fully assess landscape impact wireline views or preferably photomontages would help inform decision making. The EIA regulations make it clear that the impact on populations and the natural environment are some of the factors to be considered and we are not satisfied that wider cumulative landscape effect has been duly addressed. Additional information should be submitted to update these documents.

Second, the cumulative impact on the Salt Way PROW and non-designated heritage asset has not been properly addressed. Again, photomontages would assist in this respect. The mitigation has suggested the gapping up of openings in the hedgerows but this does not consider the effect of lost views of the open countryside and the perception of losing its quiet rural character given that would be set between two residential estates. I am not satisfied that the heritage chapter of the ES properly assesses the impact of the development on the historic settlement of Banbury. The Conservation Area Appraisal for Bodicote references the coalescence of Banbury and Bodicote as a threat to its heritage significance. Direct lines of sight from public areas of the Conservation Area may be limited to but its setting could well be affected and does not mean that harm to its special character would not occur.

The ES submitted by Gallaghers along with their planning application assessed the impact of cumulative development on additional environmental issues. Whilst some of these were found to be negligible (both individually and cumulatively) and therefore probably unnecessary for further consideration, others could be significant without mitigation. This relates to public infrastructure, ecology as well as ground conditions and water resources. We would expect to see an addendum to the ES submitted that covers the individual and cumulative environmental effect on these factors.

With respect to play areas and recreation facilities, there is no requirement within the site allocation policy or its supporting text for a cricket pitch to be provided. Indeed in applying Policy BSC11 of Local Plan Part 1 the Council would not be looking for a cricket pitch in this location as the open space study for Banbury indicates a shortfall primarily of football pitches (particularly for children). This would result in less formal sports provision being provided on site with the remaining informal green space to protect the setting of Bodicote. The Council has never accepted the management of formal recreational facilities by any party other than the District or Town/Parish Councils themselves and would not support this. All facilities would have to be fully laid and inspected prior to transfer to CDC at nil cost together with a maintenance contribution for the first 15 years. The Council would also normally look for contributions towards future maintenance of SuDS features, on-site trees/hedgerows on public areas as well as public open space itself and play areas where these are to be transferred to CDC. However informal public open space and play areas could be maintained by an agreed management company with an option available for this if required included in the S106 wording. I would suggest a large neighbourhood level play area should be provided (at least 2000sq m) in a suitable location and a handful of informal local play areas too within the built development which are accessible. As discussed, a number of allotment plots are also required which should be located in a sensible position adjacent to the existing allotments. The indicative parameters plan only shows 2 play areas in total which is unlikely to be sufficient. In addition, a meaningful green corridor along the entirety of the public footpath that bisects the site will be expected. This is not shown on the indicative parameters plan at the present time.

The Council's urban designer has recently returned from leave and I hoping to have some discussions with her about the overall layout bearing in mind the requirements of Policy Banbury 17. My initial understanding is that there is still a strong desire to have a more detailed comprehensive masterplan submitted covering the whole site to ensure that the development proposed can be satisfactorily accommodated and that it will proceed in a cohesive manner. I will have to let you know in due course what the outcome of my discussions are. I will also keep you updated on my discussions with the County Council about on-site education infrastructure.

I hope this provides a useful update.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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## Andy Green

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**From:** David <david@mightyisland.net>  
**Sent:** 13 September 2015 09:44  
**To:** YourViews; test@pearsontreehouse.co.uk  
**Subject:** Comments - Banbury

# Banbury

**Form Name:** Banbury

**Date of Submission:** Sun, 13 Sep 2015 09:43:50 +0100

**Your server:** www.your-views.co.uk

**URL of page containing form:** <http://www.your-views.co.uk/banbury-comment/>

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**Looking at the plans, do you have any comments that will help us shape our masterplan?:** I would like someone to explain why the development is part of the Banbury plan for new homes, but the development site is clearly within the parish of Bodicote.

Your public consultation materials clearly state 'Land off White Post Road, Banbury'.

It's not in Banbury - it's in Bodicote. A five-year-old with a parish map could tell you that.

As this is the case, the number of homes should be considered part of Bodicotes allocation. This allocation has already been exceeded.

How do you propose to address this issue?

**Would you like to suggest any changes to improve the proposals?:** If they are new homes for Banbury, build them in Banbury.

**Prefix::** Mr

**Your name:** David

**Your email:** david@mightyisland.net

**Address:** Woodbine Cottage, Paddock Farm Lane, Bodicote

**Postcode:** OX15 4BT

## Andy Green

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**From:** R.Palmer <kpalm@tiscali.co.uk>  
**Sent:** 09 August 2015 22:04  
**To:** YourViews; test@pearsontreehouse.co.uk  
**Subject:** Comments - Banbury

# Banbury

**Form Name:** Banbury

**Date of Submission:** Sun, 09 Aug 2015 22:03:42 +0100

**Your server:** www.your-views.co.uk

**URL of page containing form:** <http://www.your-views.co.uk/banbury-comment/>

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**Looking at the plans, do you have any comments that will help us shape our masterplan?:** If the access to this development is from White Post Rd, this is already a very well used road and often congested and fully parked by all the users of the premises here. How will access to this site from Broad Gap and Wykham Lane be prevented. These are very well used already as a rat run to avoid the Oxford Rd often by big commercial vehicles. Has the volume of traffic ever been monitored in this area? A car park would make no difference to this. Also the access is so close to the school. Isn't White Post Rd in Bodicote and not in Banbury?

**Would you like to suggest any changes to improve the proposals?:** Change of access and avoid encroaching on the village already being compressed by overwhelming development and excess traffic with resulting noise and pollution.

**Are there any other comments you would like us to consider?:** The preservation of mature trees in the area not necessarily those with preservation orders and maintain the historic environment of Salt way. Reconsider this development.

**Prefix:** Mrs

**Your name:** R.Palmer

**Your email:** kpalm@tiscali.co.uk

**Address:** 47,High St.

Bodicote

Banbury

**Postcode:** OX15 4 BP

## Andy Green

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**From:** Rachel Wegerhoff <rachelwegerhoff@hotmail.com>  
**Sent:** 04 August 2015 21:09  
**To:** YourViews  
**Subject:** Development in Bodicote

Hi

I sent the email below on 13th July and haven't even received an acknowledgement let alone a reply!

If you are asking for people's views could you at least take them seriously and do the common courtesy of acknowledging them and replying?!

Rachel Wegerhoff

Sent from my iPhone

Begin forwarded message:

**From:** Rachel Wegerhoff <[rachelwegerhoff@hotmail.com](mailto:rachelwegerhoff@hotmail.com)>  
**Date:** 13 July 2015 13:22:03 BST  
**To:** Yuen Wong <[Yuen.Wong@Cherwell-DC.gov.uk](mailto:Yuen.Wong@Cherwell-DC.gov.uk)>  
**Subject: Re: RE: Fw:**

Lovely, many thanks for your help.

Regards  
Rachel

Sent from my iPhone

On 13 Jul 2015, at 09:49, "Yuen Wong" <[Yuen.Wong@Cherwell-DC.gov.uk](mailto:Yuen.Wong@Cherwell-DC.gov.uk)> wrote:

Dear Ms Wegerhoff,

Thank you for your email regarding Land off White Post Road, Bodicote. Tracey Morrissey has left Cherwell and is now working at South Northants Council hence the undelivered response.

I will forward your email to the case officer, Matthew Parry who will provide you with a response.

Regards

Yuen

**Yuen Wong (Mr)**  
Planning Officer  
Strategic Planning and the Economy  
Cherwell District Council  
*Email: [yuen.wong@cherwell-dc.gov.uk](mailto:yuen.wong@cherwell-dc.gov.uk)*  
*Tel: 01295 221850*

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**From:** Rachel Wegerhoff [<mailto:rachelwegerhoff@hotmail.com>]  
**Sent:** 12 July 2015 15:24  
**To:** Yuen Wong  
**Subject:** Fw:

**I copied Tracey Morrissey to this email but had an undeliverable response. Could you please forward to her for information?**

**Many thanks**  
**Rachel Wegerhoff**

Sent from Windows Mail

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**From:** [Rachel Wegerhoff](#)  
**Sent:** â€ŽSundayâ€Ž, â€Ž12â€Ž â€ŽJulyâ€Ž â€Ž2015 â€Ž13â€Ž:â€Ž18  
**To:** [comments@your-views.co.uk](mailto:comments@your-views.co.uk)  
**Cc:** [tracey.morrissey@cherwell-dc.gov.uk](mailto:tracey.morrissey@cherwell-dc.gov.uk)

Sent from Windows Mail

Dear Sir/Madam

I wish to strongly oppose your plans to build houses on land off White Post Road, Bodicote, Banbury.

We bought our home in Leabrook Close, Banbury in October 2013. The main reason we chose the property was due to the fantastic views (see attached photos). We are not well off people and were extremely fortunate to find this property at a price that stretched us financially but never the less made it worth while simply due to the views and ability to enjoy the countryside on our doorstep with our very young children. Had we wanted to move to a highly populated and highly housed part of town we could have done so at less of a cost to ourselves. If this development goes ahead it will de-value our home and we could never afford to move again to somewhere with such views. This is now causing us extreme financial worry and stress over the future.

The news that you are looking to build on this beautiful site has caused us extreme concern and has placed us under extreme stress and anxiety. We have stretched ourselves to be able to live in this part of town and IF these homes get the go ahead, not only will it destroy this area of natural beauty it will deprive many local families who use these fields to walk with their children, dogs and extended families. It is constantly in use come rain or shine and everyone we have encountered walking in this area has been friendly and stopped to chat giving a real sense of community.

Banbury has already had new developments recently and I cannot understand the need for yet more. Banbury simply DOES NOT have the

infrastructure to sustain all of these extra developments. The fact that you say in your leaflet that you will pay a contribution to the clinical commissioning group, doesn't mean anything. It doesn't guarantee an extension to the local GP surgeries or good, quality doctors. Throwing money at a situation is not the answer. What about the extra strain it will place on our local Hospital as well as GP surgeries, not to mention schools (of all levels), our local hospice, church capacities to name just a few.

Banbury is currently merging into all the surrounding villages with less and less green space separating town from village. We are in danger of becoming over populated. You also mention in your leaflet that we, in Banbury, have a low level of unemployment. Is this not because we have the balance correct without the addition of more people to create unemployment?

In our local area we feel safe and secure (as much as anyone possibly can in this day and age) and the addition of these houses will have an impact on that. With extra people, inevitably will come an increase in noise levels, pollution levels, crime levels and I dread to think how Salt Way will be used if this goes ahead (I can just imagine the gangs of kids starting to hang out there at night, drinking and doing goodness knows what - thankfully this is almost non-existent at present).

What is wrong with finding land near Kidlington? Just because it still holds village status means it has escaped most of this development requirement even though it's large enough to have town status and Banbury is being punished for it. Enough with these standard, boring developments ruining our small market town!

Can you also explain to me what those blue arrows are on the map as they run near our house but have no explanation? (both the large and small blue arrows).

We also have a local bird of prey living in this direct area. Is this going to have a detrimental affect on this amazing wildlife? It was happily flying over our house only yesterday and it thrilled our children to be able to see it so close and in such a natural habitat. It has been spotted several times in recent months and has become a real talking point with residents.

It's a general consensus amongst the Banbury community that our town is being completely ruined for the sake of financial gain. Enough is enough!

Yours faithfully

Rachel Wegerhoff (Born and raised in Banbury!!)

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**Andy Green**

---

**From:** Bryan Lack <b-lack@sky.com>  
**Sent:** 03 August 2015 17:31  
**To:** YourViews; test@pearsontreehouse.co.uk  
**Subject:** Comments - Banbury

## Banbury

**Form Name:** Banbury

**Date of Submission:** Mon, 03 Aug 2015 17:30:56 +0100

**Your server:** www.your-views.co.uk

**URL of page containing form:** <http://www.your-views.co.uk/banbury-comment/>

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**Looking at the plans, do you have any comments that will help us shape our masterplan?:** Until recently I was a Councillor in Sussex, with Planning & Highways brief.

I cannot believe that anyone on the CDC would accept this proposal for many reasons.

From long experience, the traffic flow predictions are grossly under-estimated, (as necessary by daft eco-regs etc) and 280 properties will generate a minimum of 600 movements per day....

Oxford road is already gridlocked for much of the day. Longford Park traffic onto Oxford Road will add to unacceptable journey times.

**Would you like to suggest any changes to improve the proposals?:** Egress opposite Primary School is recipe for total disaster, and highly likely to be cause of accidents.

Car Park shown, to be of real use, should be for 50-70 cars not a few....

Access to this development should be from Sycamore Drive, well separated from the School, with footpath only onto White Post Road.

**Are there any other comments you would like us to consider?:** CDC should not allow this development on this site.

Houses diagonally opposite side of town to work areas, with limited access to town & industrial estates is seriously bad planning.

People here do not cycle (hills) and bus services to Industrial estates, for acceptable start/finish times are effectively non-existent.

Not necessarily Gladmans fault, wrong houses in wrong areas with wrong infrastructure is unfortunate fact in current plan.

**Prefix:** Mr

**Your name:** Bryan Lack

**Your email:** b-lack@sky.com

**Address:** 4 Malvern Close

Banbury

**Postcode:** OX16 9EL

## Andy Green

---

**From:** Gary <Gray@dug.gocreations.co.uk>  
**Sent:** 02 August 2015 18:39  
**To:** YourViews; test@pearsontreehouse.co.uk  
**Subject:** Comments - Banbury

# Banbury

**Form Name:** Banbury

**Date of Submission:** Sun, 02 Aug 2015 18:38:51 +0100

**Your server:** www.your-views.co.uk

**URL of page containing form:** <http://www.your-views.co.uk/banbury-comment/>

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**Looking at the plans, do you have any comments that will help us shape our masterplan?:** Stop Ruining allotments and fields when no more houses should be built on them we do not need any more houses in Bodicote.

**Would you like to suggest any changes to improve the proposals?:** Yes No houses at all should be built there at all

**Prefix:** Mr

**Your name:** Gary

**Your email:** Gray

**Address:** 29 Park End  
Bodicote

Banbury, Oxon

**Postcode:** OX15 4DF

## Andy Green

---

**From:** Bill Parish <bill.parish@gmx.com>  
**Sent:** 27 July 2015 07:38  
**To:** YourViews  
**Cc:** Councillor Kieron Mallon; Councillor Nigel Morris  
**Subject:** Fw: BANBURY - potential residential development off white post road

Please be good enough to confirm receipt

**From:** [Bill Parish](#)  
**Sent:** Thursday, July 16, 2015 2:02 PM  
**To:** [comments@your-views.co.uk](mailto:comments@your-views.co.uk)  
**Cc:** [Councillor Kieron Mallon](#) ; [Councillor Nigel Morris](#)  
**Subject:** BANBURY - potential residential development off white post road

Gladman Developments Ltd:

Thank you for the leaflet regarding the above. I note the listed "benefits".

Unfortunately none of them apply to existing residents. Everything about your proposed development is negative for us – particularly for residents in Sycamore Drive.

We will:

- \* be relocated from the countryside to the middle of a large Housing Estate
- \* lose our views
- \* lose our privacy
- \* suffer a decrease in our house value (houses backing onto Salt Way command a premium over houses on the opposite side of the road)
- \* suffer from increased traffic
- \* have to endure increased pollutions

**These could be mitigated to some extent by moving the proposed housing and roads nearer to Wykham Lane, thereby allowing the proposed green spaces in that area to be located between Sycamore Drive and the new houses. Importantly, green spaces between the new and existing developments would provide amenities for both existing and new residents – not just the latter.**

I am sure that, with a bit of imaginative planning, a considerable Park/Amenity area could be provided between old and new developments - even allowing for the attenuation basin and archaeological sensitive area.

If/when the Development comes to detailed planning, it would lessen the intrusion to Sycamore Drive residents if houses nearest Salt Way had their gable ends aligned toward it.

The theories in your well written leaflet give, as to be expected, a very rosy and unrealistic view of the development. In practise it will have a huge adverse effect on the area when added to the major developments already underway. I will leave others to comment upon the broader issues.

I hope that you might give the above proper consideration.  
W Parish

## Andy Green

---

**From:** LG BOND <lg11@btinternet.com>  
**Sent:** 24 July 2015 12:36  
**To:** YourViews  
**Subject:** Potential Residential Development Land off White Post Road, Banbury

I object very strongly re. this development.

Main concern: roads too narrow. Even now, without any further development, The traffic on OX16 is dreadful. This estate is used as a rat run for the Council and school to avoid the Oxford Road.

Where will the entrance to the development be? Opposite the school!! As it is, this gets terribly congested.

I suggest you look at the problems we have more seriously.

Mention is made of Doctors surgery. Where will the doctors come from? We now have to wait for three weeks for an appointment.

Flooding: the site to the south gets waterlogged every winter.

Ecology: skylarks nest in these fields every spring. They will disappear. Badgers have a route from one sett to another across the field.

Valerie Bond

## Andy Green

---

**From:** Karen Craig <Karen.craig@btinternet.com>  
**Sent:** 17 July 2015 17:32  
**To:** YourViews; test@pearsontreehouse.co.uk  
**Subject:** Comments - Banbury

# Banbury

**Form Name:** Banbury

**Date of Submission:** Fri, 17 Jul 2015 17:31:31 +0100

**Your server:** www.your-views.co.uk

**URL of page containing form:** <http://www.your-views.co.uk/banbury-comment/>

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**Would you like to suggest any changes to improve the proposals?:** The proposed access road to the new development off White Post Road, is going to cause further congestion and potential hazard outside Bishop Loveday Primary School. This road is already virtually impassible when parents are dropping off and collecting children, as they park both sides of the the road. The car park proposed would need to be considerably largely to accommodate all the additional cars, as Sycamore Drive also has vehicles parked making access impossible.

**Are there any other comments you would like us to consider?:** The schools in the locality are already full to capacity, if half of the proposed property's have one child, this will result in a further 140 school places being required. Traffic in the vicinity will be further impacted, most households now have one or two vehicles, so there will be a further potential 420 vehicles exiting this development, either onto the Bloxham Road or Whitepost Road.

It will cease the current separation between Bodicote and Banbury, they will effectively become one.

**Prefix:** Mrs

**Your name:** Karen Craig

**Your email:** Karen.craig@btinternet.com

**Address:** 16 Larksfield road

Banbury

**Postcode:** Ox16 9eg

## Andy Green

---

**From:** Bill Parish <bill.parish@gmx.com>  
**Sent:** 16 July 2015 14:03  
**To:** YourViews  
**Cc:** Councillor Kieron Mallon; Councillor Nigel Morris  
**Subject:** BANBURY - potential residential development off white post road

Gladman Developments Ltd:

Thank you for the leaflet regarding the above. I note the listed "benefits".

Unfortunately none of them apply to existing residents. Everything about your proposed development is negative for us – particularly for residents in Sycamore Drive.

We will:

- \* be relocated from the countryside to the middle of a large Housing Estate
- \* lose our views
- \* lose our privacy
- \* suffer a decrease in our house value (houses backing onto Salt Way command a premium over houses on the opposite side of the road)
- \* suffer from increased traffic
- \* have to endure increased pollutions

**These could be mitigated to some extent by moving the proposed housing and roads nearer to Wykham Lane, thereby allowing the proposed green spaces in that area to be located between Sycamore Drive and the new houses. Importantly, green spaces between the new and existing developments would provide amenities for both existing and new residents – not just the latter.**

I am sure that, with a bit of imaginative planning, a considerable Park/Amenity area could be provided between old and new developments - even allowing for the attenuation basin and archaeological sensitive area.

If/when the Development comes to detailed planning, it would lessen the intrusion to Sycamore Drive residents if houses nearest Salt Way had their gable ends aligned toward it.

The theories in your well written leaflet give, as to be expected, a very rosy and unrealistic view of the development. In practise it will have a huge adverse effect on the area when added to the major developments already underway. I will leave others to comment upon the broader issues.

I hope that you might give the above proper consideration.  
W Parish

**Andy Green**

---

**From:** Andy Green  
**Sent:** 08 October 2015 13:16  
**To:** 'Lewis Bankes-Hughes'  
**Cc:** 'Matthew Parry'; Chris Still  
**Subject:** RE: 15/01326/OUT - OS Parcels 6741 And 5426 West of Cricket Field North of Wykham Lane, Bodicote

Dear Lewis

Further to your email below I have obtained the Land Registry Documents in question and confirm they do not identify any land within our red line boundary. As I mentioned, during our phone conversation, we have carried out a SIM search on our redline boundary drawing and confirm it only includes land in our landowner possession. I confirm all the notices and certificates are correct.

For your information the documents identify land to the west of our site some of which is included in the Gallagher Estates Application - 14/01932/OUT

Regards

Andy

---

**From:** Lewis Bankes-Hughes [mailto:Lewis.Bankes-Hughes@Cherwell-DC.gov.uk]  
**Sent:** 06 October 2015 11:37  
**To:** Andy Green <A.Green@gladman.co.uk>  
**Subject:** 15/01326/OUT - OS Parcels 6741 And 5426 West of Cricket Field North of Wykham Lane, Bodicote

Hi Andrew,

Further to our earlier conversation, please see the comments below which we've received in respect of the above application.

My concerns over the application forms submitted by Gladman Developments was that it does not appear to include within Certificate B the land holdings by the Colgreave Family as set out in the Land Registry as follows;

- ON277979
- ON277320
- ON207487

I had assumed that Cherwell District Council had carried out due diligence on the submitted application and was surprised to realise that the major part of the land which appears to be owned by the Colgreave Family was not indicated in the certificate of ownership whilst Roland Bratt is not listed in the Land Registry but is listed in certificate B which I presume may mean he has a leasehold possible with the Colgreave family. Could you please clarify the situation in order that I may submit my comments on the application.

I would appreciate it if you could confirm whether the correct land owners have been notified about this application and if so, whether all of these have been included within Certificate B.

I look forward to hearing from you.

Regards,

Lewis

**Lewis Bankes-Hughes MPlan**

Planning Officer (Obligations Monitoring)

Development Management

Cherwell District Council

**Phone** 01295 22 1884

**Email** lewis.bankes-hughes@cherwell-dc.gov.uk

**Online** [www.cherwell.gov.uk/planning](http://www.cherwell.gov.uk/planning)

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 12 October 2015 10:08  
**To:** Andy Green  
**Subject:** RE: Land West of White Post Road, Banbury - Ref: 15/01326/OUT

Andy

The inclusion of the allotments and football pitches is welcome. We will however need a scale drawing to show exactly where the pedestrian links will be to Salt Way East as well as the allotments etc so that these can be secured by conditions/planning obligation etc. An updated site layout plan showing the position of key links and elements of infrastructure will be needed once the vehicular access arrangements from White Post Road have been agreed.

Regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 14 October 2015 11:17  
**To:** Andy Green  
**Cc:** Chris Still  
**Subject:** Proposed development at White Post Road, Banbury - Ref: 15/01326/OUT

Dear Andy

I have been discussing the proposals internally with respect to the adequacy of the ES in its assessment of the likely significant environmental effects of the proposals (including its cumulative impact) having regard to the provisions of paragraph 3, Part 1 of Schedule 4 of the EIA Regulations 2011 (as amended). At its heart the EU Directive and the related EIA regulations requires identification and assessment of the likely significant effects of a development on people and the natural environment including the interrelationship between the two. In this case, the landscape is not just of value as a feature of the natural environment but also as a setting to existing settlements and therefore the interrelationship between their populations and the surrounding landscape. In this respect the landscape chapter of the ES does not satisfactorily appraise the effect of the proposals on the wider landscape that includes both its built and natural features including the village of Bodicote together with its setting within the landscape as a separate settlement distinct in character to Banbury. The environmental effect of the proposed development in this respect has not been addressed in the ES and officers are of the view that such an effect could be significant whether actual or perceived. As a result the Council considers the ES to be inadequate and in accordance with regulation 22 of the EIA Regulations 2011 (as amended) is making this formal request for 'further information' to ensure that the environmental information provided is sufficient to address all likely significant effects of the proposals. In accordance with regulation 22(7) of the EIA Regulations 2011, determination of the application will be suspended until this information is provided (including in hard copy) which will then need further consultation and publicity. The Council should receive this information by Friday 20<sup>th</sup> November 2015 unless a reasonable alternative date is agreed.

Whilst it is acknowledged that the Council has allocated the land for residential development and that the proposals may result in adverse environmental impact in this respect even with mitigation, this does not obviate the need for an EIA to assess the individual impacts of the development proposed at application stage and identify mitigation opportunities or alternatives approaches where possible to try to avoid or alleviate the harm.

If there are problems producing and submitting this additional environmental information as an addendum to the existing ES, please let me know.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Andy Green  
**Sent:** 20 October 2015 09:41  
**To:** 'Matthew Parry'  
**Cc:** Chris Still; Liam Ryder  
**Subject:** FW: 1361: WHITE POST ROAD, BANBURY  
**Attachments:** Client Results - 2199 Banbury Site 1.xls; Client Results - 2199 Banbury Site 2.xls; Client Results - 2199 Banbury Site 3.xls; Client Results - 2199 Banbury Site 4.xls; Client Results - 2240 Banbury Site 1.xls; Client Results - 2240 Banbury Site 2.xls; Client Results - 3244 Banbury, Queues.xls; Client Results - 3244 Banbury, Site 1.xls; Client Results - 3244 Banbury, Site 2.xls; Client Results - 3244 Banbury, Site 3.xls; Client Results - 3244 Banbury, Site 4.xls; Client Results - 3244 Banbury, Site 5.xls; Client Results - 3244 Banbury, Site 6.xls; Client Results - 3244 Banbury, Site 7.xls

Matthew

Further to our recent discussions with Highways re the White Post Road, Banbury. Please find attached an email from our Highway Consultant Confirming what was agreed I that meeting, for your information.

Regards

Andy

---

**From:** Simon Helme [mailto:aha@ashleyhelme.co.uk]  
**Sent:** 16 October 2015 14:39  
**To:** 'White, Joy - E&E' <Joy.White@Oxfordshire.gov.uk>; 'Payne, Odele - Environment & Economy' <Odele.Payne@Oxfordshire.gov.uk>  
**Cc:** Andy Green <A.Green@gladman.co.uk>  
**Subject:** 1361: WHITE POST ROAD, BANBURY

**Joy**

I write further to our conference call of 15 Oct 2015. I thought that I would write to you setting out the areas of agreement that I believe we reached.

#### **Site Access on White Post Road**

You confirmed that the principle of the 'third' option was acceptable. However, you were seeking further comments about pedestrian crossing points. Please me have those when you have them and I will update the drawing.

#### **Link Road Geometry**

You confirmed that the link road should adopt the following geometry:

- 6.75m carriageway,
- 3.0m shared footway/cycleway on the north side,
- 2.0m footway on the south side.

You confirmed that grass verges are **not** required.

You also confirmed that the design should be based on a 30mph design speed. Bus stops are to be provided on-carriageway (not in laybys) and there is a likely requirement for 2no pair of stops. You said that you would seek the views of your colleagues about whether driveway access to the link road should be allowed.

#### **TRANSPORT ASSESSMENT**

## Committed Developments

My understanding is that there is agreement to the list of committed developments set out in the TA.

## Background Traffic Assumptions

You confirmed that the overall levels of growth (ie Temprow growth and committed developments) were robust.

## Trip Generation Rates

You confirmed your acceptance to the adopted residential trip rates.

## Survey Data

I apologise for omitting the traffic survey data in my last e-mail. The data is now attached.

## Trip Distribution

You confirmed your acceptance to the adopted trip distribution.

## Traffic Impact Materiality Threshold

You confirmed your acceptance to materiality threshold tests in the TA report.

## Additional Junctions

I confirmed that the TA will adopt the following additional junctions.

- Farmfield Road/Oxford Road,
- Bankside/Swan Close, and
- Concorde Avenue/Cherwell Drive roundabout.

We will look for other schemes on the planning portal which may include the data. Otherwise will commission surveys for these junctions.

You confirmed that the TA does not need to include junctions to the south of the Site in Adderbury namely:

- A4260/Twyford Road, and
- A4260/Aynho Road.

I hope that this is an accurate reflection of the conversation. Please let me know if I have missed or misunderstood anything.

Thank you for your help.

Kind regards

**Simon Helme**

**ashleyhelme**

76 Washway Road, Sale, Manchester M33 7RE  
t 0161 972 0552 | w [www.ashleyhelme.co.uk](http://www.ashleyhelme.co.uk)

transport planning  
transport assessment  
air quality assessment

sustainable travel  
traffic management

travel plans  
highway engineering

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**Andy Green**

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**From:** Andy Green  
**Sent:** 17 December 2015 10:17  
**To:** 'Matthew Parry'  
**Cc:** Chris Still; Alice Weston; Liam Ryder  
**Subject:** RE: White Post Road, Banbury 15 01326 OUT



Dear Matthew

An update as to where we are with outstanding issues on the above application.

#### Highways

- We have had comments back on our revised site access from your Highways Officers
- We have undertaken a RSA and are assessing the comments, We'll send you a new access drawing once it's been updated in line with the comments received.
- We have undertaken traffic surveys for additional junctions identify by your Highways officers and will submit a revised TA shortly

#### ES

- We have revised the landscape section of the ES and are currently reviewing this before forward to you
- We are undertaking the ES scoping exercise (retrospectively) and will forward to you.

I'm conscious the determination period has expired and we need to agree an extension of time. I also believe there are still a number outstanding Consultee responses. We received the Ecology response this week (Via the Website) but nothing else has been posted since the 21<sup>st</sup> October 15.

I am keen to move things on and would like to arrange a meeting January, with a few to it going to the February Committee meeting.

I'll call you later today to discuss.

Regards

Andy

[Andy Green](mailto:a.green@gladman.co.uk) - Project Manager | [a.green@gladman.co.uk](mailto:a.green@gladman.co.uk) | DDI: 01260 288 820 | M: 07793 454 576

[Gladman Developments](#) | Gladman House | Alexandria Way | Congleton | Cheshire | CW12 1LB

T: 01260 288 800 | F: 01260 288 801

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 22 December 2015 09:38  
**To:** Andy Green  
**Cc:** Chris Still; Alice Weston; Liam Ryder  
**Subject:** RE: RE: White Post Road, Banbury 15 01326 OUT

Andy

The week commencing the 18<sup>th</sup> is preferable for me as I may be on leave the week afterwards. I am available on either Tuesday 19<sup>th</sup> or Wednesday 20<sup>th</sup> January if you would like to suggest a suitable time.

I had a meeting with various officers from the County Council a couple of weeks' ago where I was updated on progress regarding traffic modelling and the revised highway layout. In turn, they will be updating their consultation responses on both this application and the Gallagher application. This will include corrections regarding education infrastructure – in particular changes from references to the Warriner Secondary School in Bloxham to the adjacent Blessed George Napier School and further detail on land requirements within the wider Banbury 17 site for secondary school playing fields and a primary school. It will also, I understand, include further information on the timing and mechanism for providing the spine road through the site. We could perhaps discuss these if they are received in advance of the meeting.

Regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Andy Green [mailto:A.Green@gladman.co.uk]  
**Sent:** 21 December 2015 15:22  
**To:** Matthew Parry  
**Cc:** Chris Still; Alice Weston; Liam Ryder  
**Subject:** RE: RE: White Post Road, Banbury 15 01326 OUT

Hi Matthew

I've tried calling you a couple of times re a meeting in January 16. Can you confirm possible dates W/C 18<sup>th</sup> of W/c 25<sup>th</sup> ?

Regards

Andy

---

**From:** Andy Green  
**Sent:** 17 December 2015 10:17  
**To:** 'Matthew Parry' <[Matthew.Parry@Cherwell-DC.gov.uk](mailto:Matthew.Parry@Cherwell-DC.gov.uk)>  
**Cc:** Chris Still <[C.Still@gladman.co.uk](mailto:C.Still@gladman.co.uk)>; Alice Weston <[A.Weston@gladman.co.uk](mailto:A.Weston@gladman.co.uk)>; Liam Ryder <[L.Ryder@gladman.co.uk](mailto:L.Ryder@gladman.co.uk)>  
**Subject:** RE: White Post Road, Banbury 15 01326 OUT

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 23 December 2015 16:33  
**To:** Andy Green  
**Cc:** Chris Still; Alice Weston  
**Subject:** RE: Proposed development at White Post Road, Banbury - Ref: 15/01326/OUT

Andy

I am presuming that this will be accompanied by an updated TA as well as corresponding updates to the ES. I presume an updated indicative masterplan will also be submitted that incorporates these changes. I would not want to process and consult on amendments/updates individually as this can be confusing to statutory and third parties.

In the meantime, have you had any thoughts about the future management/ownership of the proposed car park – is this something that was envisaged to be transferred to OCC or CDC?

Regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 22 January 2016 12:53  
**To:** Andy Green; Chris Still  
**Subject:** Land South of Salt Way - Ref: 15/01326/OUT

Andy/Chris

Following on from our meeting yesterday I thought it might be worth just clarifying my understanding of the various actions and responsibilities that came from the meeting in order to help make progress on the application. Let me know if this differs from your understanding.

CDC

- Respond to you next week on the issue of the specification of the spine road with respect to the need or otherwise for grassed verges between the road and footway/cycleway. It is accepted that this is not necessary in pure highway terms but we will need to consider the urban design and aesthetics of the future development;
- I will discuss internally the preferred mechanism for approval of the final details of the spine road. i.e. Should this be upfront for each site as has been the case in the past, or, can it come forward on this site in phases as part of reserved matters – what are the risk/benefits of this approach. This approach could not be adopted on the neighbouring Gallagher site if for example the spine road is required to be laid out to the boundary at an earlier stage as the various reserved matters phases may not have come forward or been approved at that time;
- We will consider the triggers discussed regarding delivery of the spine road to the boundary. We discussed this being whichever is the earlier of: 75% occupation of dwellings on the site, first opening of the new Banbury 17 Primary School or a specified time period for the date of commencement of development;
- I will speak to CDC's Property team about whether they would be interested in taking ownership of the proposed new car park as OCC seem not to be interested. If not, it would need to be secured as free and publicly available at all times through a s106 together with details of management etc;
- I will discuss with CDC's recreation and facilities team what their position might be on the sports facilities and whether there is a reasonable alternative to them being transferred to CDC for future management by the Council.

OCC (Highways)

- Look into the ownership situation of the Saltway PROW. Is there a privately owned verge to either side that is not covered by the right of way? Does this affect provision of new pedestrian/cycle connections onto it? If so, how? If possible, provide detailed plan of the extent of the Salt Way right of way to Gladman;
- Consider the implications of the triggers for the spine road as set out above as well as the mechanism for approval of the details;
- Await updates to Gladman's TA to assist in defining if and where financial contributions are required towards off-site highway improvements.

OCC (Infrastructure/Education)

- An updated OCC single response will be submitted in due course to clarify the education infrastructure necessary to mitigate impact of the development. In addition to the build/extension costs of the new primary school on Banbury 17 and neighbouring BGN Secondary school, some detail will be included on land requirements for such uses on the neighbouring Gallagher site. I will alert you when I receive this updated consultation response.

Gladman

- Provide an updated plan showing a larger new car park off White Post Road (notwithstanding OCC's position) and possibly incorporate verges to spine road if necessary;
- Look into the ownership constraints around the Salt Way – is there potentially a ransom strip between the site and the PROW?;
- Provide information on the agricultural tenancy (duration, what rights it entails etc) to help understand whether non-signatory by the tenant has implications for the s106 agreement;
- Submit new landscape chapter for ES, updated comprehensive framework/master plan, updated ES where necessary and submit updated TA as part of a new package of documentation for re-consultation;

- Provide details of a proposed mechanism for submission and approval of details of the spine road for officers to consider . i.e. As an alternative to past requirements for the spine road to be the first reserved matters application to be submitted and which would need to be approved before other phases come forward.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
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**Andy Green**

**From:** Andy Green  
**Sent:** 14 March 2016 09:03  
**To:** 'Matthew Parry'  
**Cc:** Chris Still; White, Joy - E&E  
**Subject:** RE: Land West of White Post Road, Bodicote - Ref: 15/03126/OUT



Matthew

We have given some further thought to the mechanism and triggers for the link road in your email of 3<sup>rd</sup> February 2016. We have some concerns with the approach suggested, which does not seem to focus on the delivery of the road and would delay the delivery of the houses on the site and the Spine Road, rather than assist it. I am sure that this is not what the Council would want to encourage and seems unduly onerous in the circumstances. We consider that this is easily resolved whilst ensuring the delivery of the Spine Road without unreasonably placing a burden on the housebuilder and there is no reason why reserved matters cannot progress in parallel.

We understood there to be 4 matters to consider

- 1) Submission of RM relative to the Spine Road details.
- 2) Delivery of the Spine Road to the western boundary relative to the development
- 3) A longstop date for the delivery of the Spine Road to the western boundary

4) Delivery of the Spine Road to the western boundary relative to the opening of the primary school

We would comment as follows:

- 1) We propose that prior to the submission of reserved matters details of the Spine Road scheme shall be submitted. The Spine Road details need to be approved prior to the commencement of development. Furthermore, we suggest that prior to commencement a S.38/S.278 should be entered into. The Council should consider Spine Road pre-commencement conditions if they want to have the ability for this to be developed in parallel to the housing.
- 2) We suggest that prior to occupation of 75% of the approved housing the Spine Road should be completed up to the western boundary
- 3) We suggest that a longstop date of 4 years after commencement for the delivery of the Spine Road to the western boundary
- 4) We are less clear how this could work given that it would be wholly outside of the housebuilders control for it to meet the necessary tests. A timescale might be 12 months after commencement of the primary school development (if the council considered that this met the tests, which we are certain it does not) but in any event, is covered in 3) anyhow.

The Council maintain the control in relation to the approval of the Spine Road and RM and one could expect that the Spine Road is the first to be approved but no works could commence until any pre-commencement conditions have been satisfied. As above, with your suggestion RM could not be submitted until the Spine Road has been approved. That will delay the delivery of the development with a knock on effect on the delivery of the Spine Road. It is also reasonable that the Spine Road can be delivered with the development not in advance of any development. We cannot see the downside to our suggestion and still achieves all of the Councils aspirations.

I look forward to your comments.

Regards

Andrew Green

**Andy Green**

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**From:** Simon Helme <aha@ashleyhelme.co.uk>  
**Sent:** 18 March 2016 11:56  
**To:** 'White, Joy - E&E'  
**Cc:** Andy Green  
**Subject:** 1361: WHITE POST ROAD, BANBURY

**Joy**

I have been asked by the applicant to check with you that you have been provided with a copy of the latest Transport Assessment report (ref 1361/7/E) and Travel Plan report (ref 1361/8/C). My understanding is that these reports were submitted to the LPA on 23 Feb 2016 and so I would hope that you have them. If not, then please let me know and I will e-mail them to you.

If the reports have been provided to you then it would be helpful to know when you hope to be in a position to respond.

Kind regards

**Simon Helme**

**ashleyhelme**

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 21 March 2016 16:40  
**To:** Andy Green  
**Cc:** Chris Still; Liam Ryder  
**Subject:** RE: Land West of White Post Road, Banbury - Ref: 15/01326/OUT

Andy

I have forwarded your request to OCC. Was there something in particular that you were looking to discuss? – I presume this relates to the updated OCC single response on the planning application which now refers to land and build costs for primary/secondary education infrastructure on the Gallagher part of Banbury 17. I am also wondering whether there may be merit in having a joint meeting with Gallagher's planning agents to try to reach a common position.

I had an informal meeting with a number of members of Bodicote Parish Council last week together with OCC highway officers. They did express concerns about the new access arrangements but were supportive of the car park in principle though not necessarily the details of its current layout. They did raise the matter of the games court that they apparently discussed with Gladman at pre-app stage which does not seem to be shown in the access drawing. They were looking for confirmation that it would be provided somewhere near the site entrance. It may be that through Policy BSC11 of Local Plan Part 1 that a MUGA is required in any event to meet the play space requirements for a development of this size/type.

In terms of Planning Committee – the Council enters purdah this week in advance of all-out elections in early May. We have been told that we cannot take any applications that might be politically sensitive to Committee during this period. My initial view was that an allocated site would not be politically sensitive but I have been instructed otherwise. The earliest committee date will therefore be 19<sup>th</sup> May which allows time for new committees to form and chairman to be appointed etc after elections.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**Andy Green**

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**From:** Andy Green  
**Sent:** 21 March 2016 12:34  
**To:** 'Matthew Parry'  
**Cc:** Chris Still; Liam Ryder  
**Subject:** Land West of White Post Road, Banbury - Ref: 15/01326/OUT



Dear Matthew

Further to receipt of the OCC Education response could you please set up a meeting with Barbara Chillman, the Pupil Place Planning Manager at OCC, so we can discuss the Education Contributions. I suggest this takes the form of a conference call. I can send you the necessary details when we've determined the date and time. Can you come up with a couple of dates/times when this will be convenient?

I presume we're still looking at the 14<sup>th</sup> April 16 Committee meeting. Is there anything further you require from us for your committee report?

Regards

Andy

[Andy Green](#) - Project Manager | [a.green@gladman.co.uk](mailto:a.green@gladman.co.uk) | DDI: 01260 288 820 | M: 07793 454 576

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**Andy Green**

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**From:** Andy Green  
**Sent:** 21 March 2016 17:29  
**To:** 'Matthew Parry'  
**Cc:** Chris Still; Liam Ryder  
**Subject:** RE: Land West of White Post Road, Banbury - Ref: 15/01326/OUT

Hi Matthew

We want to discuss the education contributions so we can fully understand the justification for them. We see no merit for involving Gallagher in this conversation, as this is a standalone application. Can you provide a couple of dates/times for this discussion?

I've seen the comments from the Landscape Officer regarding the Car Park. The level of detail she is asking for is moving away from an outline application. This detail will be provided at reserved matters stage. We will amend the Access Drawing to show this car park as a dotted line, with a note to say 'details will be provided at reserved matters stage'. The games court is shown on the Development Framework Plan. Again details will be provided at reserved matters stage. The Access Drawing should only show the details of access to be decided at this stage.

We are disappointed that the application will not be going to the April committee, as we discussed at our meeting in January. I'll report this up line.

Regards

Andy

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 22 March 2016 12:45  
**To:** Andy Green  
**Cc:** Chris Still; Liam Ryder  
**Subject:** RE: Land West of White Post Road, Banbury - Ref: 15/01326/OUT

Andy

We are starting to get some comments back on the revised access arrangements and the car park. As the car park is directly associated with an attempt to provide an acceptable form of access to the site it must be included as a detailed matter at this stage. I understand OCC highways will be coming back shortly with a response which will suggest changes as there is some concern about access to/from the car park which could discourage its use and/or lead to congestion.

In terms of OCC's education and infrastructure teams, I have asked them for some dates.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 03 May 2016 15:17  
**To:** Andy Green  
**Subject:** Land west of White Post Road, Banbury - Ref: 15/01326/OUT

Andy

As discussed earlier today, we are intending for this application to be on the agenda for the 19/5/16 planning committee with a recommendation for approval subject to conditions and completion of a legal agreement. A report will be drafted for next week and the agenda will be publicly available at least 7 days before committee. Could I ask you to agree to extend the determination period to allow time for consideration at committee and post-committee review? Could I suggest 31/5/16 initially and then, if resolved to approve, extend the determination period further to allow time for the legal process to be completed.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
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**Andy Green**

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**From:** Liam Ryder  
**Sent:** 05 May 2016 10:01  
**To:** Barbara.Chillman@Oxfordshire.gov.uk; Richard.Oliver@Oxfordshire.gov.uk  
**Cc:** Matthew Parry; Andy Green; Chris Still  
**Subject:** Banbury - Land off White Post Road - Education Conference Call



Dear all,

Following our conference call, on Thursday 7<sup>th</sup> April, Gladman are still expecting a number of items from the County Council, which have not been received.

Our recollection is as follows:

- Confirmation of the contributions for the 145 dwellings (12/00080/OUT) scheme – whether it was spent on extending existing schools;
- Clarification of the contributions sought for the 350 dwelling (14/01188/OUT - Banbury 16) scheme, and whether these were directed towards the new school or the expansion of existing schools in the area;
- The Turner and Townsend/Gleeds costings;
- The reasons behind the dramatic increase in costs for primary schools, compared to DfE multipliers;
- The County also confirmed that they would provide their calculation based on DfE guidance and specification of what a new primary school would include. The baseline does not always include this;
- The County were also to provide their most recent Space Standards, which were last approved at Cabinet level.

Would it be possible for this outstanding information to be provided as soon as possible?

Kind regards,

Liam Ryder

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 18 May 2016 11:49  
**To:** Chris Still  
**Cc:** Andy Green; Liam Ryder  
**Subject:** RE: Planning Committee 19th May 2016 - Application Ref 15/01326/OUT  
**Attachments:** Jon Westerman\_Salt Way Application 15.01326.OUT\_17May2016.pdf

Dear Chris

Thank you for your comments which I will include as part of a written updates paper. I can confirm that you are included as a registered speaker in support of the proposals.

However, whilst I appreciate this may come as a disappointment to you, in response to the above objection from OCC (which they circulated to Members too), the decision has been taken by officers to recommend that the application be deferred at the Planning Committee on Thursday. This is to enable both of the two applications on the Banbury 17 allocated site to be considered at the same Committee. This amended recommendation has been made in consultation between Jon Westerman (Development Services Manager) together with the Chairman and Vice Chairman of the Committee as well as the Leader of the Council. It is therefore very likely that the final decision at Committee will be to defer the application. In short, it has been concluded that it is beneficial for both applications to be considered at the same time so that Members can fully and comprehensively understand the proposals. Furthermore, there is thought to be an almost negligible chance of securing a positive resolution at Committee with this objection in place (notwithstanding the merits or otherwise of the points it raises) given the significant public opposition that is likely to be present.

Given some outstanding issues with the Gallagher proposals this application is unlikely to be ready for Committee until July or August depending on progress. I understand that this will be disappointing but it is a decision that has been taken at a senior level.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
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**Date:** 17 May 2016

**Your ref:** 15/01326/OUT

Jon Westerman  
Development Services Manager  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

**Environment & Economy  
Speedwell House  
Speedwell Street  
Oxford OX1 1NE**

**Sue Scane  
Director for Environment &  
Economy**

Sent by e-mail to

[jon.westerman@cherwell-dc.gov.uk](mailto:jon.westerman@cherwell-dc.gov.uk)

Dear Jon,

### **Objection to Salt Way Application Ref 15/01326/OUT**

I understand you intend to take the above application to Planning Committee on 19<sup>th</sup> May 2016. I am writing to reiterate the County's position on this application and request that you share this letter in full with your Planning Committee. OCC consider that in isolation and without a masterplan agreed between all parties, it is premature to determine this planning application.

OCC maintain an objection to the application on the basis that, contrary to the requirements of policy Banbury 17, no masterplan for the wider allocation site has been produced. Policy Banbury 17 recognises that the allocated development area is in separate ownership, but emphasises that it forms "a coherent whole" and requires that "an integrated, co-ordinated and comprehensive planning approach will be taken with a link road between the sites in separate ownership". The policy clearly stipulates that the site allocation "will require a masterplan to ensure this is delivered". As stressed at the meeting between Gladman, Gallagher, CDC, OCC, landowners, other stakeholders and chaired by Cllr Mallon on 12<sup>th</sup> January 2016, this policy requirement should be fulfilled prior to the determination of the applications within the allocation site in order to ensure that the necessary infrastructure to mitigate the allocation is deliverable.

It would be logical for both the live Banbury 17 applications (15/01326/OUT and 14/01932/OUT) to be determined at the same Planning Committee once a masterplan is in place. The risks of approving this application in isolation and without an agreed masterplan that includes triggers for the phasing and delivery of infrastructure across the Banbury 17 site include:

- 1) Uncertainty in securing the spine road across the wider Banbury 17 site, as required by the Cherwell Local Plan as well as OCC's Local Transport Plan 4. The spine road is essential for:
  - a. access to the proposed primary school on the adjacent application site
  - b. access to the local centre on the adjacent application site
  - c. provision of a bus service through the site

To date there has been a failure to negotiate the western section of the spine road through the Gallagher site and there is no evidence (e.g. a legal agreement between the parties of the two sites) that both developers will work together to deliver it. The submitted "Illustrative Framework Plan" provides insufficient detail on delivery and is not binding.

- 2) Mitigation of this application's education impact is dependent on the delivery of the primary school proposed on the adjacent application site, which is outside of the applicant's control;
- 3) Uncertainty in securing adequate pedestrian/cycle links across the wider Banbury 17 site, as required by the Cherwell Local Plan;
- 4) Setting a precedent for contravening masterplan policy requirements on allocations with multiple application sites.

Whilst it is appreciated that proposed condition 7 requires the details of the spine road to be in place prior to the submission of Reserved Matters applications and that condition 49 aims to ensure its delivery within the Gladman site, there is no certainty that the road can be delivered across the Gallagher site. This is an essential infrastructure requirement for the mitigation of Banbury 17, as is the primary school.

In summary, OCC consider that in isolation and without a masterplan for the whole of Banbury 17, it is premature to determine this planning application, particularly as its mitigation is dependent on infrastructure to be delivered by the adjacent application site. In order to inform an integrated, co-ordinated and comprehensive planning decision, OCC recommend the application is deferred until such time as the masterplan requirement of policy Banbury 17 is complied with and, preferably, when the other live application for the remainder of Banbury 17 (14/01932/OUT) can be taken to the same planning committee.

Yours sincerely



Bev Hindle  
Deputy Director – Strategy and Infrastructure Planning

Direct line: 01865 815113  
Email: [bev.hindle@Oxfordshire.gov.uk](mailto:bev.hindle@Oxfordshire.gov.uk)  
[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

Cc Cllr Kieron Mallon  
Cllr George Reynolds  
Matthew Parry

**Andy Green**

---

**From:** Chris Still  
**Sent:** 19 May 2016 09:38  
**To:** 'Matthew Parry'  
**Cc:** Andy Green; Liam Ryder  
**Subject:** RE: Planning Committee 19th May 2016 - Application Ref 15/01326/OUT

Matt

Many thanks for your email and attachment.

In the light of the amended recommendation I wanted to let you know that we have decided not to attend the committee ourselves, given the 5 hours round trip, but will be watching on line.

I suspect the discussion may be very limited anyhow.

If there are any further matters that you need from us ahead of the meeting then please email or call me and I should be around in the office.

Alternatively, if you consider that there are other reasons why it would be helpful for us to still attend then please let me know.

Many thanks

Chris Still

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**Andy Green**

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**From:** Chris Still  
**Sent:** 17 June 2016 16:18  
**To:** Andy Green  
**Subject:** FW: Planning Committee 19th May 2016 - Application Ref 15/01326/OUT

**Importance:** High

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 19 May 2016 11:30  
**To:** Chris Still <C.Still@gladman.co.uk>  
**Subject:** RE: Planning Committee 19th May 2016 - Application Ref 15/01326/OUT

Chris

I suspect there will be no discussion as the Chair will announce at the start the recommendation for deferral and offer it to a vote which we assume will be passed. The written updates will be published shortly containing the amended recommendation and a summary of late reps etc.

There is nothing in particular I think we need at the moment to assist with Committee but I may need to come back to you on the Transport Assessment. There is a suggestion from OCC that the latest TA did not incorporate the modelling from the new Atkins' commissioned Banbury Transport Model. We may need to explore this with you after Committee though there is no suggestion at this stage that the conclusions in the TA are not sufficiently robust.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
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**Andy Green**

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**From:** Chris Still  
**Sent:** 19 May 2016 12:06  
**To:** Andy Green; Liam Ryder  
**Subject:** FW: Planning Committee 19th May 2016 - Application Ref 15/01326/OUT

fyi

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**From:** Chris Still  
**Sent:** 19 May 2016 12:00  
**To:** 'Matthew Parry' <Matthew.Parry@Cherwell-DC.gov.uk>  
**Subject:** RE: Planning Committee 19th May 2016 - Application Ref 15/01326/OUT

Thanks Matt.

It's a shame that these matters are not made in a timely fashion by OCC so that we can address them earlier. Have you received a detailed note from OCC on this matter in addition to the late objection on Tuesday? If so, please could you forward it. This comes as a surprise as all of the matters within the TA I thought were agreed at our last meeting that you attended.

As discussed with Jon Westerman we will be appealing for non-determination and then will be submitting a 2<sup>nd</sup> application ASAP.

Kind regards

Chris Still

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**Andy Green**

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**From:** Chris Still  
**Sent:** 19 May 2016 14:33  
**To:** Andy Green; Liam Ryder  
**Subject:** FW: Planning Committee 19th May 2016 - Application Ref 15/01326/OUT

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 19 May 2016 14:22  
**To:** Chris Still <C.Still@gladman.co.uk>  
**Subject:** RE: Planning Committee 19th May 2016 - Application Ref 15/01326/OUT

Chris

I was not aware of any potential shortcomings with the TA and had not been advised of this until verbally at the end of last week. OCC are preparing something on this.

I had a conversation this morning with Glen Langham at Gallagher. There is some uncertainty as to exactly what OCC are expecting from yourselves and Gallagher to overcome their objections and I myself am not quite clear either. I am trying to arrange a meeting between CDC officers (myself, Jon Westerman and Bob Duxbury) as well as relevant OCC officers in addition to Gallagher representatives and yourselves to determine exactly what is needed and by when in order to get to a point where both applications could be recommended for approval (presumably at the same Committee). This meeting would be before the end of May. You may of course choose to look at your options for appeal in any event but is this something that Gladman feel would be worthwhile either to assist with the current application or a resubmission? Gallagher are certainly keen for this to happen. Once I know a date/time/location for the meeting, I can let you know in due course.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 20 May 2016 11:02  
**To:** Chris Still; Andy Green; Glen.Langham@gallagheruk.com; 'Francesca Robinson'; 'David Keene'  
**Subject:** Meeting to discuss progress/issues - Banbury 17

All

In light of the recent issues that have arisen preventing officers from being able to progress either of two applications towards a positive recommendation at Planning Committee, I have attempted to coordinate a meeting between relevant officers from CDC and OCC. The only date/time available for the majority of officers to attend before the end of May is the morning of Tuesday 24<sup>th</sup> May. Attendees would be: CDC - myself, Bob Duxbury (Major Developments Team Leader) and possibly Jon Westerman (Development Services Manager) OCC – Joy White, Odele Payne and David Taylor (Transport) and Lisa Michelson (Locality Manager for Cherwell). At this stage I am suggesting 10.30am at the CDC offices in Bodicote. Whilst I appreciate this is short notice, I think it would be beneficial if all parties could attend in an effort to determine exactly what is thought to be needed by both applicants to overcome the concerns raised by OCC as well as specific issues raised in the latest consultation response to the Gallagher proposals. I hope that this meeting will enable both developers to have an understanding of what outstanding issues there are, what is required of all parties, and a clear timeframe for moving things forward.

Could you let me know if representatives for Gallagher and Gladman would be interested in attending the meeting. If so, I can go ahead and make the necessary arrangements. Glen/Fran/David – given some of the transport related issues raised by OCC in their new consultation response to the Gallagher proposals (published yesterday online) I don't know if you think it is worthwhile bringing along your transport consultant. However, we would only have a 2 hour window for the meeting before some of the OCC offices have to leave so depending on how long initial discussions last there is a possibility that there may not be a significant amount of time left over to discuss these matters.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**Andy Green**

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**From:** Andy Green  
**Sent:** 20 May 2016 14:16  
**To:** 'bev.hindle@oxfordshire.gov.uk'  
**Cc:** Chris Still  
**Subject:** FW: Salt Way Application Ref 15/01326/OUT  
**Attachments:** JJG0043-050D- BAN 17 Framework Plan -March 2016.pdf; 1361-13-C.pdf

**Importance:** High

---

**From:** Chris Still  
**Sent:** 20 May 2016 13:01  
**To:** 'bev.hindle@oxfordshire.gov.uk' <bev.hindle@oxfordshire.gov.uk>  
**Cc:** 'lisa.michelson@oxfordshire.gov.uk' <lisa.michelson@oxfordshire.gov.uk>; 'joy.white@oxfordshire.gov.uk' <joy.white@oxfordshire.gov.uk>; 'odele.payne@oxfordshire.gov.uk' <odele.payne@oxfordshire.gov.uk>; 'Bob Duxbury' <Bob.Duxbury@Cherwell-DC.gov.uk>; 'Matthew Parry' <Matthew.Parry@Cherwell-DC.gov.uk>; Andy Green <A.Green@gladman.co.uk>; Liam Ryder <L.Ryder@gladman.co.uk>; 'jon.westerman@cherwell-dc.gov.uk' <jon.westerman@cherwell-dc.gov.uk>  
**Subject:** RE: Salt Way Application Ref 15/01326/OUT  
**Importance:** High

Apologies, attachments now included.

---

**From:** Chris Still  
**Sent:** 20 May 2016 12:34  
**To:** 'bev.hindle@oxfordshire.gov.uk' <[bev.hindle@oxfordshire.gov.uk](mailto:bev.hindle@oxfordshire.gov.uk)>  
**Cc:** 'lisa.michelson@oxfordshire.gov.uk' <[lisa.michelson@oxfordshire.gov.uk](mailto:lisa.michelson@oxfordshire.gov.uk)>; 'joy.white@oxfordshire.gov.uk' <[joy.white@oxfordshire.gov.uk](mailto:joy.white@oxfordshire.gov.uk)>; 'odele.payne@oxfordshire.gov.uk' <[odele.payne@oxfordshire.gov.uk](mailto:odele.payne@oxfordshire.gov.uk)>; Bob Duxbury <[Bob.Duxbury@Cherwell-DC.gov.uk](mailto:Bob.Duxbury@Cherwell-DC.gov.uk)>; 'Matthew Parry' <[Matthew.Parry@Cherwell-DC.gov.uk](mailto:Matthew.Parry@Cherwell-DC.gov.uk)>; Andy Green <[A.Green@gladman.co.uk](mailto:A.Green@gladman.co.uk)>; Liam Ryder <[L.Ryder@gladman.co.uk](mailto:L.Ryder@gladman.co.uk)>; 'jon.westerman@cherwell-dc.gov.uk' <[jon.westerman@cherwell-dc.gov.uk](mailto:jon.westerman@cherwell-dc.gov.uk)>  
**Subject:** Salt Way Application Ref 15/01326/OUT  
**Importance:** High



Bev

I refer to your recent letter dated 17<sup>th</sup> May 2016 and wanted to seek clarification on a number of the matters raised. I attach the masterplan that has been submitted and agreed for both schemes. I also attach the agreed plan with the coordinates for the link road.

As I understand it, one of your concerns relates to the content of that masterplan, and another OCC say relates to uncertainty for the delivery of the Spine Road.

I understand that these matters will be discussed on Tuesday but wanted to raise specific queries with you in order for you to provide a detailed and more specific response next week. This includes:

- What is missing from the submitted masterplan when read in conjunction with the proposed conditions? Can any shortcomings be addressed by additional wording?
- The allocation does not require the link road to be permitted or delivered up front. What does OCC think are the deficiencies with the sequence and detailed conditions attached to the Gladman application officers report?
- How does OCC envisage agreement to any plans (with OCC and Cherwell) ahead of the grant of outline planning permission? The conditions deal with this by requiring the detail of the link road ahead of the first reserved matters application.
- What specific parameters/details does OCC consider have to be included within an agreement between Gallagher and Gladman that cannot be delivered through the S.106 and conditions?
- What features of the delivery of the link road (that cause OCC concern) do OCC not consider would be binding on Gladman and/or Gallagher if repeated for their application?

I look forward to hearing your detailed responses to this matters on Tuesday.

Kind regards

Chris Still BSc(HONS), MRICS

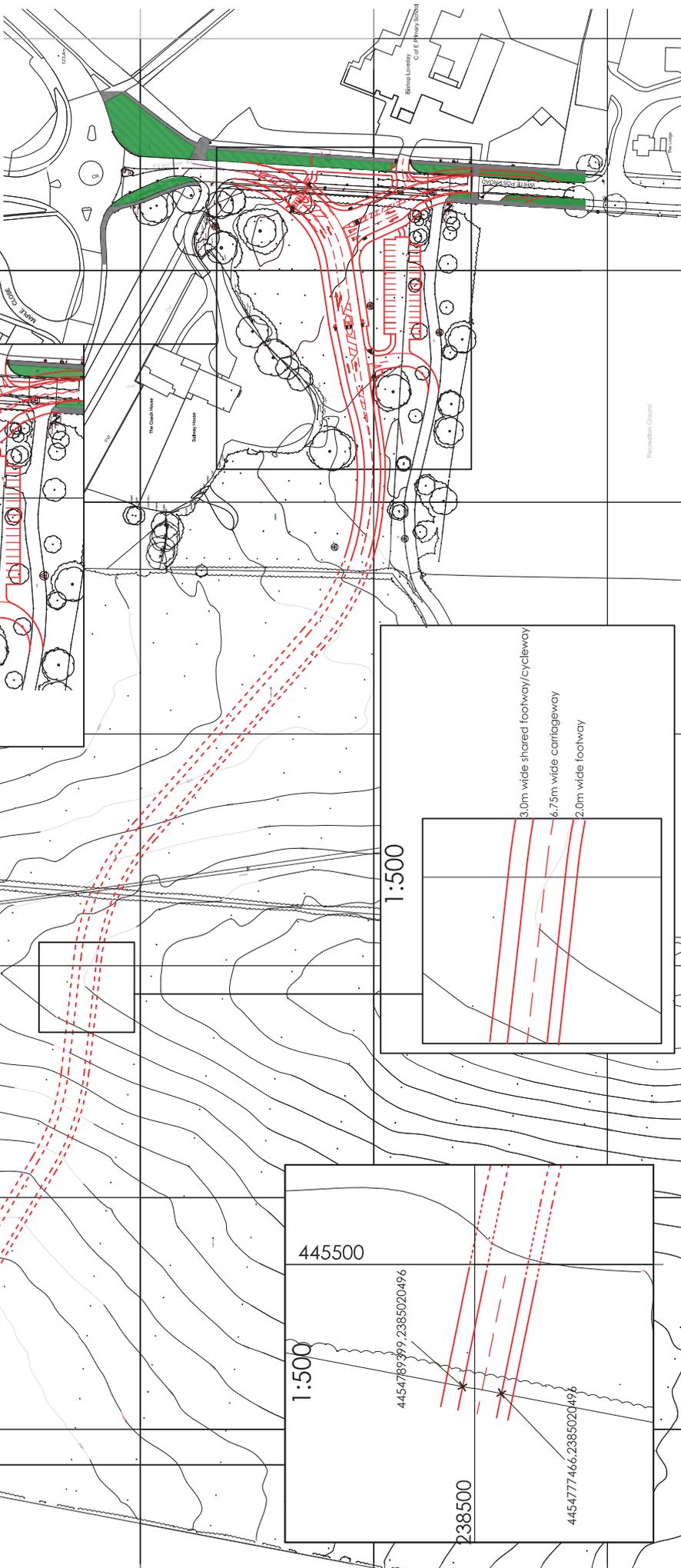
[Chris Still](#) - Planning & Development Manager | [c.still@gladman.co.uk](mailto:c.still@gladman.co.uk) | DDI: 01260 288 932 | [www.gladman.co.uk](http://www.gladman.co.uk)

**Gladman Developments** | Gladman House | Alexandria Way | Congleton | Cheshire |  
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Key:

- Proposed kerbline
- Proposed road markings
- Indicative alignment of road (exact alignment to be subject of reserved matters application)



**INDICATIVE FOR DISCUSSION ONLY**

Rev	Description	Date
C	Alternative access option imposed on to indicative road alignment (see Dwg No 1361/22/CI)	09.02.16
B	Minor change following client comments	01.09.15
A	Various details added	27.08.15

Project: **LAND OFF WHITE POST ROAD, BANBURY**

Client: **GLADMAN DEVELOPMENTS**

INDICATIVE INTERNAL ROAD ALIGNMENT

18/6

1361/13

Scale: 1:1250 @ A2

Date: MAY 2015

Rev: C

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76 Washway Road, Sale, Manchester, M33 7TE  
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BANBURY 17, SOUTH SALTWAY, (EAST)

-  Development Parcel
-  SuDs (Balancing Pond)
-  Public Open Space
-  Playing Fields
-  Allotments
-  Play Areas
-  New Planting
-  Existing Planting
-  Spine Road  
(1.3 km Spine Road, 6.7 km Coneyway,  
3m footway/Cycleway and 2m Footway and Verges)
-  Indicative Access to Development Parcel
-  Indicative new Pedestrian and Cycle Link
-  Existing Public Right Way
-  Existing Agricultural Access Retained
-  Indicative location for proposed Bridleway
-  \* Location of proposed Primary School
-  \* Location for proposed secondary school pitches
-  \* Location of proposed Local Centre
-  Spine road connection between Land Ownership  
parcels E446479, N2385936 and E445477, N238492



ILLUSTRATIVE FRAMEWORK PLAN

March 2016  
 JJG0043/50D  
 Scale NTS @A1

**Andy Green**

---

**From:** Hindle, Bev - E&E <Bev.Hindle@Oxfordshire.gov.uk>  
**Sent:** 23 May 2016 16:16  
**To:** Andy Green  
**Cc:** Chris Still; Flavin, David - E&E  
**Subject:** RE: Salt Way Application Ref 15/01326/OUT

Chris/Andy,

Apologies for not responding sooner – fyi the original email from Chris did not arrive as there is an error in the address.

Thank you for your email and the detailed points for OCC to respond to at the meeting on Tuesday. I am unable to attend the meeting personally but officers are considering these points and will provide detailed and specific responses to them next week.

The key issue here is that the mitigation of each application site at Salt Way is dependent on the other. It is anticipated that the Gallagher site will be in a position to go to Planning Committee in July, but until this point is reached OCC consider it would be premature for CDC to determine the Gladman application in isolation and without certainty over the delivery of the necessary mitigation for Banbury 17. My hope is that with this limited deferral, outstanding matters can be sorted to avoid any appeal.

Regards  
Bev

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**Andy Green**

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**From:** Chris Still  
**Sent:** 17 June 2016 16:19  
**To:** Andy Green  
**Subject:** FW: Banbury 17 Applications - Clarification of Actions

**Importance:** High

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 25 May 2016 11:56  
**To:** 'Francesca Robinson' <frobinson@DavidLock.com>; Chris Still <C.Still@gladman.co.uk>; Lisa Michelson <Lisa.Michelson@Oxfordshire.gov.uk>; 'Chillman, Barbara - CEF' <Barbara.Chillman@Oxfordshire.gov.uk>; 'White, Joy - E&E' <Joy.White@Oxfordshire.gov.uk>; Payne, Odele - E&E <Odele.Payne@Oxfordshire.gov.uk>  
**Cc:** Bob Duxbury <Bob.Duxbury@Cherwell-DC.gov.uk>; Jon Westerman <Jon.Westerman@Cherwell-DC.gov.uk>  
**Subject:** Banbury 17 Applications - Clarification of Actions

All

Following yesterday's meeting, for the purposes of clarity I thought it would be useful to circulate a brief summary of what we understand to be the immediate actions stemming from the meeting and their associated timeframe.

1. Gladman/Gallagher – By 30<sup>th</sup> May - To provide to me (and copy to relevant OCC officers – Lisa Michelson and Barbara Chillman) revised build-out trajectories for the site. A similar trajectory will be sought from Redrow by CDC and similarly sent through to OCC.
2. By 6<sup>th</sup> June - OCC (Lisa/Barbara) to calculate the timing of the need for the new primary school (and potentially the secondary school land) based on these trajectories taking account of other projects for schools in the pipeline as well as existing capacity i.e. at the new Longford Park Primary School. Submit this information back to Gladman/Gallagher and copy me in as case officer.
3. By 10<sup>th</sup> June - Gladman/Gallagher to submit to me a newly entitled Comprehensive Masterplan based on the existing Illustrative Framework Plan together with a proposed Infrastructure Programme for the whole Banbury 17 site taking account of the education information provided by OCC.
4. 14<sup>th</sup> June – Meeting arranged between all relevant parties to discuss progress including CDC/OCC commenting on the proposed Infrastructure Programme.

Alongside this process, the following actions should be undertaken:

CDC – Discuss with relevant Members whether there is merit/interest in an Officer/Member site visit before Committee so as to avoid the prospect of a deferral for this reason. Discuss with Redrow the prospect of including a pedestrian crossing on the Bloxham Road between the two existing PROWs or, more likely, provide a financial contribution to OCC for part of the cost as well as other minor alterations to their current application. OCC's transport development control team to be involved in these discussions. I will update Gallagher/DLA on the outcome of these discussions before the 14<sup>th</sup> June meeting.

OCC (Odele?) – Re-run the traffic modelling with the new sensitivity test included to ensure that the modelling is sufficiently robust. OCC to report back at 14<sup>th</sup> June meeting on the conclusions of this updated modelling.

Gallagher – Proceed with amending the proposed access from Bloxham Road to ensure that it complements the proposed access arrangements to the north – i.e. all cycle lane/footways properly join up in a coordinate manner, amendment to arc radius into roundabout, inclusion of a pedestrian crossing to link up the bridleway/footpaths between Banbury 16 and 17, alterations to the means of accessing the two existing houses on Bloxham Road (to restrict access to the Bloxham Road at its northern end and provide a more suitable route for cyclists).

I hope this is a clear and accurate summary of the actions that came out of the meeting but if you feel I have missed something important please let me know.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Chris Still  
**Sent:** 31 May 2016 17:01  
**To:** 'Matthew Parry'; 'Francesca Robinson'; Lisa Michelson; 'Chillman, Barbara - CEF'; 'White, Joy - E&E'; Payne, Odele - E&E  
**Cc:** Bob Duxbury; Jon Westerman; Andy Green; Liam Ryder; Richard Horsfield  
**Subject:** RE: Banbury 17 Applications - Clarification of Actions  
**Attachments:** Final BANBURY 17 Draft Delivery Timescales and Trajectory 31 05 16.pdf; Final BANBURY 17 Draft Delivery Timescales and Trajectory 31 05 16.docx

**Importance:** High

All

Apologies we did not make the 30<sup>th</sup> May 2016 deadline due to the Bank Holiday. Please find attached the trajectories for both sites in both pdf and word formats.

Kind regards

Chris Still

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**BANBURY 17 Draft Delivery Timescales and Trajectory.****Gladman Site**

<b><u>Item</u></b>	<b><u>Timescales</u></b>	<b><u>Comments</u></b>
Spine Road connection on western boundary	Part of outline – Agreed coordinates on plan ref. 1361/13 Rev C	Potential for cross reference to this plan and coordinates within draft condition 7 and S.106.
Full details of Spine Road across this part of BANBURY 17	Prior to the submission of any reserved matters but after the approval of the design code	See draft condition 7. GDL consider that there is no reason why the design of the Spine Road cannot follow the submission (not approval) of the design code and masterplan. CDC to consider amending. If design code, masterplan, Spine Road design and reserved matters could be submitted in parallel rather than each one having to wait for the other to be approved it could reduce the overall timescales by 12 – 24 months.
Completion of the Spine Road to the western boundary	Fully completed and available for public use the earliest of <ol style="list-style-type: none"> <li>1) Occupation of 75% of the final number of dwellings approved</li> <li>2) 4 years following first commencement of any part of the development</li> <li>3) Two months before first opening of the new primary school</li> </ol>	See draft condition 49
<b>N.B Spine Road also referred to within Heads of Terms for OCC S.106 (page 92 of Committee Report).</b>		

**Gladman Initial Trajectory Estimate - Based on the current draft conditions and after the grant of Outline Planning permission (which could take 12-15 months).**

<b>Year 1</b>	<b>Details</b>
0-1	Marketing and sale of site Prepare and submit design code
1-2	Approval of design code Prepare and submit masterplan Masterplan approval Prepare and submit Phasing Plan Phasing Plan approval Prepare and submit Spine Road Details
2-3	Spine Road approval Progress S.278 Prepare and submit reserved matters
3-4	S.278 continued Approval of reserved matters Pre-commencement conditions Start on site – access works, services, groundworks
4-5	25
5-6	50
6-7	50
7-8	50
8-9	50 SPINE ROAD TO WESTERN BOUNDARY
9-10	50
10-11	5

**N.B. If the design code, masterplan and spine road details were capable of being submitted without having to await approval of the others (i.e. not as per the current draft conditions) then there would be the potential for significant improvement to these estimates.**

**Wykham Park Farm Site****Gallagher Initial Trajectory Estimate – Based on no. of years following a grant of Outline Planning Permission**

This trajectory is subject to receipt of draft conditions for the application site, and assumes that details requiring approval prior to submission of reserved matters can be submitted and approved in parallel rather than sequentially. It also assumes an expedient determination process.

Should conditions be imposed that require sequential approval of pre-submission of reserved matters, (i.e. in a stepped process- approval of the former prior to submission of the latter) this would have implications for completions, and we will need to adjust the trajectory accordingly.

Year 1	Details
0-1	Prepare and submit design code and masterplan Approval of design code and masterplan Prepare and submit Phasing Plan Phasing Plan approval Prepare and submit Spine Road Details
1-2	Spine Road approval (Progress S.278) Pre-commencement conditions (Site Access/Spine Road)
2-3	Start on site – access works, services, groundworks, landscaping (Site Access) Sale of parcels to housebuilders Prepare and submit reserved matters Approval of reserved matters Submission and Approval of outstanding pre-commencement conditions
3-4	50
4-5	75
5-6	100
6-7	100
7-8	100 PRIMARY SCHOOL SITE
8-9	100
9-10	100
10-11	100 SPINE ROAD
11-12	100
12-13	100
13-14	75

**Gallagher Infrastructure Delivery Timescale – Based on no. of unit occupations on Wykham Park Farm site**

<b><u>Item</u></b>	<b><u>Timescales</u></b>
Primary School Site to be accessible and serviced	Prior to the occupation of 401 units
Spine Road connection to be delivered on eastern boundary	Prior to the occupation of 70% of the final number of dwellings approved

**Andy Green**

---

**From:** Flavin, David - E&E <David.Flavin@Oxfordshire.gov.uk>  
**Sent:** 02 June 2016 18:40  
**To:** Chris Still; 'Matthew Parry'; 'Francesca Robinson'; Michelson, Lisa - E&E; Chillman, Barbara - CEF; White, Joy - E&E; Payne, Odele - E&E  
**Cc:** Bob Duxbury; Jon Westerman; Andy Green; Liam Ryder; Richard Horsfield  
**Subject:** RE: Banbury 17 Applications - Clarification of Actions

Chris,

Thank you for sending through the trajectories. Matt has also provided us with a mix and trajectory for Banbury 16. We are unlikely to be able to complete the work on the timings for the primary school by Monday but will endeavour to do so early next week and by Weds 8<sup>th</sup> at the latest.

Kind regards,  
David

David Flavin  
Senior Planning Officer

Infrastructure Development (Planning)  
Oxfordshire County Council  
Speedwell House, Speedwell Street, Oxford OX1 1NE  
01865 815655  
[david.flavin@oxfordshire.gov.uk](mailto:david.flavin@oxfordshire.gov.uk)

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**Andy Green**

**From:** Flavin, David - E&E <David.Flavin@Oxfordshire.gov.uk>  
**Sent:** 08 June 2016 18:52  
**To:** Chris Still; 'Matthew Parry'; 'Francesca Robinson'; Michelson, Lisa - E&E; Chillman, Barbara - CEF; White, Joy - E&E; Payne, Odele - E&E  
**Cc:** Bob Duxbury; Jon Westerman; Andy Green; Liam Ryder; Richard Horsfield; Oliver, Richard - E&E  
**Subject:** RE: Banbury 17 Applications - Clarification of Actions

Dear All,

Thank you for sending through the trajectories for both sites. According to the trajectories, the site will reach 400 occupations by year 6-7 which is when we would expect the primary school to be open. The primary school site would need to be transferred to OCC with temporary construction access by 150 occupations.

At the previous meeting there was discussion about flexibility that may be possible around the build out of the Longford Park site. The dates that have been provided are profiled to be later than what was discussed, meaning that there is unlikely to be spare capacity at the Longford Park primary school to utilise in the early years of Banbury 17. Barbara Chillman (Pupil Place Manager) will be attending the meeting on Tuesday and can provide further detail on existing capacity.

We would expect the Gladman site to utilise the Banbury 17 primary school from the date that it opens; further discussion is needed on access and the timing of the delivery of the spine road; this should be added to the agenda for the meeting on Tuesday.

With regards to the secondary school land, we would request that this is transferred at the earliest opportunity in order to progress the expansion of Blessed George Napier school.

	A : Gallagher (1000 units)	B: Gladman (280 units)	Total A + B
Year	Phasing (occupations per year)	Phasing (occupations per year)	Occupations (cumulative)
0-1			0
1-2			0
2-3			0
3-4	50		50
5-6	75	25	150
5-6	100	50	300
6-7	100	50	450
7-8	100	50	600
8-9	100	50	750
9-10	100	50	900
10-11	100	5	1005
11-12	100		1105
12-13	100		1205
13-14	75		1280

Kind regards,  
David

David Flavin  
Senior Planning Officer

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[david.flavin@oxfordshire.gov.uk](mailto:david.flavin@oxfordshire.gov.uk)

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**Andy Green**

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**From:** Michelson, Lisa - E&E <Lisa.Michelson@Oxfordshire.gov.uk>  
**Sent:** 10 June 2016 16:53  
**To:** 'frobinson@davidlock.com'  
**Cc:** Chris Still; White, Joy - E&E; Payne, Odele - E&E; bob.duxbury@cherwell-dc.gov.uk; Jon Westerman (Jon.Westerman@Cherwell-DC.gov.uk); Andy Green; Liam Ryder; Matthew Parry (Matthew.Parry@Cherwell-DC.gov.uk); Richard Horsfield; Flavin, David - E&E; Taylor, David - E&E; Chillman, Barbara - CEF  
**Subject:** FW: Banbury 17 Applications - Clarification of Actions

Hello Fran,

I am responding to some follow up questions you had in regards to our previous email. Below are further thoughts from the County Council which we hope to discuss in the meeting on Tuesday.

We note that year 10-11 is proposed in the Draft Delivery Timescales and Trajectory note for delivery of the spine road on the Gallagher site up to the eastern boundary. According to the trajectories, by this point there would be 1,005 occupations on the site (Gallagher and Gladman combined – see table in yesterday's email below) in addition to the 145 occupations on the Morris Homes site. At this quantum of development, this scenario creates a number of difficulties:

- a) The suggestion is that there will be a single roundabout access point on the A361 for the Gallagher land. As this is the only access point into and out of the site, there could be issues (from a safety/emergency access perspective) if a problem occurs at this roundabout cutting off access. The above suggestion is putting too many houses (725 on the Gallagher parcel) in that situation.
- b) The spine road provides direct access for the Gladman development to access the primary school, both for motorised access and for all weather/time of day pedestrian & cycle access as this would be lit and paved. The alternative routes for vehicles places pressures on sensitive areas of the network including Wykham Lane and Springfield Avenue. It is unrealistic to assume that all pupils would utilise the pedestrian route along the Salt Way, particularly in inclement weather or during winter darkness.
- c) The spine road is important as the key public transport route for the whole development. It is essential to get that access for Public Transport as early as possible to give the commercial case for bus services the best opportunity for success.
- d) The completed spine road serves an important trip distribution purpose – particularly in regards to overdependence on the A361 and inefficient routing to eastern destinations that could see trips from the Gallagher site route through the South Bar/Horse Fair Air Quality Management area.

For 'a' above, OCC would typically consider that when the number of proposed dwellings on a single access scenario exceeds 400, the risk above becomes unacceptable.

For 'b' above, as advised yesterday, as the school is to open at approximately 400 dwellings, we would consider that the appropriate access to that school should be made available at the same time.

For 'c' above, given the pattern of development laid out in the Comprehensive Masterplan site plan drawing, the point at which dwellings exceed the distance of 400m (the standard measure for suitable walking distance from access to public transport) appears to be 400 dwellings on the Gallagher parcel.

Based on the trajectories provided, this 400 dwelling figure is reached in year 6-7 (Gallagher and Gladman sites combined) and in year 7-8 for the Gallagher parcel on its own.

Whilst OCC's preference would be for the spine road to be in place by year 6-7 (400 occupations on both sites combined in coordination with the opening of the school), we are prepared to discuss a trigger of 400 occupations on the Gallagher site alone (year 7/8).

Best, Lisa

**Lisa Michelson**  
Locality Manager  
Infrastructure Development

Oxfordshire County Council  
Speedwell House  
Speedwell Street  
Oxford OX1 1NE  
Tel: 01865 815673  
Mob: 07917534328  
[lisa.michelson@oxfordshire.gov.uk](mailto:lisa.michelson@oxfordshire.gov.uk)

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 20 June 2016 12:56  
**To:** Chris Still <C.Still@gladman.co.uk>; frobinson@DavidLock.com  
**Subject:** FW: Banbury 17 Applications - OCC Response to Education/Spine Road Delivery Timetable

Dear Chris/Fran

As discussed on the telephone earlier today, I received a response last Friday from OCC regarding some of the points raised at the meeting last week. Their position is set out in the email below. I have set out our view on these matters below and have also commented on a couple of other outstanding matters.

#### Spine Road Delivery

Gladman – Details to be submitted and approved prior to reserved matters submissions. Trigger for completion to western boundary as set out previously: i.e. 75% occupation of dwellings on the Gladman site or within 4 years of commencement of development, whichever is the sooner. However, no longer a trigger relating to opening of new primary school. Triggers to be contained within planning obligation and, for clarity, condition.

Gallagher – Details to be submitted and approved prior to reserved matters submissions. Trigger for completion – No more than 500 dwellings to be occupied on the Gallagher site. Trigger to be contained with planning obligation and, for clarity, condition. Clarification being sought as to actual requirement i.e. Whether to be provided only to the eastern boundary or whether a restriction on occupations is necessary until the entire spine road is provided to ensure with certainty that development impact is fully mitigated.

#### Primary School

Gladman – Financial contributions to be made towards build costs of new school and associated land costs for larger school on Gallagher site (prior to commencement). To ensure faster occupation rate on the site does not lead to problems for existing primary school pupil capacity in the event new school on Gallagher site is not available for opening, further obligations are considered necessary. 1<sup>st</sup> – The 101<sup>st</sup> dwelling cannot be occupied until agreement from OCC in writing that there is sufficient existing local primary school capacity or a commuted payment is required towards providing temporary teaching accommodation at Longford Park Primary School (circa £200k index linked – precise amount tbc). The 201<sup>st</sup> dwelling cannot be occupied until agreement from OCC in writing that there is sufficient existing local primary school capacity or a commuted payment is required towards providing further temporary teaching accommodation at Longford Park Primary School (circa £200k index linked – precise amount tbc).

Gallagher – The full primary school land (3.01ha) offered for transfer to OCC before occupation of 126<sup>th</sup> dwelling on Gallagher site. Site to be provided fully serviced with access for construction. Full financial contributions towards build costs to be paid at or before land transfer. Arrangements to be included within s106 regarding compensation for providing additional land to meet Banbury 16 and Gladman primary school education impacts.

#### Secondary School

Gladman – Financial contributions towards expansion of neighbouring BGN Secondary School including costs associated with providing playing fields on Gallagher site.

Gallagher – Financial contributions towards expansion of BGN. 1.855ha of secondary school land required to be transferred to OCC at a point and in a form to be determined (I am awaiting a response on this). S106 to include arrangements for compensation to Gallagher for larger playing field land than the 1.2ha necessary to mitigate impact of pupils generated from homes on Gallagher site.

#### Access from Bloxham Road and Footpath/Bridleway

Gallagher – Emergency access is required given that 500 dwellings (or more potentially if Gladman site not built out or is very slow in coming forward) would be accessed from a single roundabout (albeit through two arms). As discussed on the phone, Gallagher to look at options for utilising and incorporating the existing farm access to the north of the proposed roundabout. Access to be gated/restricted for vehicular traffic (gates/bollard etc) but suitable for pedestrians/cyclists for everyday use.

Bridleway to take the route approximately shown on the illustrative masterplan but divert north-south through the Gallagher site alongside the Morris Homes development to join the Salt Way. Footpath to continue along the southern boundary in accordance with the route currently shown in the illustrative masterplan and meet the A361 with a pedestrian refuge provided to enable crossing of the road just to the south of the existing two houses. This would enable link-up with Banbury 16 footpaths.

Access drawing to be amended to include new emergency access and refuge in addition to other changes required as mentioned previously by OCC highway officers. Re-consultation will be necessary but perhaps only for 10-14 days with the occupants of the two existing houses on Bloxham Road who would be directly affected.

Gladman/Gallagher – Illustrative masterplan to be amended to reflect emergency access and changes to footpath/bridleway route. No direct lighting of Salt Way should take place – it is a local wildlife site and should be left relatively dark. It would also formalise this historically rural trade route. Financial contributions are recommended to be sought towards enhancements to Salt Way and other public rights of way through the s106 as detailed previously.

#### Public Transport

Gladman – Financial contributions towards pump priming new bus service as well as bus stop infrastructure off site as detailed previously. 1 x new set of bus stops to be provided along the spine road within the site – including shelter, RTI etc.

Gallagher - Financial contributions towards pump priming new bus service. Bus stops to be provided within the site along the spine road. Temporary bus turning area to be provided for the 488 service and to be shown in the design code/masterplan (pursuant to recommended condition) until spine road completed.

#### Off-site Highway Improvements

Gladman- As set out previously in committee report.

Gallagher – As set out in last week's email which mirrored that set out in OCC's latest consultation response.

#### Sports Pitches

Gallagher – Based on current illustrative masterplan there is unlikely to be space to provide 3 x full size adult pitches with associated ancillary run off areas. The position of the proposed NEAP should be reviewed to see if a pitch (adult or junior) could be provided in this location along the eastern boundary. If not, discussions will be needed with OCC regarding dual use of new playing field land for BGN which could result in further commuted payments being required if considered acceptable in principle. I have raised this with OCC.

#### Education Costs

Gladman – I have reminded OCC (Barbara Chillman, Lisa Michelson and Richard Oliver) of your request to be provided with justification for a number of the costs that OCC has identified. They will hopefully respond directly to you this week.

I hope this email is helpful in setting out progress in our consideration of the Banbury 17 applications and I hope to provide further detail later this week particularly in respect of secondary school land, sports pitches and the Gallagher element of the spine road phasing (i.e. whether to eastern boundary or the full extent).

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
 Development Management  
 Cherwell District Council  
 Telephone: 01295 221837  
 Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
 Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

### Spine Road Trigger

Further to the meeting on 14/06/16, OCC have given consideration to Gallagher's proposal to deliver the spine road up to the eastern boundary of the site by 500 occupations. It should be stressed that accepting this position would represent a departure from OCC's standard approach to site mitigation and would push acceptable transport and education impacts to the maximum extent.

Nevertheless, OCC acknowledge that there are special circumstances that make this trigger acceptable in principle subject to the requirements identified below.

#### **a) Safety/emergency concerns regarding the single roundabout access point on the A361**

The OCC Design Guide seeks to limit the number of dwellings served by a single access road to 400 units. The County is prepared to make a departure from standard in this temporary case, if there is a loop linking the spine road and the minor site access arm from the roundabout. Also, in view of concerns expressed by the emergency services regarding the two accesses joining the same roundabout, a gated emergency access point is required – this should also provide a cycle and pedestrian access point.

#### **b) Pedestrian and Cycle Access**

The County needs to be satisfied that there is a suitable all year round walking route from the site to the primary school and connecting the two parcels before the spine is completed. If a lit all weather path (utilising Salt Way or otherwise) can be delivered by the time the school is open, the County will accept that the spine road is provided at 500 occupations on Gallagher portion of the site.

#### **c) Access to Public Transport**

The County seeks new developments to provide bus stops within 400m of new dwellings. It has been agreed (as part of the masterplan) that when the development is completed a new bus service will be funded by the development to fully serve it by traversing the spine road. As the site is being built out and prior to the full delivery of the spine road across Banbury 17, OCC would be looking to agree for the bus service to be diverted into the site. The walking distance for residents will be measured from the proposed bus stop associated with the internal turning circle shown on the Illustrative Masterplan (JJG0043/54), approximately 150 metres from the proposed roundabout junction with the A361 Bloxham Road. The location of this turning circle and bus stop must not be moved further eastwards as this represents the maximum agreed deviation from the line of route of bus service 488. It is possible that some of the first 500 dwellings may be in excess of 400 metres from the bus stop, but this is acceptable in this situation.

#### **d) Trip Distribution**

The County remain concerned about traffic impact and have duly considered the volume of trips proposed arising from the development before the spine road is in place and the ability to distribute traffic arising from the development. At 500 occupations (without the link road) in the AM peak the Transport Assessment identifies the development will generate around 200 car trips departing the site. The County has requested off site mitigation measures to signalise Queensway/Bloxham Road and improvements at Springfield Avenue. These capacity enhancements are requested at 400 occupations, in order to help mitigate the impact of not opening the spine road until 500 occupations.

Therefore, subject to the above, OCC are willing to accept Gallagher's proposal to deliver the spine road up to the eastern boundary of the site by 500 occupations on the Gallagher site. For the avoidance of doubt there is no scope for this trigger to be increased and OCC will not be reconsidering this position.

### Primary School Trigger

It was agreed at the meeting that the primary school will need to open at 400 dwellings (Gladman and Gallagher sites combined). In order to achieve this, the school site will need to be transferred at 125 dwellings on Gallagher's site. Further information on serviced school site requirements including access requirements and detailed stages over the two year programme will be sent through early next week.

With the above trigger there is a risk that the Gladman site could build out before the primary school opens. It was agreed that this scenario could be dealt with by a clause in Gladman's S106 agreement relating to potential payments towards temporary classrooms at the Longford Park school.

### Secondary School Land

As previously stated, we would request that the secondary school land is transferred at the earliest opportunity in order to progress the expansion of Blessed George Napier school. Discussion on when this would be possible and temporary/permanent access arrangements needs to take place.

Kind regards,  
David

David Flavin  
Senior Planning Officer

Infrastructure Development (Planning)  
Oxfordshire County Council  
Speedwell House, Speedwell Street, Oxford OX1 1NE  
01865 815655  
[david.flavin@oxfordshire.gov.uk](mailto:david.flavin@oxfordshire.gov.uk)

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**Andy Green**

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**From:** Chris Still  
**Sent:** 27 June 2016 12:08  
**To:** Barbara.Chillman@Oxfordshire.gov.uk; Richard.Oliver@Oxfordshire.gov.uk; Lisa Michelson  
**Cc:** Matthew Parry; Andy Green; Liam Ryder  
**Subject:** RE: Banbury - Land off White Post Road - Education Conference Call  
**Importance:** High

Barbara, Richard, Lisa

Further to our recent chase emails, and your expectation that you would be sending something last week, please can you confirm when all of the requested information will be provided to us? As you will be aware it is a number of months since the conference call when this information was requested.

I look forward to hearing from you.

Many thanks

Chris Still

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**From:** Liam Ryder  
**Sent:** 18 May 2016 14:34  
**To:** Barbara.Chillman@Oxfordshire.gov.uk; Richard.Oliver@Oxfordshire.gov.uk  
**Cc:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>; Chris Still <C.Still@gladman.co.uk>; Andy Green <A.Green@gladman.co.uk>  
**Subject:** FW: Banbury - Land off White Post Road - Education Conference Call

Dear all,

Further to my previous email it has now been almost 6 weeks since the conference call regarding education for the site at White Post Road, Banbury.

Please could the information requested in my previous email (see below) be provided as soon as possible.

Kind regards,

**Liam Ryder**  
MPLAN MRTPI  
**Planner**  
**Gladman Developments**  
**DD: 01260 288912**

[www.gladman.co.uk](http://www.gladman.co.uk)

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 29 June 2016 10:05  
**To:** Chris Still  
**Cc:** Andy Green; Liam Ryder  
**Subject:** RE: Banbury 17 - OCC position

Chris

I understand that OCC will send a further representation withdrawing their original letter from Bev Hindle once they are satisfied that the infrastructure can be properly delivered and that there are sufficient controls recommended to be in place. I'm not sure if that means they will wait for the committee report to be published or it would be in advance of that.

Regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Chris Still [mailto:C.Still@gladman.co.uk]  
**Sent:** 27 June 2016 13:17  
**To:** Matthew Parry  
**Cc:** Andy Green; Liam Ryder  
**Subject:** Banbury 17 - OCC position



Matthew

In the light of the recent meetings and agreement, I wondered whether you intended to request that OCC make a further response to supersede their previous response submitted just prior to the last committee? I consider that this would be particularly helpful to confirm that all of the concerns raised have been resolved.

Many thanks  
Chris Still

[Chris Still](mailto:c.still@gladman.co.uk) - Planning & Development Manager | [c.still@gladman.co.uk](mailto:c.still@gladman.co.uk) | DDI: 01260 288 932 | [www.gladman.co.uk](http://www.gladman.co.uk)

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**Andy Green**

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**From:** Oliver, Richard - E&E <Richard.Oliver@Oxfordshire.gov.uk>  
**Sent:** 01 July 2016 17:02  
**To:** Liam Ryder; Chris Still  
**Cc:** 'Matthew Parry'; Andy Green; Chillman, Barbara - CEF  
**Subject:** RE: Banbury - Land off White Post Road - Education Conference Call  
**Attachments:** 1. 2.5FE cost.pdf; 2. Sept 13 cabinet report Revised Space Standards for Schools.pdf; 3. Annex 2 Space standards.pdf

Dear Chris,

Apologies for the delay in getting this information to you. The County has been in the process of reviewing its new school costs and switching to a new cost consultant. I am still finalising the information with regard to point 4 but the rest of the requested information is attached.

Firstly I have tested a new mix of dwellings for this site based on information provided by Matthew Parry. The mix tested was as follows:

- 4 x 1 Bed Dwellings
- 81 x 2 Bed Dwellings
- 112 x 3 Bed Dwellings
- 83 x 4+ Bed Dwellings

This mix is expected to generate an additional 753 residents including:

- 93 x Primary School Pupils
- 74 x Secondary School Pupils (including 10 in the sixth form)
- 1.8 x SEN Pupils

### **Requested information**

1. *Confirmation of the contributions for the 145 dwellings (12/00080/OUT) scheme – whether it was spent on extending existing schools;*

The site is currently being built out, the County has not received all instalments of the primary education contribution yet. The anticipated contributions have been provisionally allocated to the programme of expanding schools in Southern Banbury including at Harriers Ground and Queensway School.

2. *Clarification of the contributions sought for the 350 dwelling (14/01188/OUT - Banbury 16) scheme, and whether these were directed towards the new school or the expansion of existing schools in the area;*

The Primary Education Contribution from 14/01188/OUT have been secured “towards a new primary school on land south of Salt Way, Banbury”.

3. *The Turner and Townsend/Gleeds costings;*

The current requested primary contributions based on £21,238 per pupil (4Q14) were calculated using Turner and Townsend costings for a 2.5FE School. The County Council has now received an updated cost for a 2.5FE school from Gleeds cost consultants. This

puts the cost of a 2.5FE school at £11,029,000 at a 4Q14 price base. A 2.5FE school provides places for 525 pupil in reception to year 6. This equates to a cost per pupil of £21,008.

Based on the updated population assessment the Primary School Infrastructure Contribution from this site would be  $93 \times £21,008 = \mathbf{£1,953,744}$

The Gleeds costing is attachment 1.

4. *The reasons behind the dramatic increase in costs for primary schools, compared to DfE multipliers;*

To follow

5. *5 & 6 The County also confirmed that they would provide their calculation based on DfE guidance and specification of what a new primary school would include. The baseline does not always include this. The County were also to provide their most recent Space Standards, which were last approved at Cabinet level.*

Attachment 2 is the Sept 13 cabinet report and attachment 3 sets out the breakdown of the space standards and what is included in a new primary school.

Regards,

Richard Oliver  
Infrastructure Funding Negotiator

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Sustainable Development Service  
Environment & Economy  
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**From:** Liam Ryder [mailto:L.Ryder@gladman.co.uk]

**Sent:** 05 May 2016 10:01

**To:** Chillman, Barbara - CEF; Oliver, Richard - E&E

**Cc:** Matthew Parry; Andy Green; Chris Still

**Subject:** Banbury - Land off White Post Road - Education Conference Call

## 17.5 Class Primary School (2.5 Form Entry)

### Notes on Pricing

Provision of new Two and a Half Form (17.5 class) Primary School incorporating nursery provision

Assumes school delivery in one phase

The areas are based upon Oxfordshire County Council's adopted space standards

Note: These are the MINIMUM recommended areas for this building

The costs provided are for the construction of the primary school building and the external covered play area,

Total build cost per m2 is based upon the area of the building

VAT is excluded

#### Anticipated Build Costs

OCC Primary School Building  
External Covered Play Areas  
External Works Allowance (as attached sheet)

Total (Base Date 2Q2015 PUBSEC 213)

Base date of costs

Area (m2)	Cost / m2	
2,957	2,300	6,801,100
345	500	173,000
26,798	68	1,822,000
		-
	2,975	8,796,000
	Q2 2015	

#### Fees and contingency on Build costs

Uplift	Cost	
15.0%	8,796,000	1,319,000

#### Direct Incurred Costs by Client

ICT  
F&E  
Planning and Building regs  
OCC costs (Capitalized)  
School start up costs

570	650	371,000
570	680	388,000
1.0%		96,000
3.0%		330,000
		216,000

#### Net Outturn cost @ Q2 2015 (PUBSEC 213)

11,516,000

#### Indexation to 4Q14 (PUBSEC 204)

11,029,408

## 17.5 Class Primary School (2.5 Form Entry)

### Notes on Pricing

The areas are based upon Oxfordshire County Council's adopted space standards

Total site area	30,100 m2		
less building area	- 2,957 m2		
less external covered play area	- 345 m2		
Total External Area	26,798 m2		
			£
Site Clearance	30,100 m2	2	60,200
Car parking (Assumed 33 spaces incl disabled)	720 m2	100	72,000
Delivery access (say)	250 m2	100	25,000
Soft outdoor PE with type 4 land drainage (team game playing field)	10,500 m2	50	525,000
Hard outdoor PE (1.5N+400)	1,188 m2	60	71,280
Informal and social areas (hard) (N+200)	725 m2	60	43,500
3m wide circulation around school site including immediately out	700 m2	60	42,000
Early years play area of which not less than half and not more than	720 m2	60	43,200
Early years play area of which not less than half and not more than	360 m2	30	10,800
Secure garden for reserved pupil places for SEN/higher needs	300 m2	60	18,000
Secure garden for reserved pupil places for SEN/higher needs	300 m2	30	9,000
Paved area for covered cycle/scooter racks	94 m2	60	5,640
Covered cycle/scooter racks	200 spaces	300	60,000
Informal and social area/float (soft)	10,656 m2	30	319,680
Extra over allowance for planting (10% of soft area)	1,066 m2	40	42,624
Allowance for habitat Area (as BB101 0.5N)	285 m2	25	7,125
Foul & Surface Water Drainage to the Building	2,957 m2	40	118,280
Allowance for attenuation of surface water from the building	118 m3	250	29,500
Allowance for external services	2,957 m2	50	147,850
Ball fence to goal ends of sports pitch - say 4m high by 20m x2	40 m	220	8,800
Boundary Treatments (2m high weldmesh)	720 m	100	72,000
Vehicular access gates (pair o/a 3m wide x 2m high)	1 item	3,000	3,000
Early years garden boundary treatment (1.2m high roll top fence)	130 m	140	18,200
Secure garden for reserved pupil places for SEN/higher needs	100 m	175	17,500
Bin Store	1 item	20,000	20,000
External Furniture	1 item	25,000	25,000
<b>Total for External Areas</b>		<b>68</b>	<b>1,815,179</b>

#### OCC Capitalized Costs

Relate to OCC Costs for delivery of the project and represent Client Lead, legal costs etc

Division(s):

## **CABINET - 17 SEPTEMBER 2013**

### **Space Standards for Schools**

**Report by Director for Environment & Economy  
and Director for Children's Services**

#### **Executive Summary**

1. The County Council's space standards for primary and secondary schools have been reviewed, building on the outcomes arising from the 'James Review'. The outcome of the County Council's review is to recommend that the space standards for new schools:
  - Should be higher than the minimum proposed by the Education Funding Agency to ensure that new schools are fit for purpose
  - Should incorporate the desire for new schools to be capable of providing facilities that can be used by the wider community
  - Retain the requirement for school sites to have sufficient space to allow for future growth
  - Maintain the size of classrooms at the current level of requirement
  - Promote more efficient space within the school building as a means of delivering better value for money
  - Promote more efficient design of building as a means of helping reduce operating costs

#### **Introduction**

2. The current Primary School Brief for Oxfordshire County Council has been developed over a number of years responding to and building on:
  - National area guidelines for schools (Building Bulletin 82 [BB82] and latterly Building Bulletin 99 [BB99]),
  - Oxfordshire County Council's design/area priorities;
  - The needs of pupils with Disability and Special Educational Needs
  - Early Years and community provision.

The last review was issued in early 2007, when the national education and economic picture was very different to today.

3. In 2010, Education Secretary Michael Gove commissioned an independent review of capital spending on schools in England. The outcome, known as the James Review (2011), concluded that better value could be derived from standardised designs and specifications which could be applied to a range of Schools.
4. This has led to the Education Funding Agency (EFA) issuing an indicative baseline design for a 2 form entry primary school which, compared to previous space standards, illustrates that educational need can be efficiently designed within a smaller overall area
5. Given the projected pressure on school places and the likely reduced levels of capital available to meet that demand it is recognised that there is merit in re-assessing the County Councils space standards for schools. This accords with the Councils Corporate Plan to make the most of its limited capital resources to support the achievement of a 'Thriving Oxfordshire'. Once agreed the new space standards would also be used to define the County Council's requirements in those instances where a new school is delivered by a developer as part of a new development.

## **Methodology**

6. A detailed comparison of current standards, historic national standards and new base line standards issued by the EFA has been carried out. The new baseline standards set EFA's view of 'minimum' standard that is achievable in an optimum design. A review then took place to consider the deliverability of the new standards in a wider context accounting for potential site constraints and the Council's current standards.
7. The review focussed upon the most common new school provision delivered within the County; a 2 Form Entry (2FE) primary school. The outcome of the review was shared with officers and head teachers (see item '4. Consultation' below) which resulted in a defined accommodation schedule for a 2FE school.
8. The principals adopted for the 2FE school have then been extended to other common sizes of primary school.
9. A comparison was then made between the outcome of the review, the historic national standards and new base line standards issued by the EFA to set a benchmark which has then been applied to proposed secondary school space standards.
10. Annex 1 provides detail of the approach followed. Annex 2 defines the outcome as proposed detailed standards applicable to 1FE, 1.5FE, 2FE, and 3FE primary schools with Nursery provision. It also set out the formulaic approach to be applied to secondary school provision.

## Consultation

11. The proposed changes arise from an officer assessment based on advice from our consultants Carillion, in light of analysis of the national baseline designs issued by the EFA.
12. Consultation has taken place with representatives of political groups, governors, Diocese and head teachers through the School Organisation Stakeholder Group.
13. Feedback was also incorporated into the proposed schedules following meetings held with Head teachers at the following selected schools that have received 'Outstanding' Ofsted inspections.
  - Watlington Primary School
  - Ladygrove Park Primary School, Didcot
  - Chilton Primary School
  - St Andrew CE Primary School, Chinnor

## Primary School Space Standards

14. The overall proposed space standards result in
  - a reduction in area of between 9% and 12% from the 2007 OCC Primary School Brief
  - an enhancement above the base line designs issued by the EFA of between +3% and +9%.
15. Whilst the area standards proposed for 1FE and 1.5FE have reduced by 12% from 2007 levels they do exceed the historic Building Bulletin 99 standards. The review acknowledges that 2FE can more readily accept efficiencies as there is less likelihood of expansion. A 1FE however is less able to accommodate efficiencies, particularly when considering future needs. This policy reflects the sustained growth within Oxfordshire and therefore a need to 'future proof' against the likely need to expand smaller sized schools.
16. The space standards for 2FE and 3FE however do represent a reduction of 4.5% and 4% respectively against the historic Building Bulletin 99 standards.
17. The proposals seek to maintain the overall teaching area provisions but economies are made through
  - Removal of specialist ICT space (due to extensive use of mobile technology)
  - Removal of separate cloakroom space (due to efficiencies and space management benefits)
  - Merging of resource areas (to give greater flexibility)

- Reduction in storage space (reflecting demand to design storage facilities in a more efficient manner)
- Reduction in general office facilities (reflecting modern workstyles)
- Consequent reduction in circulation space

### **Community Space Provisions**

18. The County Councils historic space standards included an allowance for 'extended school' provision. This space is now excluded from basic space standards for primary schools.
19. The intention of this space was to provide the opportunity of facilities for the community outside school hours that could also be utilised by schools for breakfast clubs and the like. The revised standards will allow this provision (90m<sup>2</sup>) to be included within the requirements where community facilities are not available in the local area.

### **Secondary School Space Standards**

20. The County Councils space standards for secondary schools simply reflected compliance with Building Bulletin 98.
21. For secondary schools the EFA propose a new formula that represents an average area reduction of 15% on Building Bulletin 98 standards.
22. The detailed work assessing a 2FE Primary School supports a move toward the EFA target reduction and that approximately two thirds of the area reduction proposed is considered to be achievable. This approach can be applied to space standards for secondary schools
23. The DfE states that the new formulae represent an area reduction of 15% on BB98. If the County Council was to apply the same reduction standards for the Secondary Schools as defined for the Primary School schedule this would suggest a reduction of 9.26% on the Building Bulletin rather than the 15% reflected in the new formula.
24. It is proposed that OCC should adopt its own revision to the formula that accepts approximately 60% of the space standard reduction of the EFA guidelines.

### **Primary and Secondary School External Space Standards**

25. The site area of 2.22ha will continue to be required for 1FE, 1.5FE and 2FE to account for future growth. Only where robust evidence is held by the authority that the likelihood of growth is slim will lower space standards of 1.34ha for 1FE and 1.81ha for 1.5FE be acceptable. The site area requirement for a 3FE will be 3.01ha.
26. Site area standards for secondary school sites will remain at the levels recommended within Building Bulletin 98

27. It is the County Council's policy that the freehold of a school site provided by a developer is passed over to the education authority (the County Council): this is to ensure that the public sector has the security required to ensure its statutory obligation in respect of pupil places is met for the longer term. The County Council will then make arrangements for an academy provider to run the new school, on the basis of a 125-year lease.
28. In special circumstances the County Council may agree that part of the school area site requirement is provided through a joint use agreement between the academy school provider and a third party. In those circumstances the County Council would have to be satisfied that the terms of the agreement are appropriate and ensures that the needs of the school are met.

### **Existing schools**

29. The revised standards will only be formally applied to new school accommodation but the principles set by the new standards will be used as an indication of an acceptable approach.
30. Where the capacity of an existing school is being increased the new accommodation will be based on the need for additional pupil places and supporting infrastructure (where identified) but not to rectify existing shortcomings within the school through comparison with the adopted space standards.

### **Further Opportunities**

31. The standards shall not be seen as a measure to deter further efficiencies being derived from the skills of the designers in conjunction with the education specialists, or where market opportunities arise through standardisation.
32. Where further reductions are proposed they shall only be accepted on an 'exceptions' basis with the delegated approval of Cabinet by the Director of Environment and Economy in consultation with the Director of Children Education and Families. Such consideration shall take account a robust cost benefit analysis that demonstrates educational requirements are not compromised.

### **Financial and staff implications**

33. The effect of this proposed change, based upon the delivery of a new 2FE primary school, is an 11% reduction in the County Council's current space standards. The cost savings relate to build cost and fees but not external works together with furniture and ICT.
34. Based upon current cost data the total project costs of a 1FE primary school would reduce by approximately £400,000, a 2FE by approximately £600,000 and a 1200 place secondary school by approximately £1.4m.

35. Where a new school is being funded by a new development it is proposed that, in future, the County Council will seek a fixed sum additional element as part of the funding agreement to cover the set-up costs of that school. These costs are estimated to be in the region of £250,000 - £300,000 for a new primary school. If not funded as part of the development agreement they are costs which would be incurred by the County Council. Thus whilst there would be a saving to the developer on the capital cost of a new school, this would be offset in part by the need to cover the set-up costs. However, on balance application of the new standards would reduce the cost to a developer of providing a new school.
36. Operational premises costs, such as utilities and maintenance, faced by new schools will be reduced as a consequence of the changes in space standards.

## RECOMMENDATIONS

37. **Cabinet is RECOMMENDED** to:

Approve:

- (a) Adoption of the space standards contained with Annex 2
- (b) Delegation of approval of further reductions on an exceptions basis by the Director of Environment and Economy in consultation with the Director for Children's Services
- (c) That in the case of new schools that are developer funded the County Council will seek a fixed sum to cover the set-up costs.

HUW JONES  
**Director for Environment & Economy**

JIM LEIVERS  
**Director for Children's Services**

**September 2013**

Contact: Martin Tugwell - Deputy Director (Strategy and Infrastructure Planning)  
T: 01865 815113 E: [Martin.Tugwell@Oxfordshire.gov.uk](mailto:Martin.Tugwell@Oxfordshire.gov.uk)

## Appendix 2 – OCC Primary School Schedules & Secondary School area requirements

<b>TEACHING ACCOMMODATION FOR 0.5FE + 0.5 NURSERY (120 PUPILS) CONSISTING OF 3.5 CLASSROOMS AND 0.5 NURSERY CLASSROOMS with 1FE core accommodation.</b>	
<b>TEACHING ACCOMMODATION</b>	<b>Area (m<sup>2</sup>)</b>
FS – 1 x 69m <sup>2</sup> (min) = 1/2 Nursery and 1/2 Reception	69
General Teaching – 1 x 62m <sup>2</sup> (min) 4 Key Stage 1 including Resource Area	62
General Teaching – 2 x 62m <sup>2</sup> (min) 4 Key Stage 2 including Resource Area	124
School Hall	180
ICT Room/other	0
Library Resource Learning Area	33
Small Group Rooms incl FS group	10
Food Technology Room/Specialist Practical	15
Studio	0
Sen resource room	0
Flexible teaching space/learning street	16
<b>TEACHING SUB-TOTAL</b>	<b>509</b>
Main Entrance / Reception – (incl. in circulation etc)	0
School Admin Office + Sick Bay	17
Reprographics	4
Medical Inspection Room/SEN	8
Interview/social services/meeting	8
Headteacher's Office/ Senior management.	16
Deputy Headteacher's Office/PPA Room	0
Staff Room / Workroom	35
Meeting / PPA Room	12
F S Entrance / Piazza (incl. in circulation etc)	0
FS Staff / Admin / Kitchen	12
FS Utility / Laundry Room	4
<b>NON TEACHING – ADMIN SUB TOTAL</b>	<b>116</b>
Central Store / Stockroom	10

General Teaching Stores	4.5
Physical Education Stores inc. 4 ext.	18
Communications Room (incl. in circulation etc)	0
Dining Furniture Store	16
Staging and appliance store	3
School/Community store	4
Utilities, Material & Equipment Store	7
Caretakers Room/cleaners cupd	3
FS Stores	12
Multi Purpose/Specalist Store	8
<b>NON TEACHING - STORAGE SUB TOTAL</b>	<b>85.5</b>
FS Cloak Provision	6
Pupils Cloak Area/Locker Provision	0
Changing Areas	0
<b>NON TEACHING - Cloaks SUB TOTAL</b>	<b>6</b>
<b>SUB TOTAL OF NET AREA</b>	<b>716.5</b>
Circulation/Partition/Coms/Plant included @ 32% of net area	229
Adult Toilet Provision incl. Acc. WC's	14
FS Toilet Provision	9
FS Adult Toilet Provision	0
Pupils Toilet Provision	20
FS Unisex Accessible Toilet/hygiene	9
Production Kitchen	50
Boiler Room (incl. in circulation etc)	0
<b>SUB TOTAL OF NON NET AREA</b>	<b>331</b>
<b>GROSS TOTAL OF INTERNAL SPACES</b>	<b>1047.5</b>
FS External covered areas	30
General teaching covered areas	45
Extended School Space option	90
The site area requirement allows for 2FE ensuring that future expansion can be accommodated. . Only where robust evidence is held by the authority that the likelihood of future growth is slim, will lower space standards of 1.34ha for 1FE be acceptable.	2.22ha

**TEACHING ACCOMMODATION FOR 1FE + NURSERY (240 PUPILS)  
CONSISTING OF 7 CLASSROOMS AND 1 NURSERY CLASSROOM**

<b>1FE + NURSERY (240 PUPILS) CONSISTING OF 7 CLASSROOMS AND 1 NURSERY CLASSROOM</b>	
<b>TEACHING ACCOMMODATION</b>	<b>Area (m<sup>2</sup>)</b>
FS – 2 x 69m <sup>2</sup> (min) = 1 Nursery and 1 Reception	138
General Teaching – 2 x 62m <sup>2</sup> (min) 4 Key Stage 1 including Resource Area	124
General Teaching – 4 x 62m <sup>2</sup> (min) 4 Key Stage 2 including Resource Area	248
School Hall	180
ICT Room/other	0
Library Resource Learning Area	33
Small Group Rooms incl FS group	20
Food Technology Room/Specialist Practical	15
Studio	0
Sen resource room	0
Flexible teaching space/learning street	31
<b>TEACHING SUB-TOTAL</b>	<b>789</b>
Main Entrance / Reception – (incl. in circulation etc)	0
School Admin Office + Sick Bay	17
Reprographics	4
Medical Inspection Room/SEN	8
Interview/social services/meeting	8
Headteacher's Office/ Senior management.	16
Deputy Headteacher's Office/PPA Room	0
Staff Room / Workroom	35
Meeting / PPA Room	12
F S Entrance / Piazza (incl. in circulation etc)	0
FS Staff / Admin / Kitchen	12
FS Utility / Laundry Room	4
<b>NON TEACHING – ADMIN SUB TOTAL</b>	<b>116</b>
Central Store / Stockroom	10
General Teaching Stores	9
Physical Education Stores inc. 4 ext.	18

Communications Room (incl. in circulation etc)	0
Dining Furniture Store	16
Staging and appliance store	3
School/Community store	4
Utilities, Material & Equipment Store	7
Caretakers Room/cleaners cupd	3
FS Stores	18
Multi Purpose/Specalist Store	8
<b>NON TEACHING - STORAGE SUB TOTAL</b>	<b>96</b>
FS Cloak Provision	12
Pupils Cloak Area/Locker Provision	0
Changing Areas	0
<b>NON TEACHING - Cloaks SUB TOTAL</b>	<b>12</b>
<b>SUB TOTAL OF NET AREA</b>	<b>1013</b>
Circulation/Partition/Coms/Plant included @ 32% of net area	324
Adult Toilet Provision incl. Acc. WC's	14
FS Toilet Provision	18
FS Adult Toilet Provision	0
Pupils Toilet Provision	29
FS Unisex Accessible Toilet/hygiene	9
Production Kitchen	50
Boiler Room (incl. in circulation etc)	0
<b>SUB TOTAL OF NON NET AREA</b>	<b>444</b>
<b>GROSS TOTAL OF INTERNAL SPACES</b>	<b>1457</b>
FS External covered areas	60
General teaching covered areas	90
Extended School Space option	90
The site area requirement allows for 2FE ensuring that future expansion can be accommodated. . Only where robust evidence is held by the authority that the likelihood of future growth is slim, will lower space standards of 1.34ha for 1FE be acceptable.	2.22ha

**TEACHING ACCOMMODATION FOR 1.5FE + NURSERY (360 PUPILS)  
CONSISTING OF 11 CLASSROOMS AND 1 NURSERY CLASSROOM**

<b>1.5FE + NURSERY (360 PUPILS) CONSISTING OF 11 CLASSROOMS AND 1 NURSERY CLASSROOM</b>	
<b>TEACHING ACCOMMODATION</b>	<b>Area (m2)</b>
FS – 3 x 69m <sup>2</sup> (min) = 1 Nursery and 2 Reception	207
General Teaching – 3 x 62m <sup>2</sup> (min) 4 Key Stage 1 including Resource Area	186
General Teaching – 6 x 62m <sup>2</sup> (min) 4 Key Stage 2 including Resource Area	372
School Hall	180
ICT Room/other	0
Library Resource Learning Area	33
Small Group Rooms incl FS group	30
Food Technology Room/Specialist Practical	15
Studio	55
Sen resource room	12
Flexible teaching space/learning street	46
<b>TEACHING SUB-TOTAL</b>	<b>1136</b>
Main Entrance / Reception – (incl. in circulation etc)	0
School Admin Office + Sick Bay	17
Reprographics	8
Medical Inspection Room/SEN	10
Interview/social services/meeting	8
Headteacher's Office/ Senior management.	16
Deputy Headteacher's Office/PPA Room	12
Staff Room / Workroom	48
Meeting / PPA Room	0
F S Entrance / Piazza (incl. in circulation etc)	0
FS Staff / Admin / Kitchen	12
FS Utility / Laundry Room	4
<b>NON TEACHING – ADMIN SUB TOTAL</b>	<b>135</b>
Central Store / Stockroom	8
General Teaching Stores	13.5
Physical Education Stores inc. 4 ext.	18
Communications Room (incl. in circulation etc)	0
Dining Furniture Store	16

Staging and appliance store	3
School/Community store	4
Utilities, Material & Equipment Store	7
Caretakers Room/cleaners cupd	3
FS Stores	24
Multi Purpose/Specalist Store	8
<b>NON TEACHING - STORAGE SUB TOTAL</b>	<b>104.5</b>
FS Cloak Provision	18
Pupils Cloak Area/Locker Provision	0
Changing Areas	0
<b>NON TEACHING - Cloaks SUB TOTAL</b>	<b>18</b>
<b>SUB TOTAL OF NET AREA</b>	<b>1393.5</b>
Circulation/Partition/Coms/Plant included @ 31% of net area	432
Adult Toilet Provision incl. Acc. WC's	16
FS Toilet Provision	24
FS Adult Toilet Provision	0
Pupils Toilet Provision	44
FS Unisex Accessible Toilet/hygiene	9
Production Kitchen	50
Boiler Room (incl. in circulation etc)	0
<b>SUB TOTAL OF NON NET AREA</b>	<b>575</b>
<b>GROSS TOTAL OF INTERNAL SPACES</b>	<b>1968.5</b>
FS External covered areas	90
General teaching covered areas	135
Extended School Space option	90
The site area requirement allows for 2FE ensuring that future expansion can be accommodated. Only where robust evidence is held by the authority that the likelihood of future growth is slim, will lower space standards of 1.81ha for 1.5FE be acceptable.	2.22ha

**TEACHING ACCOMMODATION FOR 2FE + NURSERY (450 PUPILS)  
CONSISTING OF 14 CLASSROOMS AND 1 NURSERY CLASSROOM**

<b>2FE + NURSERY (450 PUPILS) CONSISTING OF 14 CLASSROOMS AND 1 NURSERY CLASSROOM</b>	
<b>TEACHING ACCOMMODATION</b>	<b>Area (m2)</b>
FS – 3 x 69m <sup>2</sup> (min) = 1 Nursery and 2 Reception	207
General Teaching – 4 x 62m <sup>2</sup> (min) 4 Key Stage 1 including Resource Area	248
General Teaching – 8 x 62m <sup>2</sup> (min) 4 Key Stage 2 including Resource Area	496
School Hall	180
ICT Room/other	0
Library Resource Learning Area	33
Small Group Rooms incl FS group	40
Food Technology Room/Specialist Practical	15
Studio	55
Sen resource room	12
Flexible teaching space/learning street	62
<b>TEACHING SUB-TOTAL</b>	<b>1348</b>
Main Entrance / Reception – (incl. in circulation etc)	0
School Admin Office + Sick Bay	17
Reprographics	8
Medical Inspection Room/SEN	10
Interview/social services/meeting	8
Headteacher's Office/ Senior management.	16
Deputy Headteacher's Office/PPA Room	12
Staff Room / Workroom	48
Meeting / PPA Room	0
F S Entrance / Piazza (incl. in circulation etc)	0
FS Staff / Admin / Kitchen	12
FS Utility / Laundry Room	4
<b>NON TEACHING – ADMIN SUB TOTAL</b>	<b>135</b>
Central Store / Stockroom	12
General Teaching Stores	18
Physical Education Stores inc. 4 ext.	18
Communications Room (incl. in circulation etc)	0
Dining Furniture Store	16

Staging and appliance store	3
School/Community store	4
Utilities, Material & Equipment Store	7
Caretakers Room/cleaners cupd	3
FS Stores	24
Multi Purpose/Specalist Store	8
<b>NON TEACHING - STORAGE SUB TOTAL</b>	<b>113</b>
FS Cloak Provision	18
Pupils Cloak Area/Locker Provision	0
Changing Areas	0
<b>NON TEACHING - Cloaks SUB TOTAL</b>	<b>18</b>
<b>SUB TOTAL OF NET AREA</b>	<b>1614</b>
Circulation/Partition/Coms/Plant included @ 30% of net area	484
Adult Toilet Provision incl. Acc. WC's	21
FS Toilet Provision	24
FS Adult Toilet Provision	0
Pupils Toilet Provision	58
FS Unisex Accessible Toilet/hygiene	9
Production Kitchen	50
Boiler Room (incl. in circulation etc)	0
<b>SUB TOTAL OF NON NET AREA</b>	<b>646</b>
<b>GROSS TOTAL OF INTERNAL SPACES</b>	<b>2260</b>
FS External covered areas	90
General teaching covered areas	180
Extended School Space option	90
Site area requirement	2.22ha

**TEACHING ACCOMMODATION FOR 2.5FE + NURSERY (570 PUPILS) CONSISTING OF 18 CLASSROOMS AND 1.5 NURSERY CLASSROOMS**

<b>2.5FE + NURSERY (570 PUPILS) CONSISTING OF 18CLASSROOMS AND 1.5 NURSERY CLASSROOM</b>	
<b>TEACHING ACCOMMODATION</b>	Area (m2)
FS – 4 x 69m <sup>2</sup> (min) = 1.5 Nursery and 2.5 Reception	276

General Teaching – 5x 62m <sup>2</sup> (min) 4 Key Stage 1 including Resource Area	310
General Teaching – 10 x 62m <sup>2</sup> (min) 4 Key Stage 2 including Resource Area	620
School Hall	180
Small Hall	80
ICT Room/other	0
Library Resource Learning Area	33
Small Group Rooms incl FS group	50
Food Technology Room/Specialist Practical	30
Studio	55
Sen resource room	18
Flexible teaching space/learning street	77
<b>TEACHING SUB-TOTAL</b>	<b>1729</b>
Main Entrance / Reception – (incl. in circulation etc)	0
School Admin Office + Sick Bay	17
Reprographics	8
Medical Inspection Room/SEN	10
Interview/social services/meeting	8
Headteacher's Office/ Senior management.	16
Deputy Headteacher's Office/PPA Room	12
Staff Room / Workroom	65
Meeting / PPA Room	12
F S Entrance / Piazza (incl. in circulation etc)	0
FS Staff / Admin / Kitchen	12
FS Utility / Laundry Room	4
<b>NON TEACHING – ADMIN SUB TOTAL</b>	<b>164</b>
Central Store / Stockroom	16
General Teaching Stores	22.5
Physical Education Stores inc. 4 ext.	18
Communications Room (incl. in circulation etc)	0
Dining Furniture Store	16
Staging and appliance store	3
School/Community store	4
Utilities, Material & Equipment Store	10

Caretakers Room/cleaners cupd	6
FS Stores	30
Multi Purpose/Specalist Store	12
<b>NON TEACHING - STORAGE SUB TOTAL</b>	<b>137.5</b>
FS Cloak Provision	24
Pupils Cloak Area/Locker Provision	0
Changing Areas	0
<b>NON TEACHING - Cloaks SUB TOTAL</b>	<b>24</b>
<b>SUB TOTAL OF NET AREA</b>	<b>2054.5</b>
Circulation/Partition/Coms/Plant included @ 30% of net area	616
Adult Toilet Provision incl. Acc. WC's	24
FS Toilet Provision	32
FS Adult Toilet Provision	0
Pupils Toilet Provision	71.5
FS Unisex Accessible Toilet/hygiene	9
Production Kitchen	60
Boiler Room (incl. in circulation etc)	0
<b>SUB TOTAL OF NON NET AREA</b>	<b>812.5</b>
<b>GROSS TOTAL OF INTERNAL SPACES</b>	<b>2867</b>
FS External covered areas	120
General teaching covered areas	225
Extended School Space option	90
Site area requirement	3.01ha

**TEACHING ACCOMMODATION FOR 3FE + NURSERY (690 PUPILS)  
CONSISTING OF 21 CLASSROOMS AND 2 NURSERY CLASSROOM**

<b>3FE + NURSERY (690 PUPILS) CONSISTING OF 21 CLASSROOMS AND 2 NURSERY CLASSROOM</b>	
The provision of 2FE primary school accommodation is the maximum size of school provision expected within new build developments. The provision of new build 3FE primary school accommodation is only accepted in exceptional circumstances and where the County Council consider that long term future needs would otherwise have to be met through the provision of a 2FE school and a separate 1FE school.	
<b>TEACHING ACCOMMODATION</b>	<b>Area (m<sup>2</sup>)</b>
FS – 5 x 69m <sup>2</sup> (min) = 2 Nursery and 3 Reception	345
General Teaching – 6 x 62m <sup>2</sup> (min) 4 Key Stage 1 including Resource Area	372
General Teaching – 12 x 62m <sup>2</sup> (min) 4 Key Stage 2 including Resource Area	744
School Hall	200
Small Hall	80
Library Resource Learning Area	33
Small Group Rooms incl FS group	60
Food Technology Room/Specialist Practical	30
Studio	55
Sen resource rooms	18
Flexible teaching space/learning street	93
<b>TEACHING SUB-TOTAL</b>	<b>2030</b>
Main Entrance / Reception – (incl. in circulation etc)	0
School Admin Office + Sick Bay	17
Reprographics	8
Medical Inspection Room/SEN	10
Interview/social services/meeting	8
Headteacher's Office/ Senior management.	16
Deputy Headteacher's Office/PPA Room	12
Staff Room / Workroom	65

Meeting / PPA Room	12
F S Entrance / Piazza (incl. in circulation etc)	0
FS Staff / Admin / Kitchen	12
FS Utility / Laundry Room	4
<b>NON TEACHING – ADMIN SUB TOTAL</b>	<b>164</b>
Central Store / Stockroom	16
General Teaching Stores	27
Physical Education Stores inc. 4 ext.	18
Communications Room (incl. in circulation etc)	0
Dining Furniture Store	16
Staging and appliance store	3
School/Community stores	4
Utilities, Material & Equipment Store	10
Caretakers Room/cleaners cupds	6
FS Stores	36
Multi Purpose/Specalist Stores	12
<b>NON TEACHING - STORAGE SUB TOTAL</b>	<b>148</b>
FS Cloak Provision	30
Pupils Cloak Area/Locker Provision	0
Changing Areas	0
<b>NON TEACHING - Cloaks SUB TOTAL</b>	<b>30</b>
<b>SUB TOTAL OF NET AREA</b>	<b>2372</b>
Circulation/Partition/Coms/Plant included @ 30% of net area	712
Adult Toilet Provision incl. Acc. WC's	24
FS Toilet Provision	40
FS Adult Toilet Provision	2
Pupils Toilet Provision	85
FS Unisex Accessible Toilet/hygiene	9
Production Kitchen	60
Boiler Room (incl. in circulation etc)	0
<b>SUB TOTAL OF NON NET AREA</b>	<b>932</b>
<b>GROSS TOTAL OF INTERNAL SPACES</b>	<b>3304</b>
FS External covered areas	120
General teaching covered areas	270
Extended School Space option	90
Site area requirement	3.01ha

## Existing Primary Schools

The above schedules define space standards for new school accommodation. Where the capacity of an existing school is being increased the new accommodation will be based on the need for additional pupil places and supporting infrastructure (where identified) but not to rectify existing shortcomings within the school. Should reorganisation of ancillary accommodation within the existing buildings be considered necessary by the school, this will need to be carried out by the school and not form part of the expansion project.

The following principals will be applied

- Existing spaces: where rooms of 48m<sup>2</sup> and above are already satisfactorily used as teaching spaces within the existing school, use of other existing rooms of equivalent size should be considered as classroom accommodation unless other factors specifically arise.
- New build classrooms: to match those of the existing school in general size and arrangement up to a maximum area of 62m<sup>2</sup>
- Reception and nursery accommodation: 2.3m<sup>2</sup> per pupil. Where a 'half class' is required the area is to be based upon 15 pupils and adjoin the Early Years classroom.
- Basic needs: existing shortcomings/shortfall in school accommodation will not be addressed unless specifically briefed by the education authority. The only additional space required over and above classroom space will be
  - Circulation
  - Toilets
  - Staff room
  - Storage
- Ancillary Accommodation; Where a substantial short fall is identified by the education authority some additional accommodation maybe considered but where the overall space within the school is considered sufficient the school will be expected to carry out internal adjustments to provide such accommodation.
- External Areas: Access to the rear of a school site should be maintained to both sides of an existing school site where practicable. Where a new building is proposed it must not compromise the existing access routes and should never reduce any existing access to less than 6m clear. Any expansion must ensure that the site areas requirements of the school premises regulations are met.
- Future Expansion: Consideration should be given to ensuring that any new build or re-locatable building doesn't impinge on the future expansion/ flexibility of the school site
- Covered areas: will only be provided for new Early Years accommodation but not for general teaching classrooms.

## TEACHING ACCOMMODATION FOR SECONDARY SCHOOLS

<b>Secondary school area requirements</b>	
<p>The secondary school gross building area requirements (m<sup>2</sup>) are calculated on using the following formula where N = the number of pupils, N* = the number of 11-16 year old pupils and N** = the number of post 16 pupils.</p> <p>Formula is included to determine additional area requirements for external covered areas (m<sup>2</sup>)</p>	
<b>School Type</b>	<b>Formula</b>
<p><b>Secondary School for 11 to 18 age range:</b>            Number of 11 to 16 year old pupils = (N*)            Number of post 16 pupils = (N**)</p> <p><b>Gross Floor area (m<sup>2</sup>)</b></p>	$1840 + 6.4 \times N^* + 7 \times N^{**}$
<b>Covered Area Provision (m<sup>2</sup>)</b>	$0.1 \times N^*$
<p><b>Secondary School for 11 to 16 age range:</b>            Number of 11 to 16 year old pupils = (N*)</p>	$1370 + 6.4 \times N^*$
<b>Covered Area Provision (m<sup>2</sup>)</b>	$0.1 \times N^*$
<p><b>All Secondary Schools</b>            Number of all pupils (11 – 18) = N</p> <p>Site area requirements (m<sup>2</sup>):</p>	$16000 + 59 \times N$

### Existing Secondary Schools

The above formula defines standards for new school accommodation. Where the capacity of an existing school is being increased the new accommodation will be based on the need for additional pupil places and supporting infrastructure (where identified) but not to rectify existing shortcomings within the school. Should reorganisation of ancillary accommodation within the existing buildings be considered necessary by the school, this will need to be carried out by the school and not form part of the expansion project.

**Andy Green**

---

**From:** Andy Green  
**Sent:** 14 July 2016 10:04  
**To:** 'bev.hindle@oxfordshire.gov.uk'  
**Cc:** Matthew Parry (Matthew.Parry@Cherwell-DC.gov.uk); Jon Westerman (Jon.Westerman@Cherwell-DC.gov.uk); bob.duxbury@cherwell-dc.gov.uk; 'Michelson, Lisa - E&E'; White, Joy - E&E; Payne, Odele - E&E; Chris Still; Liam Ryder  
**Subject:** FW: Banbury 17 - OCC position  
**Attachments:** Jon Westerman\_Salt Way Application 15.01326.OUT\_17May2016.pdf

Dear Bev

Further to the recent meetings, I believe all matters of concern, in your letter dated 17 May 16, have now been addressed. Could you provide a further letter to confirm this and remove your objection to our planning application 15/01326/OUT?

Regards

Andrew Green  
Gladman Development Ltd

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blank

**Date:** 17 May 2016

**Your ref:** 15/01326/OUT

Jon Westerman  
Development Services Manager  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

**Environment & Economy  
Speedwell House  
Speedwell Street  
Oxford OX1 1NE**

**Sue Scane  
Director for Environment &  
Economy**

Sent by e-mail to

[jon.westerman@cherwell-dc.gov.uk](mailto:jon.westerman@cherwell-dc.gov.uk)

Dear Jon,

### **Objection to Salt Way Application Ref 15/01326/OUT**

I understand you intend to take the above application to Planning Committee on 19<sup>th</sup> May 2016. I am writing to reiterate the County's position on this application and request that you share this letter in full with your Planning Committee. OCC consider that in isolation and without a masterplan agreed between all parties, it is premature to determine this planning application.

OCC maintain an objection to the application on the basis that, contrary to the requirements of policy Banbury 17, no masterplan for the wider allocation site has been produced. Policy Banbury 17 recognises that the allocated development area is in separate ownership, but emphasises that it forms "a coherent whole" and requires that "an integrated, co-ordinated and comprehensive planning approach will be taken with a link road between the sites in separate ownership". The policy clearly stipulates that the site allocation "will require a masterplan to ensure this is delivered". As stressed at the meeting between Gladman, Gallagher, CDC, OCC, landowners, other stakeholders and chaired by Cllr Mallon on 12<sup>th</sup> January 2016, this policy requirement should be fulfilled prior to the determination of the applications within the allocation site in order to ensure that the necessary infrastructure to mitigate the allocation is deliverable.

It would be logical for both the live Banbury 17 applications (15/01326/OUT and 14/01932/OUT) to be determined at the same Planning Committee once a masterplan is in place. The risks of approving this application in isolation and without an agreed masterplan that includes triggers for the phasing and delivery of infrastructure across the Banbury 17 site include:

- 1) Uncertainty in securing the spine road across the wider Banbury 17 site, as required by the Cherwell Local Plan as well as OCC's Local Transport Plan 4. The spine road is essential for:
  - a. access to the proposed primary school on the adjacent application site
  - b. access to the local centre on the adjacent application site
  - c. provision of a bus service through the site

To date there has been a failure to negotiate the western section of the spine road through the Gallagher site and there is no evidence (e.g. a legal agreement between the parties of the two sites) that both developers will work together to deliver it. The submitted "Illustrative Framework Plan" provides insufficient detail on delivery and is not binding.

- 2) Mitigation of this application's education impact is dependent on the delivery of the primary school proposed on the adjacent application site, which is outside of the applicant's control;
- 3) Uncertainty in securing adequate pedestrian/cycle links across the wider Banbury 17 site, as required by the Cherwell Local Plan;
- 4) Setting a precedent for contravening masterplan policy requirements on allocations with multiple application sites.

Whilst it is appreciated that proposed condition 7 requires the details of the spine road to be in place prior to the submission of Reserved Matters applications and that condition 49 aims to ensure its delivery within the Gladman site, there is no certainty that the road can be delivered across the Gallagher site. This is an essential infrastructure requirement for the mitigation of Banbury 17, as is the primary school.

In summary, OCC consider that in isolation and without a masterplan for the whole of Banbury 17, it is premature to determine this planning application, particularly as its mitigation is dependent on infrastructure to be delivered by the adjacent application site. In order to inform an integrated, co-ordinated and comprehensive planning decision, OCC recommend the application is deferred until such time as the masterplan requirement of policy Banbury 17 is complied with and, preferably, when the other live application for the remainder of Banbury 17 (14/01932/OUT) can be taken to the same planning committee.

Yours sincerely



Bev Hindle  
Deputy Director – Strategy and Infrastructure Planning

Direct line: 01865 815113  
Email: [bev.hindle@Oxfordshire.gov.uk](mailto:bev.hindle@Oxfordshire.gov.uk)  
[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

Cc Cllr Kieron Mallon  
Cllr George Reynolds  
Matthew Parry

**Andy Green**

---

**From:** Halliwell, Susan - E&E <Susan.Halliwell@Oxfordshire.gov.uk>  
**Sent:** 14 July 2016 14:57  
**To:** Andy Green  
**Cc:** bob.duxbury@cherwell-dc.gov.uk; Jon.Westerman@Cherwell-DC.gov.uk; Matthew.Parry@Cherwell-DC.gov.uk; Michelson, Lisa - E&E; White, Joy - E&E; Payne, Odele - E&E; Flavin, David - E&E  
**Subject:** FW: Banbury 17 - OCC position  
**Attachments:** Jon Westerman\_Salt Way Application 15.01326.OUT\_17May2016.pdf

Dear Andrew,

Thank you for your email. Officers will be updating OCC's consultation response to the application prior to planning committee.

Regards

Sue

**Susan Halliwell**  
**Acting Deputy Director**  
*(My working days are Monday, Tuesday, Thursday and Friday)*  
Strategy and Infrastructure Planning

Environment & Economy|Speedwell House|Speedwell Street |Oxford|OX4 2WB  
**Mobile:** 07500109185|**Email:** [susan.halliwell@oxfordshire.gov.uk](mailto:susan.halliwell@oxfordshire.gov.uk)  
[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

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**From:** Hindle, Bev - E&E  
**Sent:** 14 July 2016 14:42  
**To:** Halliwell, Susan - E&E  
**Subject:** FW: Banbury 17 - OCC position

Thank you.  
Regards  
Bev

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 26 July 2016 14:55  
**To:** Chris Still; Andy Green  
**Subject:** 15/01326/OUT - OCC Consultation Response Update & Committee Report  
**Attachments:** OCC's updated response to 15-01326-OUT Salt Way Banbury (280 home Gladman Site) 26July2016.pdf; Land west of White Post Road Bodicote 15-01326-OUT.pdf

Dear Chris/Andy

Please find attached the latest consultation response from OCC and the final committee report which is to be included within the agenda published on Thursday morning.

Best regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

See CD 3.28 and CD 5.3 for  
attachments with this email

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 29 July 2016 14:55  
**To:** 'Francesca Robinson' <frobinson@DavidLock.com>; Chris Still <C.Still@gladman.co.uk>  
**Subject:** 14/01932/OUT & 15/01326/OUT

Dear Francesca/Chris

I thought it would be useful to let you know that officers will be proposing a very minor amendment to the recommendation to Committee on both applications. This will be set out in the written updates paper that is published the day before Committee. It is a subtle change but it follows a further representation from OCC which raised a minor query about the two recommendations. The remainder of the reports and recommendations would stay the same.

In particular, it is point 3 of the recommendation which will be proposed to be changed to the following for both applications (the changes are indicated below):

**3. ~~Either~~, The imposition of a ceiling on the amount of development that can take place on Banbury 17 until the spine road is completed including through use of additional/amended planning conditions/planning obligations;**

**~~And/Or~~, securing an appropriate legal mechanism by which the means to delivery the of a completed spine road can be ensured at an appropriate stage in accordance with OCC's recommendation prior to the occupation of a substantial amount of development on the Banbury 17 site.**

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Francesca Robinson <frobinson@DavidLock.com>  
**Sent:** 02 August 2016 17:09  
**To:** cllr.david.hughes@cherwell-dc.gov.uk; cllr.james.macnamara@cherwell-dc.gov.uk; hannah.banfield@cherwell-dc.gov.uk; cllr.Andrew.Beere@cherwell-dc.gov.uk; cllr.colin.clarke@cherwell-dc.gov.uk; cllr.chris.heath@cherwell-dc.gov.uk; cllr.alastair.milnehome@cherwell-dc.gov.uk; Cllr.Mike.KerfordByrnes@cherwell-dc.gov.uk; alan.mackenzie-wintle@cherwell-dc.gov.uk; richard.mould@cherwell-dc.gov.uk; cllr.debbie.pickford@cherwell-dc.gov.uk; cllr.lynn.pratt@cherwell-dc.gov.uk; nigel.randall@cherwell-dc.gov.uk; cllr.george.reynolds@cherwell-dc.gov.uk; barry.richards@cherwell-dc.gov.uk; nigel.simpson@cherwell-dc.gov.uk; cllr.les.sibley@cherwell-dc.gov.uk; cllr.nicholas.turner@cherwell-dc.gov.uk; cllr.ken.atack@cherwell-dc.gov.uk; cllr.maurice.billington@cherwell-dc.gov.uk; hugo.brown@cherwell-dc.gov.uk; ian.corkin@cherwell-dc.gov.uk; nick.cotter@cherwell-dc.gov.uk; surinder.dhesi@cherwell-dc.gov.uk; carmen.griffiths@cherwell-dc.gov.uk; cllr.timothy.hallchurch@cherwell-dc.gov.uk; sandra.rhodes@cherwell-dc.gov.uk; bryn.williams@cherwell-dc.gov.uk; cllr.barry.wood@cherwell-dc.gov.uk; sean.woodcock@cherwell-dc.gov.uk  
**Cc:** Chris Still; Andy Green; Nick Freer; Matthew Parry; Aaron Hetherington  
**Subject:** Letter to Members of Planning Committee - Land Adjoining and South of Salt Way (14/01932/OUT) and Land West of Cricket Field and North of Wykham Lane (15/01326/OUT) - Agenda Items 7 & 8 Committee 4th August  
**Attachments:** Letter to CDC Planning Committee Members Land Adjoining and South of Salt Way 14.01932.OUT and Land West of Cricket Field and North of Wykham Lane, Banbury 15.01326.pdf; JJG0043-050H- Banbury 17 Masterplan.pdf

Dear Councillor,

Please find attached a letter on behalf of Gallagher Estates and Gladman Developments, the applicants of the above two applications to be put before you at Planning Committee on the 4th August 2016 – agenda items 7 and 8 respectively, which we would be grateful if you would consider prior to reaching a view on the applications. I also attach our joint Banbury 17 Master Plan for completeness.

Kind regards

**Francesca Robinson**  
Associate

**David Lock Associates**  
50 North Thirteenth Street  
Central Milton Keynes  
MK9 3BP

**T. 01908 666276 F. 01908 605747**  
**e-mail: frobinson@davidlock.com**

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Reserve Members of Cherwell District Council Planning Committee: Councillor Ken Atack; Councillor Maurice Billington; Councillor Hugo Brown; Councillor Ian Corkin; Councillor Nick Cotter; Councillor Surinder Dhesi; Councillor Carmen Griffiths; Councillor Timothy Hallchurch MBE; Councillor Sandra Rhodes; Councillor Bryn Williams; Councillor Barry Wood; Councillor Sean Woodcock

2 August 2016

Dear Councillor

**Planning Committee, 4 August 2016**

**Land Adjoining and South of Salt Way (14/01932/OUT) and Land West of Cricket Field and North of Wykham Lane, Banbury (15/01326/OUT)**

This letter has been prepared on behalf of Gallagher Estates and Gladman Developments, the applicants of the above two applications to be put before you at Planning Committee on the 4<sup>th</sup> August 2016.

The applicants have been engaged in discussions for some time to bring forward this allocated site. The applications collectively deliver some 1,280 homes (including affordable), together with a new primary school; secondary school land; a local centre and general green space; allotments; play space and sports provision on land allocated as part of the Strategic Development of South West Banbury (CDC Local Plan Policy Banbury 17). Furthermore, it is through the development of these two sites, that the east-west spine road between Bloxham Road and White Post Road, will be delivered.

The purpose of this letter is specifically to address matters raised by OCC in its consultation response, in respect of the delivery of the spine road between the two developments; matters which Gallaghers and Gladman would ask you to consider prior to reaching a view on the applications before you.

Firstly, Gallaghers and Gladman wish to make Members aware that they have been working together for some time on these sites and have jointly engaged in a number of round-table discussions with officers from CDC and OCC specifically in respect of site (Banbury 17) wide infrastructure. These joint discussions proved helpful in exploring the indicative housing trajectories for each site, which have in turn informed timescales for provision of site-wide infrastructure items, and well as resulting in an agreed comprehensive Master Plan for the site (enclosed), a requirement of Local Plan Policy Banbury 17. The Master Plan illustrates the disposition of development and provision of infrastructure proposed by the wider site allocation, to include the alignment of the spine road between the two sites.

Notwithstanding this collaborative approach to infrastructure provision, OCC appears to question the ability to reach agreement with both applicants in respect of the timely delivery of the spine road between Bloxham Road and White Post Road across the two application sites.

David Lock Associates Limited

50 NORTH THIRTEENTH STREET, CENTRAL MILTON KEYNES, MK9 3BP  
t: 01908 666 276 f: 01908 605 747 e: mail@davidlock.com  
www.davidlock.com



To confirm, Gallaghers and Gladman remain committed to delivering the spine road across the land they control as part of the phased implementation of their respective developments, acknowledging the triggers to secure completion of the spine road to the site's respective boundaries as set out in the Committee Reports. Indeed, those triggers being the outcome of joint discussions as referred to above.

Gallagher and Gladman have together agreed the point of connection of the spine road and this is reflected in each of the respective submission documents. The point of connection and agreed design parameters for the link road, will be secured through the S106s for each development.

The spine road will be subject of S38 agreements between the Highway Authority and applicants, which could include securing a bond for the requisite monies to be held to ensure the spine road is constructed to an adoptable standard and in accordance with the design and construction details to be approved at a later date, but prior to the implementation of development. This provides a mechanism for securing design consistency as well as appropriate pro-rata funding towards the costs of the construction of the spine road, as requested by OCC.

We appreciate that the delivery of infrastructure, (spine road, primary and secondary education, local centre/community building and formal and informal open space uses) alongside the development will require an effective, co-ordinated and managed programme from start to completion. This is in effect a role of the "master developer" and one which Gallagher Estates has significant current experience in through its implementation of major strategic developments across the country and one that Gladman is experienced through past business parks and industrial development and through the sale of many large residential sites across the Country to housebuilders. Our approach to infrastructure delivery is considered to satisfy the requirements of Local Plan Policy Banbury 17 and should provide sufficient certainty to Members regarding the collaborative approach taken by the applicants to agree the nature of and timely delivery for site-wide infrastructure.

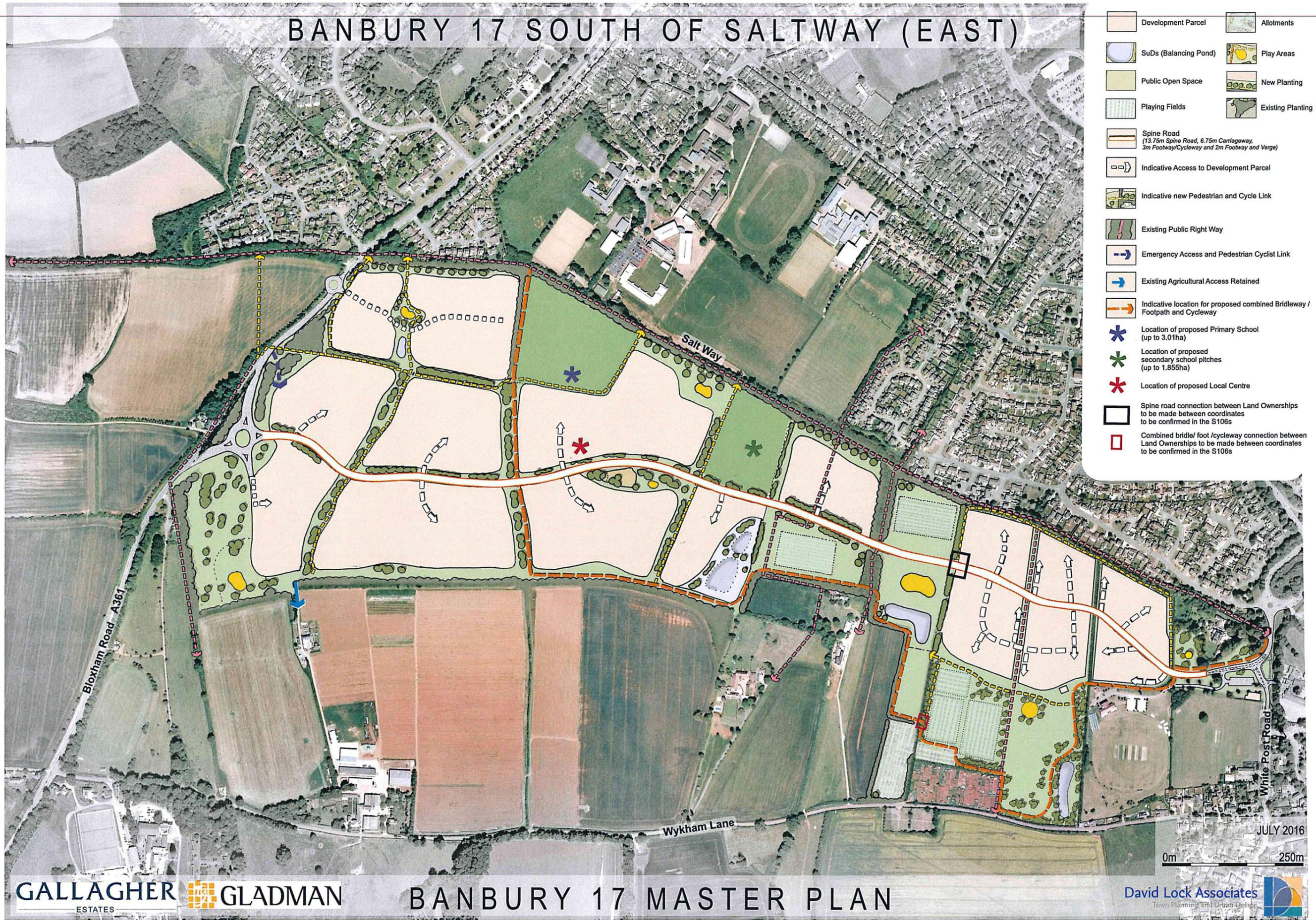
Both Gallagher Estates and Gladman Developments have committed significant resources to the evolution of not only the application proposals themselves, but also the policy context that underpins these proposals. They will continue to work with the Councils to progress their respective S106's to ensure that development can be delivered not only comprehensively, but also at the earliest opportunity so as to secure the delivery of homes and infrastructure in accordance with the allocation, whilst making a substantial contribution towards meeting the housing need in the District.

Yours sincerely

Nicholas Freer  
Partner  
Email: [nfreer@davidlock.com](mailto:nfreer@davidlock.com)

Encl: Banbury 17 Comprehensive Master Plan

# BANBURY 17 SOUTH OF SALTWAY (EAST)



-  Development Parcel
-  SuDs (Balancing Pond)
-  Public Open Space
-  Playing Fields
-  Spine Road  
(13.75m Spine Road, 6.75m Carriageway,  
3m Footway/Cycleway and 2m Footway and Verge)
-  Indicative Access to Development Parcel
-  Indicative new Pedestrian and Cycle Link
-  Existing Public Right Way
-  Emergency Access and Pedestrian Cyclist Link
-  Existing Agricultural Access Retained
-  Indicative location for proposed combined Bridleway / Footpath and Cycleway
-  Location of proposed Primary School (up to 3.01ha)
-  Location of proposed secondary school pitches (up to 1.855ha)
-  Location of proposed Local Centre
-  Spine road connection between Land Ownerships to be made between coordinates to be confirmed in the S106s
-  Combined bridle/ foot /cycleway connection between Land Ownerships to be made between coordinates to be confirmed in the S106s
-  Allotments
-  Play Areas
-  New Planting
-  Existing Planting

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 09 August 2016 16:17  
**To:** Chris Still; Andy Green  
**Subject:** Land West of White Post Road, Bodicote - Ref: 15/01326/OUT

Dear Chris/Andy

Following the Planning Committee's resolution to approve the application subject to satisfactory completion of a planning obligation, we now need to begin the process of drafting the agreement. Preferably this would be a single agreement between CDC and OCC and those with a relevant interest in the land.

To begin with, could you provide me with your solicitor's contact details and an associated undertaking to meet CDC's legal costs. Our solicitors can then be instructed but they won't take instruction without first having a costs undertaking.

In the meantime, we will engage in internal meetings to determine a little more detail on some of the items to be included in the planning obligation including specifics of financial contributions, timings/specifications for on-site provision of infrastructure as well as maintenance/management. The Development Services Manager is keen to involve Bodicote Parish Council in this to determine what elements of the open space, allotments, play areas, sports facilities, car park etc they would be receptive to taking future responsibility for. The Parish Council however would not be a party to a planning obligation however as they are neither a local planning authority nor do they have a relevant interest in the land.

I will also engage with OCC to determine more clearly their specific requirements for a planning obligation.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 18 August 2016 09:25  
**To:** Andy Green; Chris Still  
**Subject:** Land west of White Post Road, Bodicote - Ref: 15/01326/OUT

Dear Andy/Chris

I hope this finds you well.

By means of quick update, we have now had confirmation from the DCLG that the Gallagher application is not to be called in for a SoS determination. Therefore the decision remains with the Council and we will proceed as per the committee resolution. This will help with the drafting of the s106 agreements relating to each application as there will be areas of overlap between them.

In the meantime, we have begun some internal discussions about the specifics of the contents of the CDC-related matters for inclusion in a s106. This includes brief discussions with Bodicote Parish Council too as we advised Planning Committee. I now have a clearer indication of the Council's position on a number of matters and have been able to instruct our legal services team accordingly. Once they receive your solicitor's details and a costs undertaking they can begin drafting the agreement.

In the meantime I am aware that there are some other matters relating to OCC that are perhaps a little more complicated and are harder to quickly resolve as it involves numerous officer and departments at OCC. I will be on annual leave from the 5<sup>th</sup> September (back on the 19<sup>th</sup>) and I hope to set up a meeting for late September with relevant OCC staff. I think it would be beneficial if both yourselves and Gallagher/DLA attend to get clarity on the spine road and the school provision in particular as this will help to inform clear instructions to solicitors for all parties.

In the meantime, are you able to confirm an extension of the determination period for the application up to the 30<sup>th</sup> September?

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**Andy Green**

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**From:** Andy Green  
**Sent:** 23 August 2016 10:46  
**To:** 'Matthew Parry'  
**Cc:** Chris Still; Rachel Goddard; Liam Ryder  
**Subject:** RE: Land West of White Post Road, Bodicote - Ref: 15/01326/OUT  
**Attachments:** Land west of White Post Road, Bodicote - Ref: 15/01326/OUT; 160823 Banbury EoT Letter.pdf

Dear Matthew

Further to your emails dated 9<sup>th</sup> August 16, below and 18<sup>th</sup> August 16, attached, please see our solicitor's details below:-

Rachel Goddard  
Gladman House  
Alexandria Way  
Congleton Business Park  
Congleton  
Cheshire  
CW12 1LB  
01260 288959  
[r.goddard@glaman.co.uk](mailto:r.goddard@glaman.co.uk)

Rachel will be able to provide you with the necessary undertaking.

Please find attached our Extension of Time Letter please respond to this within 7 days.

I would be most grateful if you could provide some dates for a meeting with yourself and OCC in September in order to make progress on the S.106 and suggest we also diarise a series of meetings/conference calls thereafter in order to be able to make meaningful progress as quickly as possible.

Regards

Andy

---



Gladman House, Alexandria Way  
Congleton Business Park  
Congleton, Cheshire  
CW12 1LB

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F: 01260 288801

[www.gladman.co.uk](http://www.gladman.co.uk)

Mr Matthew Parry  
Principal Planning Officer  
Development Management  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

23 August 2016

Dear Matthew,

**RE: Outline Planning Application for up to 280 residential dwellings (including 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from White Post Road and associated ancillary works. All matters to be reserved with the exception of the main site access, on Land west of White Post Road, Banbury, 15/01326/OUT- Formal Notification of Agreement to Extension of Time Limit for Determination**

This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination beyond the thirteen week statutory period until 30<sup>th</sup> September 2016.

This agreement is made in accordance with para 29 (2) (c) of the Town & Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement to this extension of time, within the next 7 days.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'A. J. Green'.

Andrew Green  
Project Manager

**Andy Green**

---

**From:** Chris Still  
**Sent:** 26 August 2016 12:23  
**To:** 'Matthew Parry'  
**Cc:** Andy Green; Liam Ryder  
**Subject:** RE: Land west of White Post Road, Bodicote - Ref: 15/01326/OUT

Thanks Matthew, nothing received as yet from OCC.

I think it will be important and particularly helpful for the meeting if OCC can set out in detail, their aspirations for the additional spine road clauses/agreements and reconfirm the education requirements in advance of the meeting, in order to move matters on from the committee report and their latest consultation response. For the Spine Road this may well be a number of options but we need to understand what they are trying to achieve, the detail of what it needs to be covered and how this might translate into the obligation/other legal document (i.e. detailed heads of terms with any explanation as necessary).

If it assists OCC to have their solicitor there to assist with wording from a legal perspective then I think it may be beneficial (and also for Cherwell if helpful), but myself and Andy/Liam will be able to cover these aspects without needing our in-house solicitor being present (we could always call them to check something if necessary).

Kind regards

Chris Still

---

**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 24 August 2016 17:02  
**To:** Chris Still <C.Still@gladman.co.uk>  
**Cc:** Andy Green <A.Green@gladman.co.uk>; Liam Ryder <L.Ryder@gladman.co.uk>  
**Subject:** RE: Land west of White Post Road, Bodicote - Ref: 15/01326/OUT

Chris

I understand that OCC are arranging this and are looking at the 27th September. Apparently they will in touch with you shortly. I believe this would essentially cover spine road and education issues for the s106 agreements. At this stage I am not sure if it is a meeting where solicitors would be expected to be present to assist with instructions or whether it is a discussion more about certain principles/approaches (and even then there could potentially be merit in solicitors attending).

Kind regards

Matthew Parry

---

**From:** Chris Still [C.Still@gladman.co.uk]  
**Sent:** 24 August 2016 16:31  
**To:** Matthew Parry  
**Cc:** Andy Green; Liam Ryder  
**Subject:** RE: Land west of White Post Road, Bodicote - Ref: 15/01326/OUT

Matt

Have you yet been able to identify any meeting dates for a meeting with OCC towards the end of September?

Many thanks

Chris Still

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**Andy Green**

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**From:** Chris Still  
**Sent:** 26 August 2016 10:19  
**To:** 'Oliver, Richard - E&E'  
**Cc:** 'Matthew Parry'; Andy Green; Chillman, Barbara - CEF; Liam Ryder  
**Subject:** RE: Banbury - Land off White Post Road - Education Conference Call

**Importance:** High

Richard

Further to your email of 1<sup>st</sup> July 2016 (below), I would be most grateful for your confirmation of when you will be in a position to provide us with a response to item 4, which we requested as part of our conference call on the 7<sup>th</sup> April 2016?

I look forward to hearing from you at your earliest convenience.

Many thanks

Chris Still

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 09 September 2016 14:00  
**To:** Chris Still <C.Still@gladman.co.uk>; 'Francesca Robinson' <frobinson@DavidLock.com>  
**Cc:** David Flavin <david.flavin@oxfordshire.gov.uk>  
**Subject:** Banbury 17 - Meeting of 27.9.16 with OCC to discuss link road and education provision

Dear Fran/Chris

You will no doubt recall that the Cherwell DC resolved to grant planning permission for both applications relating to the allocated Banbury 17 site on the basis that, inter alia, the Council achieved sufficient security regarding delivery of the full link road through the site from Bloxham Road to the White Post Road/Oxford Road roundabout before a substantial amount of homes are occupied across the Banbury 17 site. This included potentially by additional legal agreement and/or through planning conditions. Without any further security regarding the link road, the applications may need to go back to Planning Committee so that the Council comes to a view on the acceptability of the potential risk(s).

Notwithstanding the conclusions of the Transport Assessments submitted by your consultants, both Cherwell DC (CDC) and Oxfordshire CC (OCC) have significant concerns that the occupation of many hundreds of homes across the Banbury 17 site without a completed link road in place will lead to what cumulatively amount to unacceptable transport impacts. The lack of a link road will result in a significant minority of traffic arising from the development travelling along Wykham Lane and Springfield Avenue. Only a modest increase in traffic along Wykham Lane would present safety risks as well as lead to further blockages and difficult/dangerous manoeuvres on the entry into Bodicote. Through its Planning Committee, CDC made it clear that a material increase in traffic along Wykham Lane is tolerable but only on the basis that such an increase is temporary with a completed link road to be provided in due course as required by Policy Banbury 17. This policy requires a coordinated and comprehensive approach to developing the site and this wording was included in the policy in the knowledge that the allocated site was being promoted by two different developers.

There is a small but significant risk that development does not take place on the eastern part of the allocated site on the land being promoted by Gladman for reasons beyond either councils' control. This could result in a situation where, without restraint, the planning permission on the Gallagher development could be built out to completion with a spine road provided only to its eastern boundary that has no traffic distribution/mitigation function. This is an admittedly unlikely scenario given the desire to achieve a return from the sites for the landowners by selling the land and for a future purchaser to start achieving capital receipt from housing to offset land finance costs. The potential implications however if this unlikely scenario occurred are very significant for the surrounding residents and the safety/efficiency of the local highway network. To be clear, CDC and OCC are of the view that a completed link road is necessary in order to make the overall development properly sustainable and acceptable on the allocated Banbury 17 site and is needed in any event to make the proposed development as part of the Gallagher application acceptable by itself. Without the prospect of a completed link road it is unlikely that CDC would be minded to approve either application given the significant concerns about local traffic impacts that would be reinforced by the proposals being in clear conflict with Policy Banbury 17.

Notwithstanding the above, both councils are committed to being proactive about finding a solution that prevents any prospect of the link road not being delivered. Short of concluding that only a single comprehensive planning application would achieve this or looking to impose Grampian style caps on the amount of development that can take place until the link road is delivered in full, the councils have been considering other options. At this stage the preferred approach is a single planning obligation relating to both applications covering all matters associated with the delivery of the link road that would sit alongside separate planning obligations for each application covering all other issues. This link road s106 agreement would need to include sufficient covenants whereby in the event of implementation and significant build-out on the Gallagher Estates site and continued non-implementation of the Gladman planning permission (15/01326/OUT) there is provision for Oxfordshire County Council to acquire the land necessary at nil cost to facilitate completion of the road and associated junction. OCC would not be able to forward fund the road; it is anticipated that to allow further build-out/completion of the Gallagher site, Gallagher would have the option to fund or deliver the completion of the road with phased claw-back of funds from the Gladman site triggered upon implementation of development.

It is at the meeting planned for the 27/09/16 that we hope to discuss this option with you and in the meantime we are looking to you to also put forward solutions that satisfy the concerns set out above. CDC's solicitor will attend this meeting to advise on legalities but at this stage we feel there would be a more constructive discussion on potential ways forward without the attendance of other legal representatives. The meeting should also allow the opportunity to discuss the approach to on-site education infrastructure including the means by which cost equalisation can be achieved between the two applications as well as incorporate anticipated funding from development approved on the allocated Banbury 16 site. I understand officers at OCC have been giving this further consideration and intend to discuss this too in order to assist in providing instructions to solicitors to inform the drafting of the respective planning obligations.

A note providing further detail of the proposed mechanism for the delivery of the spine road and the approach to education infrastructure will be circulated prior to the meeting either by myself or from a relevant officer at OCC. I am now on annual leave until 20<sup>th</sup> September but if you have any queries before the meeting I can try to respond on my return.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**From:** Dimmock-Smith, Belinda - Corporate Services [mailto:Belinda.DimmockSmith@Oxfordshire.gov.uk]

**Sent:** 23 September 2016 11:02

**To:** Cox, Howard - E&E <Howard.Cox@Oxfordshire.gov.uk>; Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>; White, Joy - E&E <Joy.White@Oxfordshire.gov.uk>; Michelson, Lisa - E&E <Lisa.Michelson@Oxfordshire.gov.uk>; Oliver, Richard - E&E <Richard.Oliver@Oxfordshire.gov.uk>; Flavin, David - E&E <David.Flavin@Oxfordshire.gov.uk>; Coats, Judith - E&E <Judith.Coats@oxfordshire.gov.uk>; Nigel Bell <Nigel.Bell@Cherwellandsouthnorthants.gov.uk>; Chris Still <C.Still@gladman.co.uk>; 'frobinson@DavidLock.com' <frobinson@DavidLock.com>; Payne, Odele - E&E <Odele.Payne@Oxfordshire.gov.uk>

**Cc:** Strategic Sites <StrategicSites@Oxfordshire.gov.uk>; Khan2, Tahira - E&E <Tahira.Khan@Oxfordshire.gov.uk>

**Subject:** RE: Banbury 17 Link Rd Mechanism DRAFT

Please find attached the agenda and paper for the Banbury 17 Spine Rd Delivery meeting, scheduled for **27/09/2016, 10:30 – 12:30, River Ray Room (Cherwell District Council Office)**. The paper for Item 3 (Education) will be circulated as soon as possible.

Kind regards

***Belinda Dimmock-Smith***

*Strategic Sites Development Lead*

*Strategy and Infrastructure Planning*

*Oxfordshire County Council*

*County Hall, New Road, Oxford OX1 1ND*

07795 265942

[belinda.dimmocksmith@oxfordshire.gov.uk](mailto:belinda.dimmocksmith@oxfordshire.gov.uk)

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## Banbury 17 Spine Road Delivery Meeting

Date: 27/09/2016 10:30 – 12:30

### Attendees:

Oxfordshire County Council	Title
Lisa Michelson	Locality Manager, Cherwell & West Locality
Odele Payne	Senior Transport Planner
Tahira Khan	Strategic Sites Project Manager
Howard Cox	Infrastructure Funding Manager
Richard Oliver	Developer Funding Negotiator
Joy White	Principal Engineer
Cherwell District Council	
Matthew Parry	Principal Planning Officer
Organisation	
Francesca Robinson ( <b>David Lock Associates</b> )	Associate
Chris Still ( <b>Gladman</b> )	Planning and Development Manager

## AGENDA

1. Apologies: David Flavin
2. Mechanism for Spine Rd Delivery (paper attached)
3. Update on Education Requirements (paper to follow)
4. Agree next steps and timescales

## **For consideration and discussion**

# **Banbury 17 – Potential Link Road Delivery Mechanism**

This note produced by OCC and CDC is intended to aid discussion at the meeting with both councils and applicants Gallagher and Gladman on 27<sup>th</sup> September 2016 at Bodicote House 10.30am-12.30pm

### **Potential Link<sup>1</sup> Road Delivery Mechanism**

#### **Background**

On 4<sup>th</sup> August 2016 Cherwell DC resolved to grant planning permission for applications:

- 14/01932/OUT (Gallagher Estates) up to 1,000 dwellings<sup>2</sup> and
- 15/01326/OUT (Gladman) up to 280 dwellings

Both pertain to the part of the allocated site - Banbury 17 which as yet does not have the benefit of planning permission for residential development, (both being south of Salt Way and east of Bloxham Road – A361). The resolution was on the basis that, inter alia, the Council achieved sufficient security regarding delivery of the full link road through the site from Bloxham Road to the White Post Road/Oxford Road roundabout before a substantial amount of homes are occupied across the Banbury 17 site.

There is a small but significant risk that the link road across the strategic site allocation will not be completed, if development on the Gallagher site proceeds but development on the eastern part of the site (the Gladman promoted site) does not. This note sets out a potential solution to minimise any prospect of the link road not being delivered in full.

#### **Link Road Delivery Planning S106 Obligation**

It is anticipated that separate S106 agreements will be concluded for each of the two land holdings in the normal fashion. To address the concerns over the link road delivery/completion it is proposed that an additional and separate single agreement relating to both applications (and entered into by all parties) is drawn up and completed; covering all matters associated with the delivery of the link road.

This proposed link road S106 agreement would need to include sufficient covenants whereby in the event of:

Implementation and significant build-out on the Gallagher Estates site and continued non-implementation of the Gladman planning permission

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<sup>1</sup> The terms “link road” and “spine road” are interchangeable in this note.

<sup>2</sup> Plus a local centre, primary school, community centre & secondary school playing fields.

there is provision for Oxfordshire County Council (OCC) to acquire the land necessary at nil cost (and unencumbered) to facilitate completion of the road and associated junction(s).

OCC is/would not be able to forward fund the delivery of the road.

It is anticipated that to allow continued build-out of the Gallagher development they should have the opportunity to deliver the completion of the road with subsequent phased claw-back of funds from the Gladman site, triggered upon implementation of development on the Gladman site.

### **Heads of Terms of the mechanism**

#### **Gladman/Landowners:**

- 1 The spine road approved shall be fully completed and available for public use from its new junction with White Post Road through to the site's western boundary prior to the earlier of:
  - i. Occupation of no more than 200 dwellings on the site; or
  - ii. Four years following Implementation) of the development.

#### **Gallagher:**

- 1 No development/occupation (on this site) beyond 500 dwellings until the link road is completed across the Ban 17 allocation site (A361 to the eastern boundary of this part of Ban 17).
- 2 The spine road through this development shall be fully completed and available for public use from its new junction with A361 through to the site's eastern boundary prior to the occupation of the 501<sup>st</sup> dwellings.

#### **But in the event of:**

- non-implementation of the planning permission (or subsequent permissions including minor material amendments under s73 etc) on the Gladman site and
  - implementation and subsequent occupation of 400 dwellings on Gallagher site
- the following would apply<sup>3</sup>:

#### **Gladman/Landowners:**

- a) Agree with other parties the alignment of road land prior to issue of planning permission (include plan in this agreement) to define the proposed "spine road land" .
- b) Offer of transfer of the spine road land (on Gladman Site) to OCC at the occupation of 400 dwellings on Gallagher site.
- c) In the event the road is completed on Gladman site (by parties other than Gladman) and the Gladman site is subsequently implemented, agreed contributions (timings and amounts) to fund the pump primed delivery of the link road would be paid from the Gladman site to the Gallagher site.

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<sup>3</sup> Gallagher and Gladman are used to refer to the two distinct application sites.

**Gallagher:**

- a) No development/occupation (on this site) beyond 500 dwellings until link road is completed across the Ban 17 allocation site.
- b) From the occupation of 400 dwellings (the trigger for Gladman spine road land to be offered for transfer to OCC) Gallagher to have the option to directly deliver the link road on the Gladman site
- c) Gallagher to be responsible for securing planning permission for the link road and clearing of planning conditions required for the link road (on Gladman site). Plus meeting all other OCC requirements for link road delivery to adopted standards..
- d) Gallagher to complete delivery of the link road on Gladman site within [1 year] of County receiving the spine road land for the link road.

**Gallagher/Gladman**

- a) To agree the proportionate costs of delivering the link road to facilitate transfer of agreed contributions (timings and amounts) between these two parties
- b) Both development areas on Banbury 17 shall be obliged to deliver the spine road on their own site (to adoptable standard) and enter into S38 agreements in his respect.

**OCC**

- a) On exercising option for transfer of land to accept transfer of spine road land.
- b) To make the Gladman spine road land available to Gallagher to deliver the link road on the Gladman site within [X]months.

End.

*Note: Reserved Matter (REM) applications have to be submitted within 4 years of issue of the OUTLINE planning permission, Implementation has to be within 2 years of approval of the last REM*

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**From:** Khan2, Tahira - E&E [mailto:Tahira.Khan@Oxfordshire.gov.uk]

**Sent:** 26 September 2016 15:29

**To:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>; Dimmock-Smith, Belinda - Corporate Ser <Belinda.DimmockSmith@Oxfordshire.gov.uk>; Michelson, Lisa - E&E <Lisa.Michelson@Oxfordshire.gov.uk>; White, Joy - E&E <Joy.White@Oxfordshire.gov.uk>; Cox, Howard - E&E <Howard.Cox@Oxfordshire.gov.uk>; Strategic Sites <StrategicSites@Oxfordshire.gov.uk>; Oliver, Richard - E&E <Richard.Oliver@Oxfordshire.gov.uk>; Flavin, David - E&E <David.Flavin@Oxfordshire.gov.uk>; Chris Still <C.Still@gladman.co.uk>

**Cc:** Strategic Sites <StrategicSites@Oxfordshire.gov.uk>

**Subject:** Heads of Terms Gladman

Dear All,

Please find attached Heads of Terms and Payment Triggers sent by Richard Oliver. If you have any further requirements please let me know.

Regards

**Tahira Khan**

Strategic Sites Project Manager

Oxfordshire County Council

County Hall | Oxford | OX1 1ND

|Mobile: 07393001084| email: [tahira.khan@oxfordshire.gov.uk](mailto:tahira.khan@oxfordshire.gov.uk)



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Date: 21/09/2016

**Education Draft Heads of Terms – 15/01326/OUT**

Developer – Gladman

Contribution amounts based on the following mix of dwellings:

- 4 no. x One Bed Dwellings
- 81 no. x Two Bed Dwellings
- 112 no. x Three Bed Dwellings
- 83 no. x Four Bed Dwellings

**Primary School Infrastructure Contribution****£1,953,744** towards a new primary school on land South of Salt Way

Calculation: 93 (number of primary pupils) x £21,008 (cost per pupil of new school)

This contribution is to be index linked from 4th Quarter 2014 using PUBSEC Tender Price Index.

Final Contribution will be dependent on the mix of dwellings built and will be calculated according to the following matrix:

<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4+ Bed</b>
£0	£3,004	£6,892	£9,013

The matrix figures for this application came out higher than for application 14/01932/OUT. This is due to different phasing assumptions for each site. However the county recognises the need for parity between the two sites and accepts the use of the same matrix as for 14/01932/OUT (the figures above).

**Primary School Land Contribution**

This development is also required to contribute towards the cost of securing the additional primary school land required to mitigate the impact of this development. This equates to 0.79 hectares.

The County considers the appropriate land value of the additional primary school land to be £375,000 per ha (although this has yet to be agreed with the host developer).

Subject to agreement with the host developer over land value the primary school land contribution for this site is: **£296,250**

**Temporary Classroom Contribution**

Payment towards temporary classrooms at Longford Park Primary School:

Not to occupy more than 100 dwellings until a contribution of £200,000 towards temporary classroom has been paid or confirmation has been received in writing

from the County Council that this payment is not required.

Not to occupy more than 200 dwellings until a contribution of £200,000 towards temporary classroom has been paid or confirmation has been received in writing from the County Council that this payment is not required.

### **Secondary School Infrastructure Contribution**

**£1,430,582** towards the expansion of capacity at Blessed George Napier Secondary School

**Calculation:** 64 (number of secondary pupils 11-15) x £19,158 (cost per pupil aged 11-15) = £1,226,112

10 (number of sixth form pupils) x £20,447 (cost per sixth form pupil) = £204,470

This contribution is to be index linked from 4th Quarter 2014 using PUBSEC Tender Price Index.

Final contribution will be dependent on the mix of dwellings built and will be calculated according to the following matrix:

<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4+ Bed</b>
£0	£1,786	£4,644	£7,502

The matrix figures for this application came out higher than for application 14/01932/OUT. This is due to different phasing assumptions for each site. However the county recognises the need for parity between the two sites and accepts the use of the same matrix as for 14/01932/OUT (the figures above).

### **Secondary School Land Contribution**

This development is required to contribute in line with its pupil generation towards the secondary school land required to enable Blessed George Napier Secondary School to expand. This equates to 0.39 ha ((1.855/353) x 74)

The County considers the appropriate land value of the additional secondary school land to be £375,000 per ha (although this has yet to be agreed with the host developer).

Subject to agreement with the host developer over land value the secondary school land contribution for this site is: **£146,250**

### **Special Educational Needs (SEN) Contribution**

**£63,241** Towards the expansion of permanent Special Educational Needs school capacity at Frank Wise School

Calculation: 1.8 (number of SEN pupils) x £35,134 (cost per pupil)

This contribution is to be index linked from 4th Quarter 2014 using PUBSEC Tender

## Price Index.

Final contribution will be dependent on the mix of dwellings built and will be calculated according to the following matrix:

<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4+ Bed</b>
£0	£94	£228	£327

The matrix figures for this application came out higher than for application 14/01932/OUT. This is due to different phasing assumptions for each site. However the county recognises the need for parity between the two sites and accepts the use of the same matrix as for 14/01932/OUT (the figures above).

**South of Salt Way (Gladman) - Education Trigger Schedule (Sept 16)**

Application Ref 15/01326/OUT		Number of Units	280		Payment Schedule							
Service Area	Specific Projects Details	S106 Sum (£)	Indexation type and base date		£'s on Completion of S106	£'s on Implementation of Development	£'s on Occupation of "x" dwellings where "x" is ...					Totals
							1	50	100	150	200	
Education	Primary Education Infrastructure	£1,953,744	PUBSEC	4Q14		976,872			976,872			1,953,744
	Primary Land Contribution	£296,250	PUBSEC	4Q14		296,250						296,250
	Primary Temporary Classrooms	£400,000	PUBSEC	4Q14				200,000		200,000		400,000
	Secondary Education Infrastructure	£1,430,582	PUBSEC	4Q14				715,291		715,291		1,430,582
	Secondary School Land Contribution	£146,250	PUBSEC	4Q14		146,250						146,250
	Special Education Needs	£63,241	PUBSEC	4Q14							63,241	63,241
<b>Education Contributions TOTALS</b>		<b>£4,290,067</b>			<b>0</b>	<b>1,419,372</b>	<b>0</b>	<b>715,291</b>	<b>1,176,872</b>	<b>715,291</b>	<b>263,241</b>	<b>4,290,067</b>

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**From:** Francesca Robinson [mailto:frobinson@DavidLock.com]

**Sent:** 04 October 2016 17:11

**To:** Dimmock-Smith, Belinda - Corporate Services <Belinda.DimmockSmith@Oxfordshire.gov.uk>; Chris Still <C.Still@gladman.co.uk>; 'Matthew Parry' <Matthew.Parry@Cherwell-DC.gov.uk>; Bob Duxbury <Bob.Duxbury@Cherwell-DC.gov.uk>; Khan2, Tahira - E&E <Tahira.Khan@Oxfordshire.gov.uk>; Michelson, Lisa - E&E <Lisa.Michelson@Oxfordshire.gov.uk>; White, Joy - E&E <Joy.White@Oxfordshire.gov.uk>; Cox, Howard - E&E <Howard.Cox@Oxfordshire.gov.uk>; Oliver, Richard - E&E <Richard.Oliver@Oxfordshire.gov.uk>; Flavin, David - E&E <David.Flavin@Oxfordshire.gov.uk>; Payne, Odele - E&E <Odele.Payne@Oxfordshire.gov.uk>

**Cc:** Glen Langham <Glen.Langham@gallagheruk.com>; Julian Hamer <J.Hamer@gladman.co.uk>; Coats, Judith - E&E <Judith.Coats@oxfordshire.gov.uk>

**Subject:** RE: Banbury 17 - Spine Road Delivery Joint Position Statement

All,

Please find attached a Joint Position Statement, submitted on behalf of Gallagher Estates and Gladman Developments, that sets out a mechanism for securing the delivery of the spine road between Bloxham Road and White Post Road as part of our respective developments.

At our meeting last Tuesday, we discussed an approach that would require developers to enter into a S38 Agreement to dedicate land for spine road and provide the requisite bond, prior to occupation of any dwellings.

The attached note sets out a joint commitment for developers to enter into such an agreement at an earlier stage, that being prior to construction of any dwellings. We also suggest how a suitable condition might be worded.

We trust that the attached will provide both Councils with greater certainty over the delivery of the spine road and can provide an agreed approach through which its design, specification and timescales for delivery can be secured.

With kind regards  
Fran

**Francesca Robinson**  
Associate

**David Lock Associates**  
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**From:** Dimmock-Smith, Belinda - Corporate Services [<mailto:Belinda.DimmockSmith@Oxfordshire.gov.uk>]  
**Sent:** 30 September 2016 16:56  
**To:** Francesca Robinson <[frobinson@DavidLock.com](mailto:frobinson@DavidLock.com)>; Chris Still <[C.Still@gladman.co.uk](mailto:C.Still@gladman.co.uk)>; 'Matthew Parry' <[Matthew.Parry@Cherwell-DC.gov.uk](mailto:Matthew.Parry@Cherwell-DC.gov.uk)>; Bob Duxbury <[Bob.Duxbury@Cherwell-DC.gov.uk](mailto:Bob.Duxbury@Cherwell-DC.gov.uk)>; Khan2, Tahira - E&E <[Tahira.Khan@Oxfordshire.gov.uk](mailto:Tahira.Khan@Oxfordshire.gov.uk)>; Michelson, Lisa - E&E <[Lisa.Michelson@Oxfordshire.gov.uk](mailto:Lisa.Michelson@Oxfordshire.gov.uk)>; White, Joy - E&E <[Joy.White@Oxfordshire.gov.uk](mailto:Joy.White@Oxfordshire.gov.uk)>; Cox, Howard - E&E <[Howard.Cox@Oxfordshire.gov.uk](mailto:Howard.Cox@Oxfordshire.gov.uk)>; Oliver, Richard - E&E <[Richard.Oliver@Oxfordshire.gov.uk](mailto:Richard.Oliver@Oxfordshire.gov.uk)>; Flavin, David - E&E <[David.Flavin@Oxfordshire.gov.uk](mailto:David.Flavin@Oxfordshire.gov.uk)>; Payne, Odele - E&E <[Odele.Payne@Oxfordshire.gov.uk](mailto:Odele.Payne@Oxfordshire.gov.uk)>  
**Cc:** Glen Langham <[Glen.Langham@gallagheruk.com](mailto:Glen.Langham@gallagheruk.com)>; Julian Hamer <[J.Hamer@gladman.co.uk](mailto:J.Hamer@gladman.co.uk)>; Coats, Judith - E&E <[Judith.Coats@oxfordshire.gov.uk](mailto:Judith.Coats@oxfordshire.gov.uk)>  
**Subject:** RE: Banbury 17 - Education Queries

Thank you all for your notes from the meeting held on Tuesday. Although I didn't attend, I will be helping Lisa Michelson to ensure we get all the relevant and agreed information together to you as soon as practicable.

In summary, OCC will provide the following information to address the education queries (these collectively should address all the queries raised at the meeting):

1. A build specification for the direct delivery of the primary school
2. Explanation and clarity of what FE is required (ie 2.5 or 3)
3. Clarify the land size that is required and what FE this is based on?
4. What sites are being asked or have been asked to contribute to the new primary school?
5. What pupil place rate is being asked for and on what basis and indices in relation to our previous consultation responses
6. What is the land size of Banbury Academy and George Napier – what evidence do we have that they are constrained sites and not capable of expanding
7. How are we justifying the land required to expand Geogre Napier (directly in respect to BB103 guidance)
8. What is the capacity and current roll numbers at Banbury Academy and George Napier
9. Why has George Napier been chosen for expansion

We aim to have this information to you by 14 October.

Additionally, it was agreed that:

10. Both Gladman and Gallagher will (jointly) provide OCC with an alternative proposal to guarantee the delivery of the link road by 7 October (OCC to respond to this proposal by 14 October).

Hopefully this captures the key points so that we can progress and resolve these matters.

Best wishes

Belinda

***Belinda Dimmock-Smith***

*Strategic Sites Development Lead*

*Strategy and Infrastructure Planning*

*Oxfordshire County Council*

*County Hall, New Road, Oxford OX1 1ND*

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**4<sup>th</sup> October 2016**

**Banbury 17 – Mechanism for securing the delivery of the spine road between Bloxham Road and White Post Road.**

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This statement has been prepared jointly by Gallagher Estates and Gladman Developments.

It sets out a mechanism that provides CDC and OCC with greater certainty over the delivery of the spine road through Banbury 17.

Gallagher and Gladman would reiterate that both developers have invested a significant amount of resource in to bringing forward the proposals across Banbury 17. We have worked together throughout the planning application process to agree a site wide development framework plan and achieve a comprehensive form of development. In this context, Gallagher Estates and Gladman, and their respective landowners, have consistently sought to address matters arising in a reasonable and pragmatic fashion but having full regard to the commercial reality of development, which also needs to be understood and accepted by all parties, as should be the case on any strategic development site in accordance with national planning policy and guidance.

The nature of both Gallagher Estates' and Gladman's businesses, is such that they will only realise a return on their investment when land is sold to an end developer. Both developers and their landowners are therefore incentivised and completely committed to move the sites forward quickly provided that what they are being asked to provide/contribute is reasonable and satisfies the tests of the CIL Regulations.

The context for the need for the spine road is well rehearsed and is not repeated here. Nor is the history and a summary of the current position.

The BAN 17 Masterplan prepared by Gallagher and Gladman provides a general alignment for the spine road between Bloxham Road and White Post Road. Both parties have agreed to fix the coordinates for the point at which they will meet on the boundary on the respective S106 Agreements. Indeed, we have already shared between us the co-ordinates within which a connection could be made, this being designed to accord with the location of the spine road as shown on the Development Framework Plan, at the external extent of WPF site.

One of the conditions (condition 6) that is to be attached to each planning permission requires a design code and masterplan for each site to be submitted to and approved prior to the submission of any reserved matters application (other than those from condition 7). Condition 7 also requires full details of the Spine Road to be submitted and approved before any other reserved matters applications can be submitted. It is through this process that Gallagher and Gladman will have to provide more detail regarding the alignment and design principles of the spine road through each part of the site. It also provides a further opportunity to refine, and if necessary, to fix the coordinates of where the spine road has to connect between the two sites, which then leads on to the technical approval.

In addition to this provision, Gallagher and Gladman propose a modification to Condition 7 (or indeed a new condition), which requires that as part of the first reserved matters application, full details of the access and spine road within each site (in the case of Gallagher that being junction to A361 eastern site boundary, and in the case of the Gladman site, the junction to White Post Road up to the western site boundary), to be submitted.

The modification/additional condition would require that prior to the start of construction of any of the dwellings, the developer<sup>1</sup> must enter into a S38 Agreement which would require the spine road land to be dedicated and a bond provided for the full cost of constructing the road within the application site. A suitable condition might read:

*No construction of any dwellings on any phase shall take place until the developer has provided evidence of entering into an agreement pursuant to Section 38 of the Highways Act 1980 with the Highway Authority (Oxfordshire County Council) for the access (INSERT ACCESS PLAN REF) and the extent of works to be adopted (including those approved under condition 7).*

This will mean that before either 'developer' can construct a dwelling (and achieve a return on its investment), it will have dedicated the land necessary and bonded the money to construct the spine road. The intention and expectation is that both 'developers' will construct the spine road on the land within their control and within the prescribed timescales that are also set out in the planning conditions, but this mechanism will provide both the certainty and the ability for OCC to step-in relatively easily if required, to complete the delivery of the spine road.

As was recently discussed, it would be beneficial to all parties, at this stage to have input from OCC's technical team on this process given that they will be the ones considering the technical approval of the spine road and the terms and content of the S.38 Agreement.

The 'developers' would reserve the right to reduce the bond, proportionately, as they directly deliver/ construct the spine road. This detail and the phased reduction in the bonded sums can be agreed through the S.38 Agreement.

---

<sup>1</sup> Developer in this context refers to Gallagher, Gladman or 'an other' developer that is progressing with those works

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**From:** Michelson, Lisa - E&E [mailto:Lisa.Michelson@Oxfordshire.gov.uk]  
**Sent:** 11 October 2016 20:05  
**To:** Chris Still <C.Still@gladman.co.uk>; Dimmock-Smith, Belinda - Corporate Services <Belinda.DimmockSmith@Oxfordshire.gov.uk>; Khan2, Tahira - E&E <Tahira.Khan@Oxfordshire.gov.uk>; White, Joy - E&E <Joy.White@Oxfordshire.gov.uk>; Cox, Howard - E&E <Howard.Cox@Oxfordshire.gov.uk>; Oliver, Richard - E&E <Richard.Oliver@Oxfordshire.gov.uk>; Flavin, David - E&E <David.Flavin@Oxfordshire.gov.uk>; Payne, Odele - E&E <Odele.Payne@Oxfordshire.gov.uk>  
**Cc:** Glen Langham <Glen.Langham@gallagheruk.com>; Julian Hamer <J.Hamer@gladman.co.uk>; Coats, Judith - E&E <Judith.Coats@oxfordshire.gov.uk>; 'Francesca Robinson' <frobinson@DavidLock.com>; 'Matthew Parry' <Matthew.Parry@Cherwell-DC.gov.uk>; Bob Duxbury <Bob.Duxbury@Cherwell-DC.gov.uk>  
**Subject:** RE: Banbury 17 - Spine Road Delivery Joint Position Statement

Hello,

We agreed that if we received the info for the link road mechanism by the 7<sup>th</sup> of October, then we would respond by the 14<sup>th</sup> of October. We've received your note, so are still on track for a response on Friday. Additionally, we have also said that we will respond on the non-transport matters in a note we will likewise circulate no later than the end of this week.

Best, Lisa

**Lisa Michelson**  
Locality Manager – Oxford, Cherwell, West Oxfordshire  
Strategy and Infrastructure Planning

Oxfordshire County Council  
County Hall  
New Road  
Oxford OX1 1ND  
Tel: 07917534328  
[lisa.michelson@oxfordshire.gov.uk](mailto:lisa.michelson@oxfordshire.gov.uk)

---

**From:** Chris Still [mailto:C.Still@gladman.co.uk]  
**Sent:** 11 October 2016 18:15  
**To:** Dimmock-Smith, Belinda - Corporate Services; Khan2, Tahira - E&E; Michelson, Lisa - E&E; White, Joy - E&E; Cox, Howard - E&E; Oliver, Richard - E&E; Flavin, David - E&E; Payne, Odele - E&E  
**Cc:** Glen Langham; Julian Hamer; Coats, Judith - E&E; 'Francesca Robinson'; 'Matthew Parry'; Bob Duxbury  
**Subject:** RE: Banbury 17 - Spine Road Delivery Joint Position Statement  
**Importance:** High

All

I recall from our recent meeting that the County Council committed to respond within a week on the link road mechanism. I have not seen a response as yet and wondered when a response would be forthcoming?

I look forward to hearing you at your earliest convenience.

Kind regards

Chris Still

---

**Andy Green**

---

**From:** Chris Still  
**Sent:** 20 October 2016 18:37  
**To:** 'Matthew Parry'  
**Cc:** Andy Green; Liam Ryder  
**Subject:** RE: Land west of White Post Road, Bodicote - Ref: 15/01326/OUT



Matt

Further to our recent telephone conversation I wondered whether there had been any further discussions with your colleagues about the way forward?

As you will appreciate, I am very keen to understand how Cherwell intend to move our application forward given the proposals from OCC on the link road mechanism, that are unacceptable to Gladman and our landowners, and the timescales for doing so? I note that the next meeting

I will aim to call you tomorrow if you are available.

Many thanks

Chris Still

Chris Still - Planning & Development Manager | [c.still@gladman.co.uk](mailto:c.still@gladman.co.uk) | DDI: 01260 288 932 | [www.gladmanland.co.uk](http://www.gladmanland.co.uk)

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[www.gladman.co.uk](http://www.gladman.co.uk)

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**Andy Green**

---

**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 04 November 2016 14:35  
**To:** Chris Still  
**Cc:** Andy Green  
**Subject:** Banbury 17 - Link Road

Dear Chris

We have been considering the issue of link road delivery with OCC and have also sought external legal advice. We believe that there may be a means to positively enable development to take place through planning permissions whilst guaranteeing link road delivery at a suitable stage. It builds upon the joint proposal made by yourselves and Gallagher. We will send details over to you early next week and would then like a meeting to explore it further.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**Andy Green**

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**From:** Chris Still  
**Sent:** 09 November 2016 10:41  
**To:** 'Matthew Parry'  
**Cc:** Andy Green; Liam Ryder  
**Subject:** RE: Banbury 17 - Link Road

**Importance:** High

Matt

Further to our telephone conversation on Friday, when do you hope to be able to set out the details of the mechanism that has been discussed and agreed with OCC.

As you are aware we are keen to understand the detail of what is suggested ASAP in order that further progress can be made at the earliest opportunity.

Many thanks

Chris Still MRICS  
Planning & Development Manager

D/I 01260 288932

---

**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 04 November 2016 14:35  
**To:** Chris Still <C.Still@gladman.co.uk>  
**Cc:** Andy Green <A.Green@gladman.co.uk>  
**Subject:** Banbury 17 - Link Road

Dear Chris

We have been considering the issue of link road delivery with OCC and have also sought external legal advice. We believe that there may be a means to positively enable development to take place through planning permissions whilst guaranteeing link road delivery at a suitable stage. It builds upon the joint proposal made by yourselves and Gallagher. We will send details over to you early next week and would then like a meeting to explore it further.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 11 November 2016 09:29  
**To:** 'Francesca Robinson' <frobinson@DavidLock.com>; Chris Still <C.Still@gladman.co.uk>  
**Cc:** Bob Duxbury <Bob.Duxbury@Cherwell-DC.gov.uk>; David Flavin <david.flavin@oxfordshire.gov.uk>; Lisa Michelson <Lisa.Michelson@Oxfordshire.gov.uk>  
**Subject:** FW: Banbury 17 - Securing Delivery of the Link Road

Dear Fran/Chris

I apologise for the delay in emailing you. I was away from the office earlier this week and then on sick leave.

As you will know, back in August the Planning Committee resolved to approve both applications subject to numerous requirements including that the delivery of a completed link road would be secured before a substantial amount of development could take place on Banbury 17 and/or that there would be a cap on the amount of development that could take place until it was completed. In the meantime we have been exploring options to achieve this in order to facilitate development on the site. To date the solution originally proposed by OCC was rejected. In response a solution was proposed by both Gallagher and Gladman which did not satisfy the concerns of either council.

Since then, officers at Cherwell District Council have been exploring whether other potential solutions exist that address the committee resolution. Having reviewed the joint Gallagher/Gladman proposal again in the light of external legal advice, we are of the view that the Gallagher/Gladman proposal could be made to address our concerns subject to some modifications. In summary, we think this would need to operate along the lines of the following:

A single combined s.106 obligation relating to link road matters would be necessary that requires a s.38 agreement for the full link road to be entered into prior to the construction of any dwellings on the whole site, as suggested in your proposal together with a bond covering its completion. The obligation and/or the s.38 agreement will contain provisions which grant each developer the rights to go on to each other's land in order to carry out the works to construct the spine road. This obligation coupled with a site-wide trigger for delivery which says neither developer will cause or permit more than 500 dwellings to be occupied on the whole site until the whole spine road is complete provides a mechanism for the spine road to be completed by the time it is needed even if, for example, the Gladman development does not come forward.

There will no doubt be individual details to discuss but we would like to invite you to a further meeting on the basis of exploring the above approach. If you could let me know whether you would be willing to attend such a meeting I can try to arrange something over the next couple of weeks.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**

Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Chris Still  
**Sent:** 21 November 2016 18:39  
**To:** Matthew Parry  
**Cc:** Francesca Robinson; Glen Langham; Andy Green; Liam Ryder  
**Subject:** Re: Banbury 17 - Securing Delivery of the Link Road

Matt

We have discussed this approach with Gallagher and agree that this would appear to be the most satisfactory way forward.

Kind regards

Chris Still

Sent from my iPhone

On 21 Nov 2016, at 16:18, Francesca Robinson <[frobinson@DavidLock.com](mailto:frobinson@DavidLock.com)> wrote:

Matt,

We have been giving further thought to a mechanism that secures delivery of the spine road, taking into account the objectives and limitations of all parties as debated over the past few months following the resolutions at Committee.

An approach that we consider would provide certainty on the design and delivery of the spine road is to progress the S38 technical approval process now, to run in parallel with the planning process. This approach would seek the grant of technical approvals for the spine road at the same time, if not then immediately after, planning permissions are granted.

Progressing with the detailed design and technical approval now would allow details of the general design, alignment and connection of the spine road between the two sites to form part of the respective outline planning consents. The S38 Agreements would include details relating to the dedication of land for the spine road, together with a bond for construction.

I should add that an approach that “frontloads” design of the spine road requires momentum to be maintained and expeditious consideration by all parties. Indeed, in parallel with working up the spine road detail pursuant to both planning and technical approval, we can also make progress in respect of other S106 matters such that consent can be granted swiftly following approval of the spine road detail.

Hopefully you will welcome this suggested approach and agree that it provides CDC and OCC with greater certainty over both the delivery and design details for the spine road. It would be helpful in the first instance to arrange a roundtable with appropriate officers at the County to explore this further. Attendance by someone in the technical approval team would be ideal, as well might input from legal representatives.

I will let you consider this further and share with OCC, but hopefully you can provide some suitable dates for a meet over the next few weeks to enable us to progress with an agreed approach.

Any queries, do call.

Kind regards  
Fran

**Francesca Robinson**  
Associate

**David Lock Associates**  
50 North Thirteenth Street  
Central Milton Keynes  
MK9 3BP

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 11 January 2017 09:39  
**To:** 'Francesca Parmenter'; Andy Green; Liam Ryder; Julian Hamer; Chris Still  
**Cc:** DavidFlavin  
**Subject:** RE: Banbury 17 - Link Road

All

I can confirm that arrangements for a meeting at 2pm on February 1<sup>st</sup> at County Hall, Oxford have now been finalised. David Flavin from OCC has coordinated the meeting arrangements at the OCC offices. There will be representatives from CDC (Development Management and Legal) as well as OCC (Transport DC, Road Agreements, Legal and Strategic Planning). I will assume that this meeting date/time is suitable based on previous discussions but if there are any problems let me know. I don't know if there are any visitor parking facilities at County Hall but you could perhaps contact David Flavin to check – I have copied him into this email. Otherwise if driving, there is the Park & Ride as well as public car parks within the city centre.

Best regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

---

**From:** Francesca Parmenter [mailto:FParmenter@davidlock.com]  
**Sent:** 11 January 2017 09:29  
**To:** Matthew Parry  
**Cc:** Andy Green; Liam Ryder; Julian Hamer; Chris Still  
**Subject:** RE: Banbury 17 - Link Road

Matt, are you able to confirm the 1<sup>st</sup> Feb for the OCC meet?  
Many thanks  
Fran

**Francesca Parmenter**  
Associate

**David Lock Associates**  
50 North Thirteenth Street  
Central Milton Keynes  
MK9 3BP

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**From:** Chris Still [mailto:C.Still@gladman.co.uk]  
**Sent:** 05 January 2017 17:09

**To:** Francesca Parmenter <[FParmenter@davidlock.com](mailto:FParmenter@davidlock.com)>

**Cc:** Andy Green <[A.Green@gladman.co.uk](mailto:A.Green@gladman.co.uk)>; Liam Ryder <[L.Ryder@gladman.co.uk](mailto:L.Ryder@gladman.co.uk)>; Julian Hamer <[J.Hamer@gladman.co.uk](mailto:J.Hamer@gladman.co.uk)>; 'Matthew Parry' <[Matthew.Parry@Cherwell-DC.gov.uk](mailto:Matthew.Parry@Cherwell-DC.gov.uk)>

**Subject:** RE: Banbury 17 - Link Road

Yes, we would be available on the 1<sup>st</sup> Feb.

Kind regards

Chris Still MRICS  
Planning & Development Director

D/I 01260 288932

---

**From:** Francesca Parmenter [<mailto:FParmenter@davidlock.com>]

**Sent:** 05 January 2017 12:54

**To:** Chris Still <[C.Still@gladman.co.uk](mailto:C.Still@gladman.co.uk)>; 'Matthew Parry' <[Matthew.Parry@Cherwell-DC.gov.uk](mailto:Matthew.Parry@Cherwell-DC.gov.uk)>

**Cc:** Andy Green <[A.Green@gladman.co.uk](mailto:A.Green@gladman.co.uk)>; Liam Ryder <[L.Ryder@gladman.co.uk](mailto:L.Ryder@gladman.co.uk)>

**Subject:** RE: Banbury 17 - Link Road

Apologies – neither Glen nor Ian can make the 26<sup>th</sup>. I think Wed 1<sup>st</sup> was mooted as an alternative? Would that work for everyone?

**Francesca Parmenter**  
Associate

**David Lock Associates**  
50 North Thirteenth Street  
Central Milton Keynes  
MK9 3BP

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**Andy Green**

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**From:** Francesca Parmenter <FParmenter@davidlock.com>  
**Sent:** 06 February 2017 08:10  
**To:** Michelson, Lisa - E&E; Matthew Parry; Bob Duxbury  
**Cc:** Glen Langham; Ian Hardwick; Chris Still; Julian Hamer; Andy Green  
**Subject:** BAN 17 - Mechanism for Spine Road Delivery  
**Attachments:** Banbury 17 Mechanism for Spine Road Delivery 03.02.17.pdf

All

Please find attached a statement prepared jointly by Gallagher Estates and Gladman Developments which sets out the proposed mechanism for the delivery of the spine road as discussed at our meeting on 1st February 2017.

We are confident that this approach will provide CDC and OCC with certainty over the delivery of the spine road through Banbury 17.

We look forward to receiving your comments within a week, as promised. If in the meantime you, or your colleagues have any questions on the attached, please do let us know.

Kind regards  
Fran

**Francesca Parmenter**  
Associate

**David Lock Associates**  
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**3<sup>rd</sup> February 2017**

**Banbury 17 – Mechanism for securing the delivery of the spine road between Bloxham Road and White Post Road.**

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This statement has been prepared jointly by Gallagher Estates and Gladman Developments.

It sets out the approach as discussed at our meeting on 1st February 2017, with the above parties and Oxfordshire County Council and Cherwell District Council in attendance, to provide CDC and OCC with certainty over the delivery of the spine road through Banbury 17.

Our proposal is to progress the respective S38 technical approval process now, to run in parallel with the planning process.

**On grant of outline consent the land required for the spine road pursuant to each application respective S38<sup>1</sup> agreements will be entered into for each section of the spine road.**

This approach provides the following:

- Detailed design of spine road including the respective s278 elements (each developer's respective section of spine road to be approved as part of the respective outline application, which together provide an approved detail for the spine road from Bloxham Road to White Post Road)
- Land made available for highway (corridor of land in accordance with the approved highway design)
- Bond Sum – performs its usual S38 function of providing a contingency fund if either developer<sup>2</sup> default, but also could be drawn down if one developer has implemented its planning permission but other developer has not implemented within a certain period.

To ensure timely delivery of the spine road to a set of agreed triggers and overcome issues surrounding non-implementation of either site we propose two “mechanisms” that will be bound into each respective S38. These are subject to further discussions relating to triggers/ timescales, but would provide OCC/CDC with certainty of delivery of spine road in any event.

**Mechanism 1 – (“the normal and most likely scenario”)**

Each developer implements their consent and constructs the spine road up to its respective application boundary in accordance with the spine road triggers as set out in the two Committee Reports which seek to ensure timely delivery of the link road.

---

<sup>1</sup> We have used the term S38 agreement throughout this note, however it may well be pursuant to S278 in order to cover the linkages to public highway and/or S106 where additional terms are needed to provide for “mechanism 2”

<sup>2</sup> Developer in this context refers to Gallagher, Gladman or ‘another’ developer that is progressing with those works

The 'developers' would reserve the right to reduce the bond, proportionately, as they directly deliver/ construct the spine road. This detail and the phased reduction in the bonded sums can be agreed through the S.38 Agreement.

Mechanism 2 – (“the fall-back to cover non-implementation scenario”)

A set of triggers will be agreed, as appropriate, that bite in the event that one developer does not implement their consent. This would allow OCC as highway authority to “step in” to complete the section of the spine road on the non-implemented site by drawing down the bond sum for that section of the spine road and constructing in accordance with the approved design, with the required land being made available through the relevant S38 agreement.

oOo

In summary, the intention and expectation is that both 'developers' will construct the spine road on the land within their control and within the prescribed timescales (mechanism 1) but the above approach will provide both the certainty and the ability for OCC to step-in, if required, to complete the delivery of the spine road (mechanism 2).

**Andy Green**

---

**From:** Andy Green  
**Sent:** 14 February 2017 13:08  
**To:** 'Matthew Parry'  
**Cc:** Chris Still; Liam Ryder  
**Subject:** White Post Road, Banbury ref 15 01326 OUT  
**Attachments:** 170214 Banbury EOT letter.pdf

Dear Matthew

Further to our meeting on 1<sup>st</sup> February 2017, please find an extension of time letter to the 28<sup>th</sup> February 2017, as agreed. Please confirm your agreement to this within the next 7 days.

Regards

Andy



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[www.gladman.co.uk](http://www.gladman.co.uk)

Mr Matthew Parry  
Principal Planning Officer  
Development Management  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

14<sup>th</sup> February 2017

Dear Matthew,

**RE: Outline Planning Application for up to 280 residential dwellings (including 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from White Post Road and associated ancillary works. All matters to be reserved with the exception of the main site access, on Land west of White Post Road, Banbury, 15/01326/OUT- Formal Notification of Agreement to Extension of Time Limit for Determination**

This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination beyond the thirteen week statutory period until 28<sup>th</sup> February 2017.

This agreement is made in accordance with para 29 (2) (c) of the Town & Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement to this extension of time, within the next 7 days.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'A. J. Green'.

Andrew Green  
Project Manager

**Andy Green**

---

**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 15 February 2017 10:11  
**To:** 'Francesca Parmenter'; Chris Still  
**Cc:** Bob Duxbury; Lisa Michelson; DavidFlavin; White, Joy - E&E; Andy Green; Glen Langham  
**Subject:** FW: Banbury 17 Proposed Spine Road Delivery Mechanism

Fran/Chris

OCC has now had the opportunity to review in detail the proposed mechanism for delivery of the link road following our meeting of 1<sup>st</sup> February at Speedwell House and your subsequent email of the 3<sup>rd</sup> February. In short, we believe that in principle it provides a workable approach that appears to provide certainty over the delivery of the link road through Banbury 17.

We note that the mechanism proposes to progress the S38 technical approval process now, in parallel with the planning process. In the event of non-implementation and at agreed trigger points, the mechanism would allow OCC as highway authority to "step in" with the land made available through the relevant S38 agreement.

Various trigger points will need to be worked into the agreements. OCC have previously advised that the link road across the whole of Banbury 17 should be completed by occupation of 500 homes (on the Gallagher site) and an appropriate earlier trigger will be needed (in the event of non-implementation of the planning permission on the Gladman site) covering when the remainder of the link road land should be made available to OCC; it has been previously proposed by OCC that this would be at occupation of 400 homes (on the Gallagher site) to allow sufficient time for OCC to arrange for the remainder of the link road to be constructed. Additional triggers will need to be agreed to provide the necessary funding in the event that mechanism 2 comes into effect.

The one area which on reflection it would benefit from adjustment is where mechanism 2 proposes use of a bond sum for the incomplete section of spine road which is to be drawn down in the event that one developer doesn't implement their consent. However, since there will have been no default by the developers/landowner we do think it would be very difficult for a works bond to be secured in this circumstance to fund construction costs. In OCC's experience as highway authority, works bonds operate when there is default. Essentially, at the mechanism 2 trigger point, funding will be provided for the construction costs which can be covered by a simple payment provision which restricts use of the payment to the spine road works - we are considering whether a bond is required to secure this, or whether some other mechanism would work equally as well, or better.

Together with OCC we think that a further meeting would be useful to discuss this further and to agree relevant trigger points.

There is availability for a meeting (planning officers, road agreements, transport, legal, developer funding) at County Hall / Speedwell House in Oxford as follows:

Weds 8th March 10:00-11:30 or 13:00-14:30  
Weds 15th March 14:30-16:00

Could you let me know if either of these dates/times is suitable for you and I can make the necessary arrangements.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)

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**Andy Green**

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**From:** Chris Still  
**Sent:** 15 February 2017 12:21  
**To:** Matthew Parry  
**Cc:** Francesca Parmenter; Bob Duxbury; Lisa Michelson; David Flavin; White, Joy - E&E; Andy Green; Glen Langham; Julian Hamer  
**Subject:** Re: Banbury 17 Proposed Spine Road Delivery Mechanism

Matt

Many thanks for your email.

Please could you confirm who would be present at the meeting from OCC and Cherwell in order that we can discuss the detail of these matters for the bond and the s38?

Many thanks

Chris Still

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 15 February 2017 15:52  
**To:** Chris Still  
**Cc:** Francesca Parmenter; Bob Duxbury; Lisa Michelson; DavidFlavin; White, Joy - E&E; Andy Green; Glen Langham; Julian Hamer  
**Subject:** RE: Banbury 17 Proposed Spine Road Delivery Mechanism

Chris

I would expect that Bob Duxbury and I would attend from CDC as well as potentially one of our solicitors. With respect to OCC, they have stated in their email to me that relevant people from their road agreements, transport, legal and developer funding teams would attend.

Regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**From:** Francesca Parmenter [mailto:FParmenter@davidlock.com]  
**Sent:** 16 February 2017 16:14  
**To:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>; Chris Still <C.Still@gladman.co.uk>  
**Subject:** RE: Banbury 17 Proposed Spine Road Delivery Mechanism

Matthew

Thanks for confirming attendance - we can make a meeting on the 8<sup>th</sup> March. Will it be at OCC again?

Rather than us prepare the agenda again, I think it appropriate that we have an OCC drafted paper circulated (ideally a week) prior to the meeting that responds to our proposal and sets out any detailed points for discussion, including suggested triggers for the spine road so that we can consider ahead of the meeting to assist meaningful progression of matters on the 8<sup>th</sup>.

In the meantime, we are looking into the bond query.

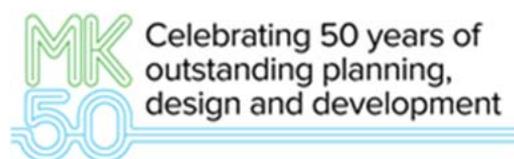
Thanks  
Fran

**Francesca Parmenter**  
Associate

**David Lock Associates**  
50 North Thirteenth Street  
Central Milton Keynes  
MK9 3BP

**T. 01908 666276 F. 01908 605747**  
e-mail: [fparmenter@davidlock.com](mailto:fparmenter@davidlock.com)

Visit our website at [www.davidlock.com](http://www.davidlock.com)



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**From:** Matthew Parry [<mailto:Matthew.Parry@Cherwell-DC.gov.uk>]  
**Sent:** 15 February 2017 16:56  
**To:** Francesca Parmenter <[FParmenter@davidlock.com](mailto:FParmenter@davidlock.com)>; 'Chris Still' <[C.Still@gladman.co.uk](mailto:C.Still@gladman.co.uk)>  
**Subject:** FW: Banbury 17 Proposed Spine Road Delivery Mechanism

Apologies but it now looks like some of the relevant officers at OCC are not available on 15th March. Either the 8th March is still suitable, or as an alternative, all officers are available on Fri 17th March 10:00-11.30 or 13:00-14:30.

Officers from OCC would be:

Mike Smith or Ryan Moore (Road Agreements)  
Jennifer Crouch (Legal)  
Hannah Battyee or Richard Oliver (Dev Funding)  
Joy White (Transport)  
Lisa Michelson and David Flavin (Localities)

Regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
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Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**Andy Green**

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**From:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Sent:** 22 February 2017 11:36  
**To:** Andy Green  
**Cc:** Chris Still; Liam Ryder  
**Subject:** RE: White Post Road, Banbury ref 15/01326/OUT

Dear Andy

We have discussed the proposal to extend the statutory determination period for the application. However, we are mindful of the provisions of reg 37(2)(d) of the Development Management Procedure Order 2015 which relates to appeals under s78 of the Town and Country Planning Act 1990 against non-determination of planning applications. This regulation precludes the making of such appeals beyond 6 months from the expiry of the statutory determination period (or such agreed extended period). The extended statutory determination period for this application expired on 31<sup>st</sup> May 2016. The six month appeal against non-determination window therefore closed at the end of November 2016. It is therefore our view that there is no longer a right of appeal against non-determination of this planning application by the Council.

Notwithstanding that, we are willing to be reasonable and agree to a further extension of the statutory determination period but this would have to be a considerably longer period of time that would enable issues surrounding the details of the link road, s38 agreement and associated bonding of the sections of link road to be resolved. Perhaps we could review how things progress at the next meeting with OCC on 8<sup>th</sup> March and then discuss an appropriate extension of the statutory determination period from there.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 24 February 2017 13:43  
**To:** Francesca Robinson <frobinson@DavidLock.com>; Chris Still <C.Still@gladman.co.uk>  
**Subject:** OCC Pre-application advice charging

Dear Fran/Chris

I apologise but I forgot to send this link through to you previously which was sent to me by Lisa Michelson from OCC. It sets out OCC's pre-application advice charging schedule. From my understanding of comments made at our recent meeting, OCC would be looking for their engagement in the development of the link road plans and associated s38 technical approval to be subject to charge as presumably this could represent significant involvement from them. This could perhaps be discussed at the meeting arranged for the 8<sup>th</sup> March. If I haven't mentioned it previously, OCC have a meeting room booked in the Courthouse Annexe at County Hall, Oxford.

<https://www.oxfordshire.gov.uk/cms/content/pre-application-highways-advice-major-planning-applications>

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
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**Andy Green**

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**From:** Chris Still  
**Sent:** 28 February 2017 10:04  
**To:** 'Matthew Parry'  
**Cc:** Liam Ryder; Andy Green; Julian Hamer  
**Subject:** RE: White Post Road, Banbury ref 15/01326/OUT

Matt

I refer to your email of 22<sup>nd</sup> February 2017 below.

Our records show that on the 3<sup>rd</sup> May 16 a request was made to extend the period of determination to the 31<sup>st</sup> May 16 (“initially and then, extend the determination period further to allow time for the legal process to be completed”). We responded agreeing to this on the 5<sup>th</sup> May 2016.

The application was then considered at committee on the 4<sup>th</sup> August 2016.

Furthermore, on the 18<sup>th</sup> August 2016 you requested a further extension of the determination period was requested up until the 30<sup>th</sup> September 2016. We agreed to this on the 23<sup>rd</sup> August 2016.

Throughout that period and since we have been in constructive dialogue in order to progress the S.106 and associated matters including most recently a series of meetings.

Accordingly, the 6 month period that you refer to did not start until the 30<sup>th</sup> Sept 16 and would be extended again in the event that we agree a further extension of time.

I trust that this clarifies matters and agree that it may be beneficial to discuss a further extension of time at our meeting on the 8<sup>th</sup> March 2017.

Have you yet heard anything further from OCC on whether they will be responding and providing suggested performance triggers for the S38/S278, for discussion in advance of the meeting?

I assume that there has been no change to the attendees from OCC (including Road agreements and legal) as it very important that they are in attendance in order to be able to have a detailed discussion.

Kind regards

Chris Still MRICS  
Planning & Development Director

D/I 01260 288932

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**From:** Francesca Parmenter [mailto:FParmenter@davidlock.com]  
**Sent:** 28 February 2017 12:45  
**To:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>; Chris Still <C.Still@gladman.co.uk>  
**Cc:** Glen Langham <Glen.Langham@gallagherestates.com>; Ian Hardwick <Ian.Hardwick@gallagherestates.com>; Bob Duxbury <bob.duxbury@cherwell-dc.gov.uk>  
**Subject:** RE: OCC Pre-application advice charging and spine road meeting next week

Matt,

Thanks for circulating OCC pre-app info and details of meeting on the 8<sup>th</sup> at 1pm in the Courthouse Annexe at County Hall.

Helpful catch up on the phone earlier.

Thanks for agreeing to chase OCC on agenda matters, we are keen to make real progress on this, and so it really is critical that a discussion note is circulated prior to, to facilitate a useful dialogue. Can we therefore suggest COP Friday?

We spoke about a number items that should be included in the note :

- Confirmation from OCC's view that in principle, our proposal dated 03.02.17, provides a workable solution to securing delivery of the spine road.

In the meantime, we would be grateful if you could share the email you received from OCC responding to our proposal 03.02.17

- Proposed spine road triggers/ timescales for delivery. There are triggers in the committee reports regarding our respective development proposals (mechanism 1), and we look to OCC/CDC to give some thought to potential triggers that might be applied to "fall-back/non-implementation scenario" (mechanism 2).
- Any other matters of detail and/or queries following consideration of our proposal. Currently we understand that the only query relates to the provision of a bond sum in the absence of a standard "default" situation - we are able to provide further clarity on this when we meet.

Matt, you were also going to look at the wording of the pre-commencement/ prior to submission of reserved matters conditions - the drafting of those is critical to timescales for implementation and therefore has a bearing on triggers. Would be helpful to have sight of wording prior to our meeting also.

Grateful if you could keep us informed re. your dialogue with OCC, perhaps you could come back to me/us in a couple of days to confirm timescales for circulation of OCC agenda and note.

Many thanks for keeping momentum.

Kind regards

Fran

**Francesca Parmenter**

Associate

**David Lock Associates**

50 North Thirteenth Street

Central Milton Keynes

MK9 3BP

**T. 01908 666276 F. 01908 605747**

**e-mail: [fparmenter@davidlock.com](mailto:fparmenter@davidlock.com)**

**Visit our website at [www.davidlock.com](http://www.davidlock.com)**



**From:** Matthew Parry <[Matthew.Parry@Cherwell-DC.gov.uk](mailto:Matthew.Parry@Cherwell-DC.gov.uk)>  
**Date:** 1 March 2017 at 13:53:22 GMT  
**To:** 'Francesca Parmenter' <[FParmenter@davidlock.com](mailto:FParmenter@davidlock.com)>, Chris Still <[C.Still@gladman.co.uk](mailto:C.Still@gladman.co.uk)>  
**Subject:** RE: OCC Pre-application advice charging and spine road meeting next week

Dear Fran/Chris

I have had some discussions with the relevant people at OCC regarding the meeting on the 8<sup>th</sup> March. They are preparing a note in advance of the meeting to send out to you. I also had some discussions with them regarding defining the 'default' triggers and this will be included within the note.

I have had an initial look back at the conditions within the committee resolutions in advance of next week's meeting. Any changes to those could only be relatively minor and with the Committee Chairman's agreement. Changes of substance would need to return to Planning Committee. I have made some initial suggested amendments using track changes both to improve their wording generally as well as help facilitate delivery. Conditions relating to the link road are a little uncertain at the moment as I am not clear exactly what level of detail will be provided as part of the applications. At this stage though we are still intent on keeping the pre-reserved matters requirement for an approved design code and masterplan on both permissions.

Perhaps we could discuss these further at next week's meeting.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Francesca Parmenter [<mailto:FParmenter@davidlock.com>]  
**Sent:** 28 February 2017 12:45  
**To:** Matthew Parry; Chris Still  
**Cc:** Glen Langham; Ian Hardwick; Bob Duxbury  
**Subject:** RE: OCC Pre-application advice charging and spine road meeting next week

Matt,

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14/01932/OUT – Possible Minor Amendments to Conditions (subject to agreement with Committee Chairman)

1. No development shall commence on a phase identified within an approved phasing plan (see condition 2) until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.
  
2. Prior to the submission of any application for approval of reserved matters ~~but following approval of details submitted under the requirements of condition 6~~, a phasing plan covering the entire application site (that indicates clear development parcels for which reserved matters applications will be submitted) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved phasing plan and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the phase(s) they relate to.
  
3. In the case of the reserved matters, no application for approval shall be made later than the expiration of eight years beginning with the date of this permission.
  
4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of all of the reserved matters relating to the development or, in the case of approval on different dates, the final approval of the last such matter to be approved.
  
5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings:  
  
-JYG043 - 033 Rev. B - Location Plan A\_005 Rev. D Footway Linkage and Delivery Plan but only insofar as it relates to  
~~as they those works shown in blue relate to matters not reserved for later approval.~~  
  
Other plans and drawings associated with the detailed design of the link road

The development shall also be carried out in general accordance with the details shown in the submitted Development Framework Plan (ref: JYG043-035 Rev. Q) except insofar as it conflicts with any detailed reserved matters approval or

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~~any details approved pursuant to any other condition attached to this consent, it conflicts with the masterplan and design code approved under the requirements of condition 6 of this planning permission.~~

6. No application for reserved matters approval shall be submitted nor any submissions be made under the requirements of any other condition attached to this consent until a Design Code and Masterplan covering the entire application site has been submitted to and approved in writing by the local planning authority.

The Design Code shall include:

- a) A density plan for the site;
- b) Design influences study and character areas;
- c) The general scale, form and style of buildings within each area of the site as well as details of the means of enclosure to be used;
- d) The street form, street frontage and hierarchy for all types of street/road including details of street design and surfacing;
- e) The approach to car and cycle parking across all areas of the site;
- f) The materials to be used across the site;
- g) The treatment of all on-site hedge corridors, retained trees and public rights of way;
- h) The means by which sustainability features will be incorporated into the development;
- i) Details of how the principles of Secured by Design will be incorporated into the development.

The Masterplan shall reflect and include:

- a) An overall indicative layout plan showing the distribution of all principal land uses throughout the site including residential, the local centre, primary school, secondary school land, community facilities, public open space, play areas, sports pitches, pavilion and recreation facilities as well as locations of existing and new footpath/bridleway/cycle links,
- b) The character areas to be covered in the Design Code.

- c) The general areas for structural soft landscaping, mitigation planting and hedge and tree protection corridors
- d) The Parcels/Phases into which the development is to be divided (each parcel/phase being one that is intended to be developed as a single entity and for which a Reserved Matters application is to be submitted).
- e) The strategy for surface and land drainage for the site including approximate locations of attenuation/retention ponds, drainage ditches, swales, pumping stations etc.
- f) The ~~appropriate~~approved alignment and specification of the ~~link road spine road and general location of bus stops/crossing points on it as well as~~ the general approach alignment of principal estate roads.
- g) Locations of existing, enhanced and new footpath/bridleway/cycle links.
- h) Details of the approximate means and position of any temporary bus turning facilities.
- i) Details of the approximate location of public artwork within the development.
- j) The strategy for on-site renewable energy generation.

All subsequent applications for approval of reserved matters and other submissions in requirement of conditions imposed on this outline planning permission shall be in accordance with the approved Design Code and Masterplan.

- 7. ~~Prior to the submission of any applications for approval of reserved matters but following the submission of the Design Code/Masterplan (condition 6), full details of the spine road (from its access off Bloxham Road to the eastern boundary of the application site) including its alignment, specification, junctions (other than private drives), drainage, crossings, road markings, traffic calming, footways/cycle lanes, verges, on street parking bays, street lighting, bus stop infrastructure and associated soft landscaping shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority.~~

Prior to commencement - Further details of the link road if necessary beyond that submitted as part of the outline planning application?

- 8. No development shall take place on any phase (as approved under condition 2) until full details of ~~existing and~~ proposed ground site and floor levels in comparison to existing site levels within that phase have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out only in accordance with the approved levels.

9. No development shall take place on any phase as approved under condition 2 until full design details of the play areas ~~proposed~~-within that phase(including any Local Areas of Play [LAPs], Local Equipped Areas of Play [LEAPs] and Neighbourhood Equipped Areas of Play [NEAPs] have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place only in accordance with the approved details.
10. No development shall take place on any phase (as approved under condition 2) including any works associated with the creation of the approved new access arrangements until a full arboricultural survey, method statement and arboricultural implications assessment that accords with BS: 5837:2012 (or any superseding British Standard) for all existing trees and hedgerows within and around the perimeters of that phase of the site have been submitted to and approved in writing by the local planning authority. The development shall then take place only in accordance with the approved details.
11. Prior to the commencement of development on any phase (as approved under condition 2), including any works associated with the creation of the approved new access arrangements, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with development in that phase including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
12. No development shall take place on any phase (as approved under condition 2) including works of site clearance/preparation until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no statutorily protected species which could be harmed by the development have moved on to the site since the date the previous surveys supporting the application were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
13. No development shall take place on a phase until a drainage strategy detailing any necessary on and/or off site foul and surface drainage works has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

14. No development shall take place until impact studies on the existing water supply ~~infrastructure and~~ have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
15. Prior to the commencement of development on any phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present on land within that phase and the risks to receptors that inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
16. If contamination is found within land associated with a phase through work carried out under condition 15, prior to the commencement of the development within the phase, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place within the phase until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
17. If remedial works have been identified in condition 16, no development shall be occupied within a phase (as approved under condition 2) (other than for construction purposes) until the remedial works have been carried out for that phase in accordance with the scheme approved. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before any occupation of development on that phase can take place.
18. If during development on a phase, contamination not previously identified is found to be present on land within that phase, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

19. Prior to the commencement of the development hereby approved, including any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any mitigation or protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

20. All applications for reserved matters approval relating to a phase shall be accompanied by a method statement demonstrating how the development in that phase would contribute towards and be consistent with the objectives for enhancement of biodiversity across the site. Thereafter, the development approved on that phase shall be carried out in accordance with the approved method statement.

21. Prior to the commencement of ~~works associated with the construction of any dwellings~~the development hereby approved, a full Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

LLLLLLLLL Description and evaluation of the features to be managed

LLLLLLLLL Ecological trends and constraints on site that may influence management

LLLLLLLLL Aims and objectives of management

LLLLLLLLL Appropriate management options for achieving aims and objectives

LLLLLLLLL Prescriptions for management actions for a 20 year period and beyond

LLLLLLLLL Preparation of a work schedule (including a 5yr project register, an annual work plan and the means by which a plan will be rolled forward annually)

LLLLLLLLL Personnel responsible for implementation of the plan

LLLLLLLLL Monitoring and remedial contingency measures triggered by monitoring.

Thereafter, the LEMP shall be carried out in accordance with the approved details.

22. No development shall take place on a phase (as approved under the requirements of condition 2) including any works of site clearance, until a Construction Management Plan (CMP) relating to that phase has been submitted to and approved in writing by the local planning authority. The CMP shall include details relating to the following matters:

- Measures to reduce noise, environmental nuisance and disruption for nearby residents;
- Measures to avoid undue impact on ecology during construction work;
- Construction traffic management (to include a restriction on construction vehicles using Wykham Lane).

Thereafter, the development on that phase shall be carried out in accordance with the approved CMP at all times.

23. No development shall take place within 10m of an existing or new public right of way until the affected public right of way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the local planning (or highway) authority to be diverted or extinguished. Thereafter, the public right of way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the local planning authority.

24. All applications for reserved matters approval relating to a phase (as approved under condition 2) shall include details of the alignment and specification of any and all new and/or enhanced footpaths, bridleways and cycle tracks to be provided within/through that phase together with a timetable for their provision/completion. Thereafter the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase.

25. All applications for reserved matters approval for a phase (as approved under condition 2) proposing residential development shall be accompanied by details of the significant on site renewable energy provision to serve the dwellings within that phase. No dwelling within that phase shall thereafter be occupied until it is being served by the approved renewable energy generation measures and shall remain so thereafter.

26. All applications for approval of reserved matters shall be accompanied by full details of ~~the elements of~~ the surface water drainage scheme ~~associated to be incorporated~~ within that ~~approved~~ phase together with details of how the surface water drainage arrangements within that phase are consistent with the overall drainage strategy for the site to ensure surface water run-off resulting from the whole development will not exceed pre-development greenfield run-off rates in a manner that accords with best practice for Sustainable Drainage Systems (SuDS).
27. Prior to the commencement of any development ~~within an approved phase on the site~~, details for the management, storage and/or disposal of spoil resulting from construction works ~~on that phase~~ shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only take place in accordance with the approved details.
28. Prior to the commencement of the development, a soil management plan shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved details.
29. No occupation of any building or dwelling on the site (other than for construction purposes) shall take place until the highway works ~~edged in blue as~~ shown in drawing no. A\_005 Rev. D have been fully completed and made available for continued public use.
30. No dwelling shall be occupied within any phase (as approved under condition 2) until full details of the street lighting to be provided within that phase has been submitted to and approved in writing by the local planning authority. Thereafter the street lighting shall be provided as approved prior to first occupation of any dwelling within the phase and retained as approved thereafter.
31. Prior to ~~the~~ first occupation of any dwelling within a phase (as approved under condition 2), fire hydrants shall be provided ~~within for~~ that phase ~~of development~~ in accordance with details to be first submitted to and approved in writing by the local planning authority.
32. Prior to the first occupation of any dwelling within the development, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its

subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented and operated in accordance with the approved details.

Prior to occupation of 50% of the dwellings approved on the site, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved updated Travel Plan shall be implemented and operated thereafter in accordance with the approved details.

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33. Prior to the first occupation of any dwelling on the site, details of a scheme of public artwork to be installed within the site (including a timetable for its provision and future maintenance arrangements) shall be submitted to and approved in writing by the local planning authority. The public artwork shall thereafter be installed in accordance with the approved details.

34. No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling, in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;
- One 240 litre brown bin for the collection of garden waste material

35. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

36. All dwellings on the site shall achieve an energy performance standard equivalent to at least Code Level 4 of the former Code for Sustainable Homes. No dwelling shall be occupied until it has been constructed to meet this energy performance standard unless otherwise agreed in writing by the local planning authority.

37. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument revoking, amending or re-enacting that order), all new water, waste, power

and communication related infrastructure serving development on the site shall be provided underground and retained as such thereafter unless otherwise with the specific prior approval in writing of the local planning authority either through a grant of reserved matters approval or separate full planning permission. Where approved in writing by the local planning authority, the relevant above ground infrastructure shall be provided only in accordance with the approved details and retained as such thereafter.

38. No trees or hedgerows on the site (as existing at the date of this decision) shall be lopped, felled, uprooted or willfully damaged unless otherwise directly necessary to lay out ~~either~~ the approved new ~~vehicular~~ access from Bloxham Road ~~(including visibility splays) and provide appropriate vision splays or approved link road (as set out in plans listed in condition 5) (as granted by this outline planning permission)~~ or is ~~otherwise~~ directly necessary to facilitate the carrying out of the detailed elements of the development ~~as approved within by any subsequent reserved matters consents approval and details approved pursuant to conditions attached to this consent or reserved matters approvals.~~

39. No more than 1000 dwellings shall be accommodated on the site under the provisions of this planning permission.

40. No more than 500 dwellings shall be occupied on the site until ~~a spine road the approved new link road from the approved new vehicular access off the A361 (Bloxham Road) from the approved new vehicular access off the A361 (Bloxham Road)~~ to the site's eastern boundary has been fully constructed ~~in accordance with the approved plans listed in condition 5~~ and made available for public ~~use, use in accordance with the details approved under the requirements of condition 7.~~

41. No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th August inclusive, unless the local planning authority has confirmed in writing that such works can proceed based on the submission of a recent survey (no older than one month) that has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site together with details of measures to protect the nesting bird interest on the site.

42. All non-residential buildings on the site shall be designed and constructed to achieve at least BREEAM 'Very Good' as measured against the applicable BREEAM standard for such buildings that exists at the date of this decision.

43. No part of any building on the site shall be located within 20m of any part of the Salt Way restricted byway.

44. The open market dwellings provided across the application site shall include a minimum of the following dwelling sizes:

- 25% as two bedroom dwellings;
- 45% as three bedroom dwellings.

Applications for reserved matters approval shall reflect these requirements unless with the prior written agreement of the local planning authority.

45. Applications for reserved matters approval that propose any part of a dwelling within 50m of the approved newly aligned A361 (Bloxham Road) shall be accompanied by details of noise mitigation measures to be incorporated into the development to ensure that the World Health Organisation's 1999 guidance on noise values for outdoor areas of 55 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and that the internal noise levels in habitable rooms of the affected dwellings do not exceed the criteria specified in Table 4 of BS 8233:2014. The affected dwellings shall only be occupied once the noise mitigation measures approved as part of the relevant reserved matters approval(s) have been fully incorporated.

46. Prior to the first occupation of any building or dwelling on the site (other than for construction purposes), details of measures controlling/restricting vehicular access between the application site and Wykham Park Farm to the south shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be brought into effect prior to first occupation of the development and be retained/maintained as such thereafter.

47. All applications for reserved matters approval relating to a phase (as approved under condition 2), shall be accompanied by a lighting strategy outlining how lighting will be sensitively designed within that phase to minimise disturbance to wildlife (in particular bats). Thereafter, the development within that phase as authorised through the grant of reserved matters approval shall be carried out in accordance with the approved lighting strategy.

48. Prior to the first occupation of any dwelling on the site, any and all existing vehicular accesses to the application site from Bloxham Road except those approved as part of drawing no. A\_005 Rev. D shall be permanently stopped up and there

shall be no other new means of vehicular access created to the application site other than those specifically approved as part of this planning permission.

49. No works shall be undertaken that results in the temporary or permanent need to divert an existing public right of way that runs through the site until details of a satisfactory alternative route have first been submitted to and approved in writing by the local planning authority. The existing public right of way shall not be stopped up or obstructed in any way ~~(save for any temporary arrangement that has the prior written agreement of the local planning authority)~~, until the new diverted route has been provided in accordance with the approved details and is fully available for public use. Any approved temporary diversion shall remain available for public use in accordance with the approved details until the existing public right of way returns to full public accessibility.

50. Residential development on the site shall achieve no less than an average minimum density of 30 dwellings/hectare across each and all residential parcels (as set out within approved within the Design Code/Masterplan approved under the requirements of condition 6).

51. Prior to the commencement of development within any phase that includes a part of public bridleway Bodicote 11, details shall be submitted of measures to protect and enhance that part of the public right of way within the phase together with a timetable for such protection/enhancement measures to be implemented.

52. Prior to ~~any demolition on the site~~, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

53. ~~Prior to any demolition on the site (other than in accordance with the agreed Written Scheme of Investigation) and prior~~ to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 52, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

54. No part of any dwelling (including any part of its curtilage) or other operational development including roads/driveways (with the exception only of footpaths/cycle tracks and lighting where appropriate) shall be located within 5m of any part of the existing vegetation belt along the southern boundary of the Salt Way.

55. That before any building is first occupied (other than for construction purposes), the new roads providing access to that building from Bloxham Road (other than the new link road) shall be laid out, constructed, lit and drained up to base course level. Within 12 months of the date of first occupation of that building, the roads serving it shall be fully completed.

56. Unless with the prior written agreement of the local planning authority, the approved 'mixed use local centre' shall include (in addition to a new community facility), a minimum of five units in either Classes A1-A5 or D1 uses (as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) with at least two of these units in Class A1 use including one of these of suitable size to accommodate a convenience store of between 250sqm and 500sq m floorspace (GIA). With the exception of the Class A1 convenience store, no other unit in Class A1-A5 use shall exceed 150sq m floorspace (GIA) and no such unit shall be amalgamated or have mezzanines inserted thereafter.

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15/01326/OUT – Possible Minor Amendments to Conditions (Subject to Chairman's Agreements)

1. No development shall commence on a phase identified within an approved phasing plan (see condition 2) until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.
  
2. Prior to the submission of any application for approval of reserved matters, a phasing plan covering the entire application site shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved phasing plan and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the phase they relate to.
  
3. In the case of the reserved matters, no application for approval shall be made later than the expiration of four years beginning with the date of this permission.
  
4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of all of the reserved matters relating to the development or, in the case of approval on different dates, the final approval of the last such matter to be approved.
  
5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings but only insofar as they do not relate to matters reserved for later approval:

1361/22 Rev. E

[Link road plans and drawings](#)

The development shall also be carried out in general accordance with the details shown in the submitted Development Framework Plan (ref: JJG043-035 Rev. Q) except where it conflicts with any detailed reserved matters approval or [any other details approved pursuant to conditions attached to this consent, the masterplan and design code approved under the requirements of condition 6 of this planning permission.](#)

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6. No application for reserved matters approval shall be submitted nor shall any submissions be made under the requirements of any other condition attached to this consent (~~except condition 7~~) until a Design Code and Masterplan covering the entire application site has been submitted to and approved in writing by the local planning authority.

The Design Code shall include:

- a) A density plan for the site;
- b) Design influences study and character areas;
- c) The general scale, form and style of buildings within each area of the site as well as details of the means of enclosure to be used;
- d) The street form, street frontage and hierarchy for all types of street/road including details of street design and surfacing;
- e) The approach to car and cycle parking across all areas of the site;
- f) The materials to be used across the site;
- g) The treatment of all on-site hedge corridors, retained trees and public rights of way.
- h) The means by which sustainability features will be incorporated into the development
- i) Details of how the principles of Secured by Design will be incorporated into the development

The Masterplan shall include:

- a) An overall layout plan showing the distribution of all principal land uses throughout the site including residential (identifying any extra care/retirement homes), the local centre, primary school, secondary school land, community facilities, public open space, play areas, sports pitches and recreation facilities, locations of existing and new footpath/bridleway/cycle links, the approved alignment and specification of the spine road ~~and general location of bus stops/crossing points on it~~ as well as the approach general alignment of principal estate roads.
- b) The character areas to be covered in the Design Code.
- c) Details of the ecological enhancement strategy to be incorporated together with associated landscape structure, mitigation planting and hedge and tree protection corridors.

- d) The Parcels/Phases into which the development is to be divided (each parcel/phase being one that is intended to be developed as a single entity and for which a Reserved Matters application is to be submitted).
- e) The strategy for foul, surface and land drainage from the site including surface water source control measures such as approximate locations for attenuation/retention ponds, swales, pumping stations etc.
- f) Details of the location of public artwork within the development.
- g) The strategy for on-site renewable energy generation.

All subsequent applications for approval of reserved matters and submissions in requirement of all other conditions imposed on this outline planning permission shall be in accordance with the approved Design Code and Masterplan.

~~7. Prior to the submission of any applications for approval of reserved matters or submissions under the requirements of any other condition but following submission of details to accord with the requirements of condition 6, full details of the spine road (from its new junction with White Post Road through to the western boundary of the site) including its alignment, specification, junctions (other than private drives), drainage, crossings, road markings, traffic calming, footways/cycle lanes, verges, on-street parking bays, street lighting, bus stop infrastructure and associated soft landscaping shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No application shall be made that submits details in compliance with the requirements of this condition until a Design Code and Masterplan document (pursuant to the requirements of condition 6) has been submitted to the local planning authority.~~

~~7. Prior to the commencement of development, further link road details to be submitted if necessary beyond that submitted as part of the outline planning application?~~

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- 8. All applications for approval of reserved matters relating to a phase (as approved under condition 2) shall be accompanied by full details of the elements of the surface water drainage scheme to be incorporated within that phase together with details of how the surface water drainage arrangements within that phase are consistent with the overall drainage strategy for the site to ensure surface water run-off resulting from the whole development will not exceed pre-development greenfield run-off rates in a manner that accords with best practice for Sustainable Drainage Systems (SuDS).

9. No development shall take place on any phase (as approved under condition 2) until full details ~~of existing and~~ proposed ~~ground site~~ and floor levels ~~in comparison to existing site levels~~ within that phase have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out only in accordance with the approved levels.
10. No development shall take place on any phase (as approved under condition 2) until full design details of the play areas proposed within that phase ~~as determined by the Masterplan approved under condition 6~~ (including Local Areas of Play [LAPs], Local Equipped Areas of Play [LEAPs], Neighbourhood Equipped Areas of Play [NEAPs] and Multi-Use Games Areas [MUGAs]) have been submitted to and approved in writing by the local planning authority either as part of a reserved matters application or through a separate submission made under the requirements of this condition. The development shall thereafter take place only in accordance with the approved details.
11. No development shall take place on any phase (as approved under condition 2) until a full arboricultural survey, method statement and arboricultural implications assessment that accords with BS: 5837:2012 (or any superseding British Standard) for all existing trees and hedgerows within and around the perimeters of that phase of the site have been submitted to and approved in writing by the local planning authority. The development shall take place within that phase only in accordance with the approved details.
12. No development shall take place on any phase (as approved under condition 2) including works of site clearance/preparation until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no statutorily protected species which could be harmed by the development have moved on to the site since the date the previous surveys supporting the application were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
13. All applications for reserved matters approval relating to a phase (as approved under condition 2) shall be accompanied by a statement setting out the measures that will be incorporated into the development proposed in that phase to demonstrate how it will accord with the principles of 'Secured by Design' (SBD). The development shall thereafter be carried out in accordance with ~~those approved~~ details as granted reserved matters approval for that phase.

14. No development shall take place until a ~~fully detailed~~ drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
  
15. No development shall take place until impact studies of the existing water supply and have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
  
16. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present on the site, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
  
17. If contamination is found by undertaking the work carried out under condition 16, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
  
18. If remedial works have been identified in condition 17, no development shall be occupied within a phase (as approved under condition 2) (other than for construction purposes) until the remedial works have been carried out for that phase in accordance with the scheme approved. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before any occupation of development on that phase can take place.

19. Prior to the commencement of the development hereby approved, including any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any mitigation or protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

20. All applications for reserved matters approval relating to a phase shall be accompanied by a statement demonstrating how the development in that phase would contribute towards and be consistent with the objectives for enhancement of biodiversity across the site to achieve an overall net gain. Thereafter, the development approved on that phase shall be carried out in accordance with the ~~approved statement~~details approved as part of the grant of reserved matters approval.

21. Prior to the commencement of the development hereby approved, a full Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details. The LEMP shall include:

- Description and evaluation of the features to be managed
- Ecological trends and constraints on site that may influence management
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions for a 20 year period and beyond
- Preparation of a work schedule (including a 5yr project register, an annual work plan and the means by which a plan will be rolled forward annually)
- Personnel responsible for implementation of the plan
- Monitoring and remedial contingency measures triggered by monitoring.

22. Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect neighbouring residential amenity and biodiversity, shall be submitted to and approved in writing

by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP at all times.

23. No development shall take place within 10m of ~~an existing or new~~ public right of way until the affected public right of way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the local planning (or highway) authority to be diverted or extinguished. Thereafter, the public right of way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the local planning authority.

24. Details of the pedestrian connection to be provided directly between the site and Salt Way including details of improvements to the existing public footpath within the site (Bodicote Footpath 13 - No. 137/13) together with a timetable for ~~the~~ provision shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any dwelling on the site. The approved pedestrian connection and footpath improvements shall be provided and retained in accordance with the approved details.

25. All applications for reserved matters approval relating to a phase (as approved under condition 2) shall include details of the alignment and specification of any and all new and/or enhanced footpaths, bridleways and cycle tracks to be provided within/through that phase together with a timetable for their provision/completion. Thereafter the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the reserved matters approval for that phase.

26. Prior to the commencement of the development and any archaeological site investigations, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

27. Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

28. Prior to the commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The CTMP shall include details on at least the following matters:

- Routing arrangements for construction vehicles (which shall not be via Wykham Lane);
- Delivery/collection timetable and arrival/departure times for site workers;

- Compound details;

- Phasing/timing of construction operations;

- Wheel washing facilities;
- Parking/turning and storage areas within the site;
- Appropriate contact details for the contractors.

Thereafter, the development shall be carried out only in accordance with the approved Construction Traffic Management Plan.

29. Full details of the ~~approved~~ new 34 space public car park adjacent to White Post Road (shown indicatively on dwg no. 1361/22 Rev. E) including a timetable for its completion shall have been ~~submitted provided and approved and approved~~ as part of an application for approval of reserved matters prior to the commencement of any development on the site. The new car park shall be completed in accordance with the approved details and retained ~~for free~~ public use thereafter.

30. All applications for reserved matters approval for a phase proposing residential development shall be accompanied by details of the significant on site renewable energy provision to serve the dwellings within that phase. No dwelling within that phase shall thereafter be occupied until it is being served by the approved on-site renewable energy generation measures and shall remain so thereafter.

31. Prior to the commencement of the development, details of measures to mitigate car parking stress on surrounding roads during the period of the construction of the approved new access ~~and highway works shown in drawing no. 1361/22 Rev. E to~~

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~~the site from White Post Road~~ shall be submitted to and approved in writing by the local planning authority. The approved ~~temporary~~ measures shall be put in place prior to the commencement of any part of the development and remain in place until the approved new access and highway arrangement has been completed and the permanent new car park fully laid out and made available for public use as per the requirements of condition 29.

32. Prior to the commencement of the development, details for the management, storage and/or disposal of spoil resulting from construction works on the site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only take place in accordance with the approved details.

33. No occupation of any part of the development shall take place (except for construction purposes) until the highway works shown in drawing no. 1361/22 Rev. E have been fully completed and made available for continued public use.

34. No dwelling shall be occupied within any phase (as approved under condition 2) until full details of the street lighting to be provided within that phase has been submitted to and approved in writing by the local planning authority. Thereafter the street lighting shall be provided as approved prior to first occupation of any dwelling within the phase and retained as approved thereafter.

35. Prior to first occupation of any dwelling within a phase (as approved under condition 2), fire hydrants shall be provided ~~or enhanced within~~ for that phase in accordance with details to be first submitted to and approved in writing by the local planning authority.

~~36. Prior to the first occupation of any dwelling on the site, covered and secure cycle parking facilities shall be provided on the site in support of the community/recreation uses in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.~~

~~37.6~~ Prior to the first occupation of any dwelling on the site, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent

amendments, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented and operated in accordance with the approved details.

Prior to occupation of 50% of the dwellings approved on the site, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved updated Travel Plan shall be implemented and operated thereafter in accordance with the approved details.

38. Prior to the first occupation of any dwelling on the site, details of a scheme of public artwork to be installed within the site (including a timetable for its provision and future maintenance arrangements) shall be submitted to and approved in writing by the local planning authority. The public artwork shall thereafter be installed in accordance with the approved details.

39. No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling, in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;
- One 240 litre brown bin for the collection of garden waste material

40. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

41. All dwellings on the site shall achieve an energy performance standard equivalent to at least Code Level 4 of the former Code for Sustainable Homes. No dwelling shall be occupied until it has been constructed to meet this energy performance standard unless otherwise agreed in writing by the local planning authority.

42. Prior to the commencement of any works associated with the construction of the approved new access from White Post Road (as shown in dwg no. 1361/22 Rev. E), details of safety measures to be incorporated into the new cycle lanes ~~along White Post Road~~ to reduce risk of conflict between cyclists and pedestrians in the vicinity of outside Bishop Loveday Primary School shall be submitted to and approved in writing by the local planning authority. The new access shall thereafter be constructed in

accordance with the approved safety measures and shall not be brought into use until the cycle lanes have been constructed and made available to public use in accordance with the approved details and shall be retained as such thereafter.

43. No occupation of any of the approved dwellings shall take place until details of the on-street parking controls to be introduced on the epine-new link road and White Post Road in the immediate vicinity of Bishop Loveday Primary School have been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. Unless otherwise with the prior written agreement of the local planning authority. ~~No~~ occupation of dwellings shall ~~not~~ take place until the approved on-street parking controls have been introduced and taken effect with such controls ~~shall being~~ retained as approved thereafter unless otherwise agreed in writing by the local planning authority.
44. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument revoking or re-enacting that order), all new water, waste, energy and communication related public infrastructure on the site shall be provided underground and retained as such thereafter unless otherwise with the specific approval in writing of the local planning authority either as part of a reserved matters approval or separate grant of full planning permission. Where approved in writing by the local planning authority, the relevant above ground infrastructure shall be provided only in accordance with the approved details.
45. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
46. No trees or hedgerows on the site (as existing at the date of this decision) shall be lopped, felled, uprooted or willfully damaged unless otherwise approved in writing by the local planning authority except to directly facilitate the creation and laying out of the approved new link road as well as the new vehicular and pedestrian access arrangements from White Post Road as set out in drawing no. 5773-A-04-of the submitted Arboricultural Assessment (produced by FCPR and dated April 2016).
47. The ~~hereby~~-approved new highway works and means of access from White Post Road as set out in drawing no. 1361/22 Rev. E shall be constructed only in accordance with the methodology and tree protection measures set out in the submitted Arboricultural Assessment (produced by FPCR and dated April 2016).

48. Prior to the first use of the approved new vehicular access from White Post Road, any and all existing vehicular accesses to the site from Wykham Lane shall be permanently stopped up and shall not be used by any vehicular traffic whatsoever unless otherwise agreed in writing by the local planning authority.

49. No more than 280 dwellings shall be accommodated on the site under the provisions of this permission.

50. The ~~spine section of link road shown with approved drawing nos. \_\_\_\_\_ under the requirements of condition 7~~ shall be fully completed and available for public use from its new junction with White Post Road through to the site's western boundary prior to whichever occurs earliest of the following:

- ~~First occupation of 200.75% of the final number of dwellings as part of the development approved on the site (as determined by reserved matters approvals);~~
- Four years following ~~first~~ commencement of any part of the development on the site.

In the event that the approved ~~spine-link~~ road has not been provided in accordance with the above requirements, no further dwellings shall be constructed or occupied on the site until the ~~spine-link~~ road has been completed ~~and made available to public use in accordance with the details approved under condition 7.~~

51. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless the local planning authority has confirmed in writing that such works can proceed based on the submission of a recent survey (no older than one month) that has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site together with details of measures to protect the nesting bird interest on the site.

52. Any and all non-residential buildings on the site shall ~~meet-be designed to achieve~~ at least BREEAM 'Very Good' ~~rating~~ based on the standard applicable at the date of this decision.

~~53. No building on the site shall have a maximum height greater than 8.5m.~~

534. Prior to first use of the approved new vehicular access arrangement (as shown on drawing no. 1361/22 Rev. E) or new public car park (condition 29), details of the means by which the existing access to Banbury Cricket Club will be stopped up to motor vehicles shall be submitted to and approved in writing by the local planning authority. Neither the approved new vehicular access nor public car park shall be brought into use until the existing access has been stopped up in accordance with the approved details and shall be retained as such thereafter.

545. The open market dwellings provided on the site shall include a minimum of the following dwelling sizes:

- 20% as two bedroom dwellings;
- 40% as three bedroom dwellings.

All applications for reserved matters approval shall reflect these requirements unless with the prior written agreement of the local planning authority.

556. No part of any building shall be located within 20m of any part of the Salt Way restricted byway.

567. All applications for reserved matters approval relating to a phase (as approved under condition 2), shall be accompanied by a lighting strategy outlining how lighting will be sensitively designed within that phase to minimise disturbance to wildlife (in particular bats). Thereafter, the development approved for that phase as granted reserved matters approval shall be carried out in accordance with the approved lighting strategy.

578. Residential development on the site shall achieve an average minimum density of 30 dwellings/hectare across each and all residential parcels (as defined within approved within the Design Code/Masterplan approved under the requirements of condition 6).

58. No part of any dwelling (including any part of its curtilage) or other operational development including roads/driveways (with the exception only of footpaths/cycle tracks and lighting where appropriate) shall be located within 5m of any part of the existing vegetation belt along the southern boundary of the Salt Way.

59. That before any building is first occupied (other than for construction purposes), the new roads providing vehicular access to that building from White Post Road (other than the new link road) shall be laid out, constructed, lit and drained up to base course level. Within 12 months of the date of first occupation of that building, the roads serving it shall be fully completed.

**Andy Green**

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**From:** Flavin, David - E&E <David.Flavin@Oxfordshire.gov.uk>  
**Sent:** 06 March 2017 13:30  
**To:** Chris Still; Francesca Parmenter  
**Cc:** Bob Duxbury; Michelson, Lisa - E&E; White, Joy - E&E; Andy Green; Glen Langham; Julian Hamer; Matthew Parry; Smith, Mike - E&E; Crouch, Jennifer - Law & Governance; Battye, Hannah - E&E; Oliver, Richard - E&E  
**Subject:** Banbury 17 Proposed Spine Road Delivery Mechanism - Meeting at County Hall 13:00-14:30 08 March 2017  
**Attachments:** OCC CDC Note on Proposed Mechanism\_06March2017.pdf

Dear All,

Please find attached a suggested agenda for our meeting at County Hall on Wednesday (8 March) and comments from OCC and CDC on the proposed mechanism from Gallagher and Gladman dated 3rd February 2017.

Kind regards,  
David

David Flavin  
Senior Planning Officer (Cherwell Locality)

Infrastructure Development  
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06 March 2017

## Banbury 17 – Mechanism for securing the delivery of the link road between Bloxham Road and White Post Road

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### Proposed agenda for meeting on 8 March 2017 and Comments from OCC and CDC on mechanism proposed by Gallagher and Gladman dated 3<sup>rd</sup> February 2017<sup>1</sup>

#### Proposed Agenda for 8<sup>th</sup> March

1. Overview of proposal (Gallagher/Gladman) & OCC/CDC response
2. Triggers
3. Mechanism 2 (fall-back position)
4. Bonds/security:
  - a. Mechanism 2
  - b. Works bond (s278/38 works)
  - c. Contributions
5. Further information required
6. AOB

#### **1. Background and overview of proposed mechanism**

The developers' proposal is welcomed and in principle the suggested approach appears to provide certainty over the delivery of the spine road through Banbury 17.

The latest mechanism proposes to progress the S38 technical approval process in parallel with the planning process, with a separate 38 agreement for the relevant section of the spine road entered into at grant of outline consent. In the event of non-implementation and at agreed trigger points, the mechanism would give OCC as highway authority the option to "step in" with the land and funding made available through the relevant S38 agreement.

For ease of reference the details of the latest proposal from developers Gallagher/Gladman is set out below:

***Mechanism 1 – (“the normal and most likely scenario”)***

*Each developer implements their consent and constructs the spine road up to its respective application boundary in accordance with the spine road triggers as set out in the two Committee Reports which seek to ensure timely delivery of the link road.*

*The ‘developers’ would reserve the right to reduce the bond, proportionately, as they directly deliver/ construct the spine road. This detail and the phased reduction in the bonded sums can be agreed through the S.38 Agreement.*

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<sup>1</sup> This note is intended to aid discussion at the meeting on 8<sup>th</sup> March and to help work towards an acceptable solution; the content is not binding.

**Mechanism 2 – (“the fall-back to cover non-implementation scenario”)**

*A set of triggers will be agreed, as appropriate, that bite in the event that one developer does not implement their consent. This would allow OCC as highway authority to “step in” to complete the section of the spine road on the non-implemented site by drawing down the bond sum for that section of the spine road and constructing in accordance with the approved design, with the required land being made available through the relevant S38 agreement.*

To clarify, issue of planning permission and signing of s38/s106 agreements will need to be simultaneous. For mechanism 1, each site will need separate S38 and S278 agreements as there are substantial works required on the highway.

**2. Triggers****Mechanism 1****Gladman Site<sup>2</sup> (as per committee resolution/conditions):**

- The spine road approved shall be fully completed and available for public use from its new junction with White Post Road through to the site's western boundary prior to the earlier of:
  - i. Occupation of 75% of the final number of dwellings approved on the site (approx. **210 dwellings** but to be determined by reserved matters approvals); or
  - ii. **Four years following Implementation**) of the development.

**Gallagher Site (as per committee resolution/conditions):**

- No development/occupation (on this application site) beyond **500 dwellings** until the link road is completed across the Ban 17 allocation site (A361 to the eastern boundary of this part of Ban 17).
- The spine road through this development shall be fully completed and available for public use from its new junction with A361 through to the site's eastern boundary prior to the occupation of the **501st dwellings**.

**Mechanism 2<sup>3</sup>**

- **350 homes** on the Gallagher site and non-implementation on Gladman site - spine road land on Gladman site and funds for construction of the spine road on the Gladman site to be made available to OCC<sup>4</sup>. Gallagher to be responsible for securing planning permission for the link road and clearing of planning conditions required for the link road (on Gladman site).
- **500 homes** on the Gallagher site - spine road completed across the whole of Banbury 17 (no further dwellings on the Gallagher site to be built until completion of spine road)

<sup>2</sup> Gallagher/Gladman are used to refer to the two distinct application sites. Where requirements of Gallagher/Gladman are stipulated this also refers to any other future developer progressing the works.

<sup>3</sup> Triggers for mechanism 2 are based on build out trajectories supplied by Gallagher/Gladman 31 May 2016. If these trajectories are re-profiled, triggers may need to be realigned accordingly.

<sup>4</sup> OCC estimate it would take up to 18 months to procure completion of the Gladman section of the spine road (worst case scenario with contingency). Trajectory supplied 31 May 2016 shows it will take approximately 18 months to deliver from 350 to 500 homes on Gallagher site.

**In Either Scenario:****Maximum duration of spine road works:**

Gladman: 4 years from commencement (as per planning condition)

Gallagher: 8 years from commencement (based on trajectory provided 31 May 2016).

**Longstop for completion of spine road works:**

Gladman: 4 years from commencement (as per planning condition)

Gallagher: 8 years from commencement (based on trajectory provided 31 May 2016).

**3. Spine Road & Mechanism 2**

S38 agreement Mechanism 2 would need to include:

- OCC step-in arrangements (grant of licence to OCC (assignable))
- Dedication of land for adoption as highway
- OCC right to use developer drawings
- Provision of funding for Spine Road works (see section 4 below)
- Gallagher to be responsible for securing planning permission for the link road and clearing of planning conditions required for the link road (on Gladman site).
- Gladman/successors agreement not to object to planning applications for the spine road on their site

**4) Bonds/Alternative Security****Mechanism 1**

Default bonds required for mechanism 1 s38/s278 agreement works on commencement of works. Use of standard OCC works bond for each s38 is required. OCC consider it would be appropriate to delay provision of the works bond to commencement of development (OCC standard is to require bond on completion of S38 agreement).

Developers have requested to reserve the right to reduce the bond as the spine road is delivered. This is contrary to standard approach and OCC cannot agree to this. The developer does however have the right to request that OCC gives consideration to reducing a works bond.

**Mechanism 2**

The Developers have proposed use of a bond to provide the finance for the incomplete section of spine road in the event that one developer doesn't implement their consent. However, since there will have been no default by the developers/landowner OCC think it would be very difficult for a works bond to be secured in this circumstance to fund construction costs (which would need to rise in line with inflation, unlike in the standard works bond). In our experience as highway authority, works bonds operate when there is default. Essentially, at the Mechanism 2 trigger point, funding will be provided for the construction costs – this can be covered by a simple payment provision which restricts use of the payment to the spine road work. This payment obligation could be in the s38/s278 agreement. It

also means that the developers wouldn't be paying for the mechanism 2 bond during the life of the development. The sum would need to be index linked to preserve its value, to ensure OCC can pay for the work.

### **5) Further Information Required**

The basic specification of for the spine road needs to be agreed in order to avoid potential delays later in the process. OCC/CDC await details.

OCC needs details of value of works (Gallagher and separately Gladman) in respect of s38 spine road works and separately the s278 works so that OCC can consider whether any procurement implications arise.

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**From:** Francesca Parmenter [mailto:FParmenter@davidlock.com]  
**Sent:** 09 March 2017 18:10  
**To:** Matthew Parry <Matthew.Parry@Cherwell-DC.gov.uk>  
**Cc:** DavidFlavin <david.flavin@oxfordshire.gov.uk>; Chris Still <C.Still@gladman.co.uk>  
**Subject:** RE: Review of Conditions - Banbury 17 applications

Matt,

Can I just clarify – you mentioned at the meeting yesterday that your intention was to allow construction of the spine road/ accesses prior to submission of masterplan/ design code. Currently the wording doesn't make that clear.

Grateful if you could confirm that is what you are intending and if so, please could you amend condition 6 and resend as an updated draft.

Many thanks  
Fran

**Francesca Parmenter**  
Associate

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 07 March 2017 17:04

**To:** Chris Still <[C.Still@gladman.co.uk](mailto:C.Still@gladman.co.uk)>; Francesca Parmenter <[FParmenter@davidlock.com](mailto:FParmenter@davidlock.com)>

**Cc:** David Flavin <[david.flavin@oxfordshire.gov.uk](mailto:david.flavin@oxfordshire.gov.uk)>

**Subject:** Review of Conditions - Banbury 17 applications

Chris/Fran

In advance of tomorrow's meeting at County Hall in Oxford, I have had more opportunity to review options for potentially amending some of the conditions approved by Committee in the interests of reducing the steps necessary before commencement of development on the access and link road. I attach a potential list of conditions for each scheme with amendments in track changes. Assuming there is progress tomorrow on the mechanism to secure link road delivery through the site, we could have further discussions on the options for conditions.

Kind regards

**Matthew Parry**

**Principal Planning Officer**

Development Management

Cherwell District Council

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14/01932/OUT – Possible Minor Amendments to Conditions (subject to agreement with Committee Chairman)

1. No development (except to allow for the construction of the approved new access arrangements and link road) shall commence on a phase identified within an approved phasing plan (see condition 2) until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.
  
2. Except to allow for the construction of the approved new access arrangements and link road, Prior to the submission of any application for approval of reserved matters but following approval of details submitted under the requirements of condition 6, a phasing plan covering the entire application site (that indicates clear development parcels for which reserved matters applications will be submitted) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved phasing plan and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the phase(s) they relate to.
  
3. In the case of the reserved matters, no application for approval shall be made later than the expiration of eight years beginning with the date of this permission.
  
4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of all of the reserved matters relating to the development or, in the case of approval on different dates, the final approval of the last such matter to be approved.
  
5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings:  
  
-JG043 - 033 Rev. B - Location Plan A\_005 Rev. D Footway Linkage and Delivery Plan but only insofar as it relates to  
as-they-those works shown in blue relate to matters not reserved for later approval.  
  
Other plans and drawings associated with the detailed design of the link road

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The development shall also be carried out in general accordance with the details shown in the submitted Development Framework Plan (ref: JJG043-035 Rev. Q) except insofar as ~~it conflicts with any detailed reserved matters approval or any details approved pursuant to any other condition attached to this consent, it conflicts with the masterplan and design code approved under the requirements of condition 6 of this planning permission.~~

6. No application for reserved matters approval shall be submitted nor any submissions be made under the requirements of any other condition attached to this consent until a Design Code and Masterplan covering the entire application site has been submitted to and approved in writing by the local planning authority.

The Design Code shall include:

- a) A density plan for the site;
- b) Design influences study and character areas;
- c) The general scale, form and style of buildings within each area of the site as well as details of the means of enclosure to be used;
- d) The street form, street frontage and hierarchy for all types of street/road including details of street design and surfacing;
- e) The approach to car and cycle parking across all areas of the site;
- f) The materials to be used across the site;
- g) The treatment of all on-site hedge corridors, retained trees and public rights of way;
- h) The means by which sustainability features will be incorporated into the development;
- i) Details of how the principles of Secured by Design will be incorporated into the development.

The Masterplan shall reflect and include:

- a) An overall indicative layout plan showing the distribution of all principal land uses throughout the site including residential, the local centre, primary school, secondary school land, community facilities, public open space, play areas, sports pitches, pavilion and recreation facilities as well as locations of existing and new footpath/bridleway/cycle links,

- b) The character areas to be covered in the Design Code.
- c) The general areas for structural soft landscaping, mitigation planting and hedge and tree protection corridors
- d) The Parcels/Phases into which the development is to be divided (each parcel/phase being one that is intended to be developed as a single entity and for which a Reserved Matters application is to be submitted).
- e) The strategy for surface and land drainage for the site including approximate locations of attenuation/retention ponds, drainage ditches, swales, pumping stations etc.
- f) The ~~appropriate~~approved alignment and specification of the link road spine road and general location of bus stops/crossing points on it as well as the general approach alignment of principal estate roads.
- g) Locations of existing, enhanced and new footpath/bridleway/cycle links.
- h) Details of the approximate means and position of any temporary bus turning facilities.
- i) Details of the approximate location of public artwork within the development.
- j) The strategy for on-site renewable energy generation.

All subsequent applications for approval of reserved matters and other submissions in requirement of conditions imposed on this outline planning permission shall be in accordance with the approved Design Code and Masterplan.

7. ~~Prior to the submission of any applications for approval of reserved matters but following the submission of the Design Code/Masterplan (condition 6), full details of the spine road (from its access off Bloxham Road to the eastern boundary of the application site) including its alignment, specification, junctions (other than private drives), drainage, crossings, road markings, traffic calming, footways/cycle lanes, verges, on street parking bays, street lighting, bus stop infrastructure and associated soft landscaping shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority.~~  
  
~~Prior to commencement - Further details of the link road if necessary beyond that submitted as part of the outline planning application?~~
8. ~~Except to allow for the construction of the approved new access arrangements and link road, No~~ development shall take place on any phase (as approved under condition 2) until full details of ~~existing and~~ proposed ground site and finished floor levels in comparison to existing site levels within that phase have been submitted to and approved in

writing by the local planning authority. Thereafter the development shall be carried out only in accordance with the approved levels.

9. ~~Except to allow for the construction of the approved new access arrangements and link road, No~~ development shall take place on any phase as approved under condition 2 until full design details of the play areas ~~proposed~~ within that phase (including any Local Areas of Play [LAPs], Local Equipped Areas of Play [LEAPs] and Neighbourhood Equipped Areas of Play [NEAPs]) have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place only in accordance with the approved details.
10. No development shall take place on any phase (as approved under condition 2) including any works associated with the creation of the approved new access arrangements and link road until a full arboricultural survey, method statement and arboricultural implications assessment that accords with BS: 5837:2012 (or any superseding British Standard) for all existing trees and hedgerows within and around the perimeters of that phase of the site have been submitted to and approved in writing by the local planning authority. The development shall then take place only in accordance with the approved details.
11. Prior to the commencement of development on any phase (as approved under condition 2), including any works associated with the creation of the approved new access arrangements and link road, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with development in that phase including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
12. No development shall take place on any phase (as approved under condition 2) including including any works associated with the creation of the approved new access arrangements and link road as well as works of site clearance/preparation, until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no statutorily protected species which could be harmed by the development have moved on to the site since the date the previous surveys supporting the application were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

13. Except to allow for the construction of the approved new access arrangements and link road, No development shall take place on a phase until a drainage strategy detailing any necessary on and/or off site foul and surface drainage works has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
14. Except to allow for the construction of the approved new access arrangements and link road, No development shall take place until impact studies on the existing water supply ~~infrastructure and~~ have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
15. Except to allow for the construction of the approved new access arrangements and link road, Prior to the commencement of development on any phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present on land within that phase and the risks to receptors that inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
16. If contamination is found within land associated with a phase through work carried out under condition 15, prior to the commencement of the development within the phase (except to allow for the construction of the approved new access arrangements and link road), a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place within the phase until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
17. If remedial works have been identified in condition 16, no development shall be occupied within a phase (as approved under condition 2) (other than for construction purposes) until the remedial works have been carried out for that phase in accordance with the scheme approved. A verification report that demonstrates the effectiveness of the remediation

carried out must be submitted to and approved in writing by the Local Planning Authority before any occupation of development on that phase can take place.

18. If during development on a phase, contamination not previously identified is found to be present on land within that phase, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

19. Prior to the commencement of the development hereby approved, including any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any mitigation or protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

20. All applications for reserved matters approval relating to a phase shall be accompanied by a method statement demonstrating how the development in that phase would contribute towards and be consistent with the objectives for enhancement of biodiversity across the site. Thereafter, the development approved on that phase shall be carried out in accordance with the approved method statement.

21. Prior to the commencement of ~~works associated with the construction of any dwellings, the development hereby approved~~, a full Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

LLLLLLLLL Description and evaluation of the features to be managed

LLLLLLLLL Ecological trends and constraints on site that may influence management

LLLLLLLLL Aims and objectives of management

LLLLLLLLLLLL Appropriate management options for achieving aims and objectives

LLLLLLLLLLLL Prescriptions for management actions for a 20 year period and beyond

LLLLLLLLLLLL Preparation of a work schedule (including a 5yr project register, an annual work plan and the means by which a plan will be rolled forward annually)

LLLLLLLLLLLL Personnel responsible for implementation of the plan

LLLLLLLLLLLL Monitoring and remedial contingency measures triggered by monitoring.

Thereafter, the LEMP shall be carried out in accordance with the approved details.

22. No development shall take place on a phase (as approved under the requirements of condition 2) including any works involving the construction of the approved new access arrangements and link road as well as off-site clearance, until a Construction Management Plan (CMP) relating to that phase has been submitted to and approved in writing by the local planning authority. The CMP shall include details relating to the following matters:

- Measures to reduce noise, environmental nuisance and disruption for nearby residents;
- Measures to avoid undue impact on ecology during construction work;
- Construction traffic management (to include a restriction on construction vehicles using Wykham Lane).

Thereafter, the development on that phase shall be carried out in accordance with the approved CMP at all times.

23. No development shall take place within 10m of an existing or new public right of way until the affected public right of way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the local planning (or highway) authority to be diverted or extinguished. Thereafter, the public right of way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the local planning authority.

24. All applications for reserved matters approval relating to a phase (as approved under condition 2) shall include details of the alignment and specification of any and all new and/or enhanced footpaths, bridleways and cycle tracks to be provided within/through that phase together with a timetable for their provision/completion. Thereafter the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase.
25. All applications for reserved matters approval for a phase (as approved under condition 2) proposing residential development shall be accompanied by details of the significant on site renewable energy provision to serve the dwellings within that phase. No dwelling within that phase shall thereafter be occupied until it is being served by the approved renewable energy generation measures and shall remain so thereafter.
26. All applications for approval of reserved matters shall be accompanied by full details of ~~the elements of~~ the surface water drainage scheme ~~associated to be incorporated~~ within that ~~approved~~ phase together with details of how the surface water drainage arrangements within that phase are consistent with the overall drainage strategy for the site to ensure surface water run-off resulting from the whole development will not exceed pre-development greenfield run-off rates in a manner that accords with best practice for Sustainable Drainage Systems (SuDS).
27. Prior to the commencement of any development ~~within an approved phase~~ on the site, details for the management, storage and/or disposal of spoil resulting from construction works ~~on that phase~~ shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only take place in accordance with the approved details.
28. Prior to the commencement of the development, a soil management plan shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved details.
29. No occupation of any building or dwelling on the site (other than for construction purposes) shall take place until the highway works edged in blue as shown in drawing no. A\_005 Rev. D have been fully completed and made available for continued public use.

30. No ~~dwellingbuilding~~ shall be occupied within any phase (as approved under condition 2) until full details of the street lighting to be provided within that phase has been submitted to and approved in writing by the local planning authority. Thereafter the street lighting shall be provided as approved prior to first occupation of any dwelling within the phase and retained as approved thereafter.

31. Prior to ~~the~~ first occupation of any ~~dwelling-building~~ within a phase (as approved under condition 2), fire hydrants shall be provided ~~within fer~~ that phase ~~of development~~ in accordance with details to be first submitted to and approved in writing by the local planning authority.

32. Prior to the first occupation of any dwelling within the development, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented and operated in accordance with the approved details.

~~P~~rior to occupation of 50% of the dwellings approved on the site, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved updated Travel Plan shall be implemented and operated thereafter in accordance with the approved details.

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33. Prior to the first occupation of any dwelling on the site, details of a scheme of public artwork to be installed within the site (including a timetable for its provision and future maintenance arrangements) shall be submitted to and approved in writing by the local planning authority. The public artwork shall thereafter be installed in accordance with the approved details.

34. No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling, in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;
- One 240 litre brown bin for the collection of garden waste material

35. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.
36. All dwellings on the site shall achieve an energy performance standard equivalent to at least Code Level 4 of the former Code for Sustainable Homes. No dwelling shall be occupied until it has been constructed to meet this energy performance standard unless otherwise agreed in writing by the local planning authority.
37. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument revoking amending or re-enacting that order), all new water, waste, power and communication related infrastructure serving development on the site shall be provided underground and retained as such thereafter unless otherwise with the specific prior approval in writing of the local planning authority either through a grant of reserved matters approval or separate full planning permission. Where approved in writing by the local planning authority, the relevant above ground infrastructure shall be provided only in accordance with the approved details and retained as such thereafter.
38. No trees or hedgerows on the site (as existing at the date of this decision) shall be lopped, felled, uprooted or willfully damaged unless otherwise directly necessary to lay out either the approved new vehicular access from Bloxham Road (including visibility splays) and provide appropriate vision splays or approved link road (as set out in plans listed in condition 5) (as granted by this outline planning permission) or is otherwise directly necessary to facilitate the carrying out of the detailed elements of the development as approved within by any subsequent reserved matters consents approval and details approved pursuant to conditions attached to this consent or reserved matters approvals.
39. No more than 1000 dwellings shall be accommodated on the site under the provisions of this planning permission.
40. No more than 500 dwellings shall be occupied on the site until a spine road the approved new link road from the approved new vehicular access off the A361 (Bloxham Road) from the approved new vehicular access off the A361 (Bloxham Road) to the site's eastern boundary has been fully constructed in accordance with the approved plans listed in condition 5 and made available for public use use in accordance with the details approved under the requirements of condition 7.

41. No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th August inclusive, unless the local planning authority has confirmed in writing that such works can proceed based on the submission of a recent survey (no older than one month) that has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site together with details of measures to protect the nesting bird interest on the site.

42. All non-residential buildings on the site shall be designed and constructed to achieve at least BREEAM 'Very Good' as measured against the applicable BREEAM standard for such buildings that exists at the date of this decision.

43. No part of any building on the site shall be located within 20m of any part of the Salt Way restricted byway.

44. The open market dwellings provided across the application site shall include a minimum of the following dwelling sizes:

- 25% as two bedroom dwellings;
- 45% as three bedroom dwellings.

Applications for reserved matters approval shall reflect these requirements unless with the prior written agreement of the local planning authority.

45. Applications for reserved matters approval that propose any part of a dwelling within 50m of the approved newly aligned A361 (Bloxham Road) shall be accompanied by details of noise mitigation measures to be incorporated into the development to ensure that the World Health Organisation's 1999 guidance on noise values for outdoor areas of 55 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and that the internal noise levels in habitable rooms of the affected dwellings do not exceed the criteria specified in Table 4 of BS 8233:2014. The affected dwellings shall only be occupied once the noise mitigation measures approved as part of the relevant reserved matters approval(s) have been fully incorporated.

46. Prior to the first occupation of any building or dwelling on the site (other than for construction purposes), details of measures controlling/restricting vehicular access between the application site and Wykham Park Farm to the south shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be brought into effect prior to first occupation of the development and be retained/maintained as such thereafter.

47. All applications for reserved matters approval relating to a phase (as approved under condition 2), shall be accompanied by a lighting strategy outlining how lighting will be sensitively designed within that phase to minimise disturbance to wildlife (in particular bats). Thereafter, the development within that phase as authorised through the grant of reserved matters approval shall be carried out in accordance with the approved lighting strategy.
48. Prior to the first occupation of any dwelling on the site, any and all existing vehicular accesses to the application site from Bloxham Road except those approved as part of drawing no. A\_005 Rev. D shall be permanently stopped up and there shall be no other new means of vehicular access created to the application site other than those specifically approved as part of this planning permission.
49. No works shall be undertaken that results in the temporary or permanent need to divert an existing public right of way that runs through the site until details of a satisfactory alternative route have first been submitted to and approved in writing by the local planning authority. The existing public right of way shall not be stopped up or obstructed in any way ~~(save for any temporary arrangement that has the prior written agreement of the local planning authority)~~, until the new diverted route has been provided in accordance with the approved details and is fully available for public use. Any approved temporary diversion shall remain available for public use in accordance with the approved details until the existing public right of way returns to full public accessibility.
50. Residential development on the site shall achieve no less than an average minimum density of 30 dwellings/hectare across each and all residential parcels (as ~~set out within approved within~~ the Design Code/Masterplan approved under the requirements of condition 6).
51. Prior to the commencement of development within any phase that includes a part of public bridleway Bodicote 11, details shall be submitted of measures to protect and enhance that part of the public right of way within the phase together with a timetable for such protection/enhancement measures to be implemented.
52. Prior to ~~any demolition on the site~~, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage

archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

53. ~~Prior to any demolition on the site (other than in accordance with the agreed Written Scheme of Investigation) and prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 52, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.~~

~~54. No part of any dwelling (including any part of its curtilage) or other operational development including roads and driveways (with the exception only of footpaths/cycle tracks and lighting where appropriate) shall be located within 5m of any part of the existing vegetation belt along the southern boundary of the Salt Way.~~

~~55. That before any building is first occupied (other than for construction purposes), the new roads providing access to that building from Bloxham Road shall be laid out, constructed, lit and drained up to base course level. Within 12 months of the date of first occupation of that building, the roads serving it shall be fully completed.~~

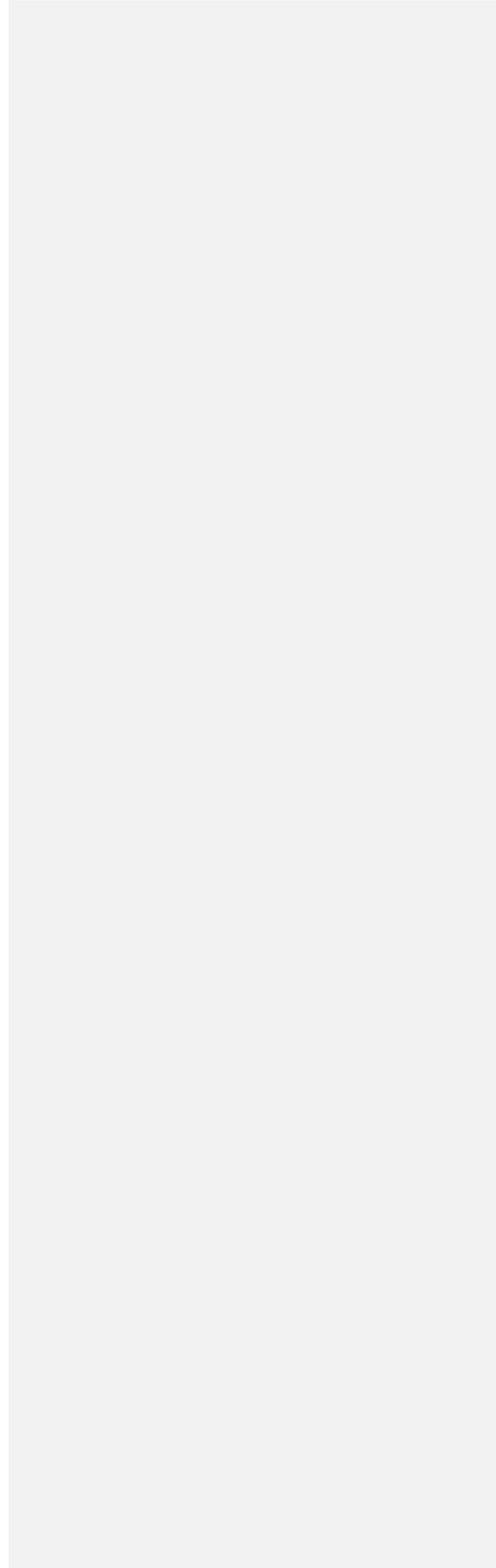
~~56. Unless with the prior written agreement of the local planning authority, the approved 'mixed use local centre' shall include (in addition to a new community facility), a minimum of five units in either Classes A1-A5 or D1 uses (as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) with at least two of these units in Class A1 use including one of these of suitable size to accommodate a convenience store of between 250sqm and 500sq m floorspace (GIA). With the exception of the Class A1 convenience store, no other unit in Class A1-A5 use shall exceed 150sq m floorspace (GIA) and no such unit shall be amalgamated or have mezzanines inserted thereafter.~~

57. Prior to the first occupation of any dwelling as part of the development, a scheme for the provision of interpretation panels to help reveal the historic significance of the adjacent Salt Way and Neolithic causewayed enclosure within the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the precise locations, design, text, graphics, arrangements and timetable for implementation, future maintenance and ownership of the interpretation panels. The scheme shall be carried out in accordance with the approved details.

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15/01326/OUT – Possible Minor Amendments to Conditions (Subject to Chairman's Agreements)

1. No development (except to allow for the construction of the approved new access arrangements and link road) shall commence on a phase identified within an approved phasing plan (see condition 2) until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.
  
2. Except to allow for the construction of the approved new access arrangements and link road, Prior to the submission of any application for approval of reserved matters, a phasing plan covering the entire application site shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved phasing plan and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the phase they relate to.
  
3. In the case of the reserved matters, no application for approval shall be made later than the expiration of four years beginning with the date of this permission.
  
4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of all of the reserved matters relating to the development or, in the case of approval on different dates, the final approval of the last such matter to be approved.
  
5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings but only insofar as they do not relate to matters reserved for later approval:

1361/22 Rev. E

Link road plans and drawings

The development shall also be carried out in general accordance with the details shown in the submitted Development Framework Plan (ref: JJG043-035 Rev. Q) except where it conflicts with any detailed reserved matters approval or any other details approved pursuant to conditions attached to this consent, the masterplan and design code approved under the requirements of condition 6 of this planning permission.

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6. ~~Except to allow for the construction of the approved new access arrangements and link road, No~~ application for reserved matters approval shall be submitted nor shall any submissions be made under the requirements of any other condition attached to this consent ~~(except condition 7)~~ until a Design Code and Masterplan covering the entire application site has been submitted to and approved in writing by the local planning authority.

The Design Code shall include:

- a) A density plan for the site;
- b) Design influences study and character areas;
- c) The general scale, form and style of buildings within each area of the site as well as details of the means of enclosure to be used;
- d) The street form, street frontage and hierarchy for all types of street/road including details of street design and surfacing;
- e) The approach to car and cycle parking across all areas of the site;
- f) The materials to be used across the site;
- g) The treatment of all on-site hedge corridors, retained trees and public rights of way.
- h) The means by which sustainability features will be incorporated into the development
- i) Details of how the principles of Secured by Design will be incorporated into the development

The Masterplan shall include:

- a) An overall layout plan showing the distribution of all principal land uses throughout the site including residential (identifying any extra care/retirement homes), the local centre, primary school, secondary school land, community facilities, public open space, play areas, sports pitches and recreation facilities, locations of existing and new footpath/bridleway/cycle links, the ~~approved~~ alignment ~~and specification~~ of the spine road ~~and general location of bus stops/crossing points on it~~ as well as the ~~approach general alignment of to~~ principal estate roads.
- b) The character areas to be covered in the Design Code.

- c) Details of the ecological enhancement strategy to be incorporated together with associated landscape structure, mitigation planting and hedge and tree protection corridors.
- d) The Parcels/Phases into which the development is to be divided (each parcel/phase being one that is intended to be developed as a single entity and for which a Reserved Matters application is to be submitted).
- e) The strategy for foul, surface and land drainage from the site including surface water source control measures such as approximate locations for attenuation/retention ponds, swales, pumping stations etc.
- f) Details of the location of public artwork within the development.
- g) The strategy for on-site renewable energy generation.

All subsequent applications for approval of reserved matters and submissions in requirement of all other conditions imposed on this outline planning permission shall be in accordance with the approved Design Code and Masterplan.

~~7. Prior to the submission of any applications for approval of reserved matters or submissions under the requirements of any other condition but following submission of details to accord with the requirements of condition 6, full details of the spine road (from its new junction with White Post Road through to the western boundary of the site) including its alignment, specification, junctions (other than private drives), drainage, crossings, road markings, traffic calming, footways/cycle lanes, verges, on-street parking bays, street lighting, bus stop infrastructure and associated soft landscaping shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No application shall be made that submits details in compliance with the requirements of this condition until a Design Code and Masterplan document (pursuant to the requirements of condition 6) has been submitted to the local planning authority.~~

7. Prior to the commencement of development, further link road details to be submitted if necessary beyond that submitted as part of the outline planning application?

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8. All applications for approval of reserved matters relating to a phase (as approved under condition 2) shall be accompanied by full details ~~of the elements~~ of the surface water drainage scheme to be incorporated within that phase together with details of how the surface water drainage arrangements within that phase are consistent with the overall drainage strategy for the site to ensure surface water run-off resulting from the whole development will not exceed pre-development greenfield run-off rates in a manner that accords with best practice for Sustainable Drainage Systems (SuDS).

9. Except to allow for the construction of the approved new access arrangements and link road, No development shall take place on any phase (as approved under condition 2) until full details of ~~existing and of~~ proposed ground site and finished floor levels in comparison to existing site levels within that phase have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out only in accordance with the approved levels.
10. Except to allow for the construction of the approved new access arrangements and link road, No development shall take place on any phase (as approved under condition 2) until full design details of the play areas proposed within that phase as determined by the Masterplan approved under condition 6 (including Local Areas of Play [LAPs], Local Equipped Areas of Play [LEAPs], Neighbourhood Equipped Areas of Play [NEAPs] and Multi-Use Games Areas [MUGAs]) have been submitted to and approved in writing by the local planning authority either as part of a reserved matters application or through a separate submission made under the requirements of this condition. The development shall thereafter take place only in accordance with the approved details.
11. No development shall take place on any phase (as approved under condition 2) until a full arboricultural survey, method statement and arboricultural implications assessment that accords with BS: 5837:2012 (or any superseding British Standard) for all existing trees and hedgerows within and around the perimeters of that phase of the site have been submitted to and approved in writing by the local planning authority. The development shall take place within that phase only in accordance with the approved details.
12. No development shall take place on any phase (as approved under condition 2) including works associated with the construction of the approved new access arrangements and link road as well as works of site clearance/preparation until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no statutorily protected species which could be harmed by the development have moved on to the site since the date the previous surveys supporting the application were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
13. All applications for reserved matters approval relating to a phase (as approved under condition 2) shall be accompanied by a statement setting out the measures that will be incorporated into the development proposed in that phase to demonstrate how

it will accord with the principles of 'Secured by Design' (SBD). The development shall thereafter be carried out in accordance with ~~those approved details~~ as granted reserved matters approval for that phase.

14. ~~Except to allow for the construction of the approved new access arrangements and link road,~~ No development shall take place until a ~~fully detailed~~ drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
  
15. ~~Except to allow for the construction of the approved new access arrangements and link road,~~ No development shall take place until impact studies of the existing water supply ~~and~~ have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
  
16. ~~Except to allow for the construction of the approved new access arrangements and link road,~~ Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present on the site, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
  
17. If contamination is found by undertaking the work carried out under condition 16, prior to the commencement of the development hereby permitted (~~except works associated with the construction of the approved new access arrangements and link road~~), a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

18. If remedial works have been identified in condition 17, no development shall be occupied within a phase (as approved under condition 2) (other than for construction purposes) until the remedial works have been carried out for that phase in accordance with the scheme approved. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before any occupation of development on that phase can take place.

19. Prior to the commencement of the development hereby approved, including any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any mitigation or protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

20. All applications for reserved matters approval relating to a phase shall be accompanied by a statement demonstrating how the development in that phase would contribute towards and be consistent with the objectives for enhancement of biodiversity across the site to achieve an overall net gain. Thereafter, the development approved on that phase shall be carried out in accordance with the approved statement details approved as part of the grant of reserved matters approval.

21. Prior to the construction of any dwellings as part of the commencement of the development hereby approved, a full Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details. The LEMP shall include:

- Description and evaluation of the features to be managed
- Ecological trends and constraints on site that may influence management
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions for a 20 year period and beyond
- Preparation of a work schedule (including a 5yr project register, an annual work plan and the means by which a plan will be rolled forward annually)
- Personnel responsible for implementation of the plan

- Monitoring and remedial contingency measures triggered by monitoring.

22. Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect neighbouring residential amenity and biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP at all times.

23. No development shall take place within 10m of ~~an existing or new~~ public right of way until the affected public right of way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the local planning (or highway) authority to be diverted or extinguished. Thereafter, the public right of way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the local planning authority.

24. Details of the pedestrian connection to be provided directly between the site and Salt Way including details of improvements to the existing public footpath within the site (Bodicote Footpath 13 - No. 137/13) together with a timetable for ~~their~~ provision shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any dwelling on the site. The approved pedestrian connection and footpath improvements shall be provided and retained in accordance with the approved details.

25. All applications for reserved matters approval relating to a phase (as approved under condition 2) shall include details of the alignment and specification of any and all new and/or enhanced footpaths, bridleways and cycle tracks to be provided within/through that phase together with a timetable for their provision/completion. Thereafter the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the reserved matters approval for that phase.

26. Prior to the commencement of the development and any archaeological site investigations, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of

Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

27. Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

28. Prior to the commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The CTMP shall include details on at least the following matters:

- Routing arrangements for construction vehicles (which shall not be via Wykham Lane);
- Delivery/collection timetable and arrival/departure times for site workers;

- Compound details;

- Phasing/timing of construction operations;

- Wheel washing facilities;
- Parking/turning and storage areas within the site;
- Appropriate contact details for the contractors.

Thereafter, the development shall be carried out only in accordance with the approved Construction Traffic Management Plan.

29. Full details of the ~~approved~~-new 34 space public car park adjacent to White Post Road (shown indicatively on dwg no. 1361/22 Rev. E) including a timetable for its completion shall have been ~~submitted provided and approved and approved~~ as part of an application for approval of reserved matters prior to the commencement of any development on the site. The new car park shall be completed in accordance with the approved details and retained ~~for free~~-public use thereafter.

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30. All applications for reserved matters approval for a phase proposing residential development shall be accompanied by details of the significant on site renewable energy provision to serve the dwellings within that phase. No dwelling within that phase shall thereafter be occupied until it is being served by the approved on-site renewable energy generation measures and shall remain so thereafter.

31. Prior to the commencement of the development, details of measures to mitigate car parking stress on surrounding roads during the period of the construction of the approved new access and highway works shown in drawing no. 1361/22 Rev. E to the site from White Post Road shall be submitted to and approved in writing by the local planning authority. The approved temporary measures shall be put in place prior to the commencement of any part of the development and remain in place until the approved new access and highway arrangement has been completed and the permanent new car park fully laid out and made available for public use in accordance with as per the requirements of condition 29.

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32. Prior to the commencement of the development, details for the management, storage and/or disposal of spoil resulting from construction works on the site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only take place in accordance with the approved details.

33. No occupation of any part of the development shall take place (except for construction purposes) until the highway works shown in drawing no. 1361/22 Rev. E have been fully completed and made available for continued public use.

34. No building dwelling shall be occupied within any phase (as approved under condition 2) until full details of the street lighting to be provided within that phase has been submitted to and approved in writing by the local planning authority. Thereafter the street lighting shall be provided as approved prior to first occupation of any dwelling within the phase and retained as approved thereafter.

35. Prior to the first occupation of any dwelling building within a phase (as approved under condition 2), fire hydrants shall be provided or enhanced within for that phase in accordance with details to be first submitted to and approved in writing by the local planning authority.

~~36. Prior to the first occupation of any dwelling on the site, covered and secure cycle parking facilities shall be provided on the site in support of the community/recreation uses in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.~~

37. Prior to the first occupation of any dwelling on the site, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented and operated in accordance with the approved details.

Prior to occupation of 50% of the dwellings approved on the site, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved updated Travel Plan shall be implemented and operated thereafter in accordance with the approved details.

38. Prior to the first occupation of any dwelling on the site, details of a scheme of public artwork to be installed within the site (including a timetable for its provision and future maintenance arrangements) shall be submitted to and approved in writing by the local planning authority. The public artwork shall thereafter be installed in accordance with the approved details.

39. No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling, in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;
- One 240 litre brown bin for the collection of garden waste material

40. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

41. All dwellings on the site shall achieve an energy performance standard equivalent to at least Code Level 4 of the former Code for Sustainable Homes. No dwelling shall be occupied until it has been constructed to meet this energy performance standard unless otherwise agreed in writing by the local planning authority.
42. Prior to the commencement of any works associated with the construction of the approved new access and link road from White Post Road (as shown in dwg no. 1361/22 Rev. E), details of safety measures to be incorporated into the new cycle lanes along White Post Road to reduce risk of conflict between cyclists and pedestrians in the vicinity of outside Bishop Loveday Primary School shall be submitted to and approved in writing by the local planning authority. The new access shall thereafter be constructed in accordance with the approved safety measures and shall not be brought into use until the cycle lanes have been constructed and made available to public use in accordance with the approved details and shall be retained as such thereafter.
43. No occupation of any of the approved dwellings shall take place until details of the on-street parking controls to be introduced on the spine road and White Post Road in the immediate vicinity of Bishop Loveday Primary School have been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. Unless otherwise with the prior written agreement of the local planning authority, No occupation of any dwellings shall not take place until the approved on-street parking controls have been introduced and taken effect with such controls shall be retained as approved thereafter unless otherwise agreed in writing by the local planning authority.
44. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument revoking or re-enacting that order), all new water, waste, energy and communication related public infrastructure on the site shall be provided underground and retained as such thereafter unless otherwise with the specific approval in writing of the local planning authority either as part of a reserved matters approval or separate grant of full planning permission. Where approved in writing by the local planning authority, the relevant above ground infrastructure shall be provided only in accordance with the approved details.
45. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

46. No trees or hedgerows on the site (as existing at the date of this decision) shall be lopped, felled, uprooted or willfully damaged unless otherwise approved in writing by the local planning authority ~~(including as part of a reserved matters approval)~~ except to directly facilitate the creation and laying out of the approved ~~new access link road as well as the new~~ vehicular and pedestrian access arrangements from White Post Road as set out in drawing nos. \_\_\_\_\_ and 5773-A-04 of the submitted Arboricultural Assessment (produced by FCPR and dated April 2016).

47. The ~~hereby~~ approved ~~new link road, highway works and~~ means of access from White Post Road ~~(as set out in drawing nos. 1361/22 Rev. E .....)~~ shall be constructed only in accordance with the methodology and tree protection measures set out in the submitted Arboricultural Assessment (produced by FPCR and dated April 2016).

48. Prior to the first use of the approved new vehicular access from White Post Road, any and all existing vehicular accesses to the site from Wykham Lane shall be permanently stopped up and shall not be used by any vehicular traffic whatsoever unless otherwise agreed in writing by the local planning authority.

49. No more than 280 dwellings shall be accommodated on the site under the provisions of this permission.

50. The ~~spine section of link road shown with~~ approved ~~drawing nos. \_\_\_\_\_ under the requirements of condition 7~~ shall be fully completed and available for public use from its new junction with White Post Road through to the site's western boundary prior to whichever occurs earliest of the following:

- ~~First Occupation of 200 75% of the final number of dwellings as part of the development approved on the site (as determined by reserved matters approvals);~~
- Four years following ~~first~~ commencement of any part of the development on the site.

In the event that the approved ~~spine-link~~ road has not been provided ~~and completed~~ in accordance with the above requirements, no further dwellings shall be constructed or occupied on the site until the ~~spine-link~~ road has been completed ~~and made available to public use, in accordance with the details approved under condition 7.~~

51. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless the local planning authority has confirmed in writing that such works can proceed based on the submission of a recent survey (no older than one month) that has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site together with details of measures to protect the nesting bird interest on the site.

52. Any and all non-residential buildings on the site shall ~~meet~~ be designed to achieve at least BREEAM 'Very Good' rating based on the standard applicable at the date of this decision.

~~53. No building on the site shall have a maximum height greater than 8.5m.~~

~~54.~~ Prior to first use of the approved new vehicular access arrangement (as shown on drawing no. 1361/22 Rev. E) or new public car park (condition 29), details of the means by which the existing access to Banbury Cricket Club will be stopped up to motor vehicles shall be submitted to and approved in writing by the local planning authority. Neither the approved new vehicular access nor public car park shall be brought into use until the existing access has been stopped up in accordance with the approved details and shall be retained as such thereafter.

~~55.~~ The open market dwellings provided on the site shall include a minimum of the following dwelling sizes:

- 20% as two bedroom dwellings;
- 40% as three bedroom dwellings.

All applications for reserved matters approval shall reflect these requirements unless with the prior written agreement of the local planning authority.

~~56.~~ No part of any building shall be located within 20m of any part of the Salt Way restricted byway.

~~57.~~ All applications for reserved matters approval relating to a phase (as approved under condition 2), shall be accompanied by a lighting strategy outlining how lighting will be sensitively designed within that phase to minimise disturbance to wildlife (in

particular bats). Thereafter, the development approved for that phase as granted reserved matters approval shall be carried out in accordance with the approved lighting strategy.

578. Residential development on the site shall achieve an average minimum density of 30 dwellings/hectare across each and all residential parcels (as defined within approved within the Design Code/Masterplan approved under the requirements of condition 6).

58. No part of any dwelling (including any part of its curtilage) or other operational development including roads/driveways (with the exception only of footpaths/cycle tracks and lighting where appropriate) shall be located within 5m of any part of the existing vegetation belt along the southern boundary of the Salt Way.

59. That before any building is first occupied (other than for construction purposes), the new roads providing vehicular access to that building from White Post Road (other than the new link road) shall be laid out, constructed, lit and drained up to base course level. Within 12 months of the date of first occupation of that building, the roads serving it shall be fully completed.

**Andy Green**

---

**From:** Flavin, David - E&E <David.Flavin@Oxfordshire.gov.uk>  
**Sent:** 10 March 2017 17:55  
**To:** Chris Still; Francesca Parmenter; Oliver Martin (Oliver@bickleymartin.com); Bob Duxbury; Michelson, Lisa - E&E; White, Joy - E&E; Andy Green; Julian Hamer; Matthew Parry; Smith, Mike - E&E; Crouch, Jennifer - Law & Governance; Battye, Hannah - E&E; Oliver, Richard - E&E; Glen.Langham@gallagherstates.com  
**Subject:** RE: Banbury 17 Proposed Spine Road Delivery Mechanism  
**Attachments:** OCC CDC Note on Proposed Mechanism\_06March2017.docx

Dear All,

Thank you for attending the Salt Way meeting on Wednesday. Please find the agreed actions from the meeting detailed below. As requested I also attach a word version of the note on the mechanism.

Actions from Banbury 17 spine road meeting 08/03/17

1. Gladman/Gallagher to obtain quote from Bondsman for mechanism 2 index linked product
2. Gladman/Gallagher to provide suggested track changes to the attached note on the mechanism
3. OCC to reconsider whether a non-indexed figure with a high contingency would be acceptable and if so how much this would need to be for
4. Gladman to consider inclusion of time period in addition to the 350 home trigger with respect to mechanism 2 land option and payment/bond being triggered
5. CDC to consider planning conditions that need to be cleared before the Gladman spine road can be delivered and timescales for implementation
6. OCC to reassess how long it could take to procure the mechanism 2 spine road on the Gladman site (clearing planning conditions / obtaining a new planning permission may require an earlier trigger)
7. Additional information required:
  - a. Gallagher/Gladman to provide basic specification for the spine road
  - b. Gallagher/Gladman (separately) to provide value of works in respect of s38 spine road works and separately s278 works
  - c. Gallagher/Gladman to update housing trajectory/planning permission implementation timetable

Kind regards,  
David

David Flavin  
Senior Planning Officer (Cherwell Locality)

Infrastructure Development  
Oxfordshire County Council  
County Hall, New Road, Oxford OX1 1ND  
07796 948386  
[david.flavin@oxfordshire.gov.uk](mailto:david.flavin@oxfordshire.gov.uk)

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<http://www.oxfordshire.gov.uk/emaildisclaimer>.

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**From:** Matthew Parry [mailto:Matthew.Parry@Cherwell-DC.gov.uk]  
**Sent:** 10 March 2017 09:47  
**To:** 'Francesca Parmenter' <FParmenter@davidlock.com>  
**Cc:** David Flavin <david.flavin@oxfordshire.gov.uk>; Chris Still <C.Still@gladman.co.uk>  
**Subject:** RE: Review of Conditions - Banbury 17 applications

Fran

Yes it is the intention for conditions to allow construction work relating to the creation of the vehicular accesses and link road without the need to submit or have the design code/masterplan approved – this is intended to be the case with both applications. I will need to double check how this is worded in the conditions. There is a slightly different approach taken on the draft conditions for the Gladman application (for no particular reason) but I'm not sure yet which route to take. The latest draft wording of condition 1 is probably sufficient as it allows the access/link road development to take place without requiring reserved matters applications to be approved which essentially does not cause condition 6 to take effect. It might be that condition 1 could be further clarified to make it clear that the access/link road development could take place without reserved matters applications being approved or design code being submitted/approved.

I will also discuss the issue of separate implementation periods for the access/link road with the DC Manager to give OCC the long term possibility to implement the Gladman planning permission in the event that the mechanism 2 scenario occurs so that a separate planning application is then not necessary. Having thought it about it briefly myself, a separate implementation period for the link road element could need to be very long indeed (possibly 10-15 years!) to keep the full options open to OCC to implement a Gladman permission in the event that mechanism 2 is engaged. I will also discuss the possibility of an upfront design brief being submitted to cover both applications to remove the need for a later design code as well as the possibility of the applications needing to return to Committee if there is a detailed submission of the link road.

I understand that David Flavin will shortly be sending round a note summarising the actions arising from the meeting so that there is clarity on how things are progressed and the various responsibilities.

Kind regards

**Matthew Parry**  
**Principal Planning Officer**  
Development Management  
Cherwell District Council  
Telephone: 01295 221837  
Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Details of applications are available to view through the Council's Online Planning Service at <http://www.publicaccess.cherwell.gov.uk/online-applications>

Instructions on how to use the Public Access service to **view, comment on and keep track of applications** can be found at <http://www.cherwell.gov.uk/viewplanningapp>

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Follow us on Twitter [@Cherwellcouncil](https://twitter.com/Cherwellcouncil)

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**Andy Green**

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**From:** Francesca Parmenter <FParmenter@davidlock.com>  
**Sent:** 23 March 2017 11:49  
**To:** Flavin, David - E&E; Chris Still; Oliver Martin (Oliver@bickleymartin.com); Bob Duxbury; Michelson, Lisa - E&E; White, Joy - E&E; Andy Green; Julian Hamer; Matthew Parry; Smith, Mike - E&E; Crouch, Jennifer - Law & Governance; Battye, Hannah - E&E; Oliver, Richard - E&E; Glen.Langham@gallagherestates.com; Ian Hardwick  
**Subject:** RE: Banbury 17 Proposed Spine Road Delivery Mechanism  
**Attachments:** OCC CDC Note on Proposed Mechanism - 06 March 2017 (Amends 23-03-17 TRAC....docx; OCC CDC Note on Proposed Mechanism - 06 March 2017 (Amends 23-03-17 CLEA....docx

David (All)

Please find attached Gladman/Gallagher suggested track changes to the OCC note on the mechanism for delivery of the spine road. Clean version also attached.

For completeness, we have incorporated the list of actions arising from the meeting (section 5 of the note) and whilst there are outstanding actions for all parties, in the first instance it would be helpful to receive OCC/CDC's endorsement that the attached provides an accurate record of the discussion on the 8<sup>th</sup> March 2017 and the growing consensus on approach. As we are all keen to maintain momentum, could we please request this within 7 days.

In the meantime, if there are any questions on the attached, please do not hesitate to contact us.

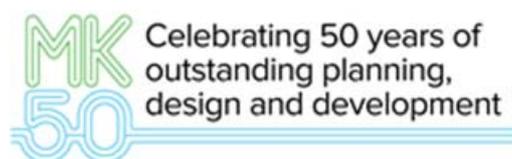
Kind regards  
Fran

**Francesca Parmenter**  
Associate

**David Lock Associates**  
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## Banbury 17 – Mechanism for securing the delivery of the link road between Bloxham Road and White Post Road<sup>1</sup>

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### 1. Background and overview of proposed mechanism

The developers' proposal is welcomed and in principle the suggested approach appears to provide certainty over the delivery of the spine road through Banbury 17.

The latest mechanism proposes to progress the S38 technical approval process in parallel with the planning process, with a separate S38 agreement for the relevant section of the spine road entered into at grant of outline consent. In the event of non-implementation and at agreed trigger points, the mechanism would give OCC as highway authority the option to "step in" with the land and funding made available through the relevant S38 agreement.

For ease of reference the details of the latest proposal from developers Gallagher/Gladman is set out below:

***Mechanism 1 – (“the normal and most likely scenario”)***

*Each developer implements their consent and constructs the spine road up to its respective application boundary in accordance with the spine road triggers as set out in the two Committee Reports which seek to ensure timely delivery of the link road.*

*The ‘developers’ would reserve the right to reduce the bond, proportionately, as they directly deliver/ construct the spine road. This detail and the phased reduction in the bonded sums can be agreed through the S.38 Agreement.*

***Mechanism 2 – (“the fall-back to cover non-implementation scenario”)***

*A set of triggers will be agreed, as appropriate, that bite in the event that one developer does not implement their consent. This would allow OCC as highway authority to “step in” to complete the section of the spine road on the non-implemented site by drawing down the bond sum for that section of the spine road and constructing in accordance with the approved design, with the required land being made available through the relevant S38 agreement.*

To clarify, issue of planning permission and signing of s38/s106 agreements will need to be simultaneous. For mechanism 1, each site will need separate S38 and S278 agreements as there are substantial works required on the highway.

### 2. Triggers

#### **Mechanism 1**

##### **Gladman Site<sup>2</sup> (as per committee resolution/conditions):**

- The spine road approved shall be fully completed and available for public use from its new junction with White Post Road through to the Gladman site's western boundary prior to the earlier of:

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<sup>1</sup> This note is intended to reflect the discussions at the meetings on 1 February and 8 March and record the increasing consensus on the approach; the content is not binding.

<sup>2</sup> Gallagher/Gladman are used to refer to the two distinct application sites. Where requirements of Gallagher/Gladman are stipulated this also refers to any other future developer progressing the works.

- i. Occupation of 75% of the final number of dwellings approved on the site (approx. **210 dwellings** but to be determined by reserved matters approvals);  
or
- ii. **Four years following Implementation**) of the development.

#### **Gallagher Site (as per committee resolution/conditions):**

- No development/occupation (on this application site) beyond **500 dwellings** until the spine road is completed from the A361 to the eastern boundary of the Gallagher part of Ban 17.
- The spine road through this development shall be fully completed and available for public use from its new junction with A361 through to the Gallagher site's eastern boundary prior to the occupation of the **501st dwellings**.

#### **Mechanism 2**<sup>3</sup>

- **350 homes** on the Gallagher site and non-implementation on Gladman site<sup>4</sup> - spine road land on Gladman site and funds<sup>5</sup> for construction of the spine road on the Gladman site to be made available to OCC<sup>6</sup>.

#### **In Mechanism 1:**

#### **Longstop for completion of spine road works:**

Gladman: 4 years from commencement (as per planning condition)

Gallagher: 8 years from commencement (based on trajectory provided 31 May 2016).

### **3. Spine Road & Mechanism 2**

S38 agreement Mechanism 2 would need to include:

- OCC step-in arrangements (grant of licence to OCC (assignable))
- Dedication of land for adoption as highway
- OCC right to use developer drawings
- Provision of funding for Spine Road works (see section 4 below)

### **4) Bonds/Alternative Security**

#### **Mechanism 1**

Default bonds required for mechanism 1 s38/s278 agreement works on commencement of works. Use of standard OCC works bond for each s38 is required. OCC consider it would be appropriate to delay provision of the works bond

---

<sup>3</sup> Triggers for mechanism 2 are based on build out trajectories supplied by Gallagher/Gladman 31 May 2016. If these trajectories are re-profiled, triggers may need to be realigned accordingly.

<sup>4</sup> Gladman propose a minimum period of 5 years within which Gladman can implement in order to allow Gladman a fair period to secure reserved matters and clear pre-commencement conditions.

<sup>5</sup> See commentary on approach to provision of bond in Section 4

<sup>6</sup> OCC estimate it would take up to 18 months to procure completion of the Gladman section of the spine road (worst case scenario with contingency). Trajectory supplied 31 May 2016 shows it will take approximately 18 months to deliver from 350 to 500 homes on Gallagher site.

to commencement of development (OCC standard is to require bond on completion of S38 agreement).<sup>7</sup>

Developers have requested to reserve the right to reduce the bond as the spine road is delivered. This is contrary to standard approach. Developers and OCC to consider milestones for elements of the spine road and provision for reduction of the bonds on completion of such milestones PROVIDED THAT this would need to be agreed with OCC in advance of completion of the S38 agreement. If not, then developers would have to rely on the right to request that OCC gives consideration to reducing a works bond at the time of construction.

## **Mechanism 2**

The approach for securing the availability of funds in Mechanism 2 is the main outstanding point as at the date of this note. The current position can be summarised as follows:

- The Developers had proposed a bond being made available from completion of the S38 agreement to provide the security. OCC would prefer any such bond to increase in line with indexation. The developers considered that a contingency could be used in order to provide for indexation. OCC is considering whether a contingency approach may be workable and the developers are considering whether a bond where the overall sum is index linked is available from bondsmen.
- OCC would prefer a requirement to pay an index linked financial contribution if the trigger events occur. This was considered to be unworkable by Gladman for the reasons explained at the meeting.

## **5) Further Information Required and Actions**

- The basic specification of for the spine road needs to be agreed in order to avoid potential delays later in the process. OCC/CDC await details.
- OCC needs details of value of works (Gallagher and separately Gladman) in respect of s38 spine road works and separately the s278 works so that OCC can consider whether any procurement implications arise.
- CDC agreed that following grant of planning permissions, the consideration and determination of subsequent applications (discharge of conditions, RM) in respect of each site will be on their own merits i.e. no longer linked and timescales are not fettered by consideration of issues on adjacent site etc. CDC to confirm.
- Gladman/Gallagher to obtain quote from Bondsman for mechanism 2 index linked product
- OCC to reconsider whether a non-indexed figure with a high contingency would be acceptable and if so how much this would need to be for

---

<sup>7</sup> If a bond is used as security for mechanism 2, then the bond for the S38 works will need to be in place on completion of the S38 agreement for the Gladman section in order to cover the non-implementation. If another form of security is used, then yes the bond for the S38 works (mechanism 1) could be commencement.

- Gladman to consider inclusion of time period in addition to the 350 home trigger with respect to mechanism 2 land option and payment/bond being triggered [see footnote 4]
- CDC to consider planning conditions that need to be cleared before the Gladman spine road can be delivered and timescales for implementation
- OCC to reassess how long it could take to procure the mechanism 2 spine road on the Gladman site (clearing planning conditions / obtaining a new planning permission may require an earlier trigger)
- Gallagher/Gladman to update housing trajectory/planning permission implementation timetable

~~2306~~ March 2017**Banbury 17 – Mechanism for securing the delivery of the link road between Bloxham Road and White Post Road<sup>1</sup>****~~Proposed agenda for meeting on 8 March 2017 and Comments from OCC and CDC on mechanism proposed by Gallagher and Gladman dated 3<sup>rd</sup> February 2017<sup>2</sup>~~****~~Proposed Agenda for 8<sup>th</sup> March~~**

- ~~1. Overview of proposal (Gallagher/Gladman) & OCC/CDC response~~
- ~~2. Triggers~~
- ~~3. Mechanism 2 (fall-back position)~~
- ~~4. Bonds/security:
 
  - ~~a. Mechanism 2~~
  - ~~b. Works bond (s278/38 works)~~
  - ~~c. Contributions~~~~
- ~~5. Further information required~~
- ~~6. AOB~~

**1. Background and overview of proposed mechanism**

The developers' proposal is welcomed and in principle the suggested approach appears to provide certainty over the delivery of the spine road through Banbury 17.

The latest mechanism proposes to progress the S38 technical approval process in parallel with the planning process, with a separate 38 agreement for the relevant section of the spine road entered into at grant of outline consent. In the event of non-implementation and at agreed trigger points, the mechanism would give OCC as highway authority the option to "step in" with the land and funding made available through the relevant S38 agreement.

For ease of reference the details of the latest proposal from developers Gallagher/Gladman is set out below:

***Mechanism 1 – ("the normal and most likely scenario")***

*Each developer implements their consent and constructs the spine road up to its respective application boundary in accordance with the spine road triggers as set out in the two Committee Reports which seek to ensure timely delivery of the link road.*

<sup>1</sup> This note is intended to reflect the discussions at the meetings on 1 February and 8 March and record the increasing consensus on the approach; the content is not binding.

<sup>2</sup> This note is intended to aid discussion at the meeting on 8<sup>th</sup> March and to help work towards an acceptable solution; the content is not binding.

*The 'developers' would reserve the right to reduce the bond, proportionately, as they directly deliver/ construct the spine road. This detail and the phased reduction in the bonded sums can be agreed through the S.38 Agreement.*

**Mechanism 2 – (“the fall-back to cover non-implementation scenario”)**

*A set of triggers will be agreed, as appropriate, that bite in the event that one developer does not implement their consent. This would allow OCC as highway authority to “step in” to complete the section of the spine road on the non-implemented site by drawing down the bond sum for that section of the spine road and constructing in accordance with the approved design, with the required land being made available through the relevant S38 agreement.*

To clarify, issue of planning permission and signing of s38/s106 agreements will need to be simultaneous. For mechanism 1, each site will need separate S38 and S278 agreements as there are substantial works required on the highway.

## 2. Triggers

### Mechanism 1

#### **Gladman Site<sup>3</sup> (as per committee resolution/conditions):**

- The spine road approved shall be fully completed and available for public use from its new junction with White Post Road through to the Gladman site's western boundary prior to the earlier of:
  - i. Occupation of 75% of the final number of dwellings approved on the site (approx. **210 dwellings** but to be determined by reserved matters approvals);
  - or
  - ii. **Four years following Implementation** of the development.

#### **Gallagher Site (as per committee resolution/conditions):**

- No development/occupation (on this application site) beyond **500 dwellings** until the spinelink road is completed ~~from the across the Ban 17 allocation site (A361 to the eastern boundary of theis Gallagher part of Ban 17).~~
- The spine road through this development shall be fully completed and available for public use from its new junction with A361 through to the Gallagher site's eastern boundary prior to the occupation of the **501st dwellings**.

### Mechanism 2<sup>4</sup>

- **350 homes** on the Gallagher site and non-implementation on Gladman site<sup>5</sup> - spine road land on Gladman site and funds<sup>6</sup> for construction of the spine road on the Gladman site to be made available to OCC<sup>7</sup>. ~~Gallagher to be responsible for securing planning permission for the link road and clearing of planning conditions required for the link road (on Gladman site).~~

<sup>3</sup> Gallagher/Gladman are used to refer to the two distinct application sites. Where requirements of Gallagher/Gladman are stipulated this also refers to any other future developer progressing the works.

<sup>4</sup> Triggers for mechanism 2 are based on build out trajectories supplied by Gallagher/Gladman 31 May 2016. If these trajectories are re-profiled, triggers may need to be realigned accordingly.

<sup>5</sup> ~~Gladman propose a minimum period of 5 years within which Gladman can implement in order to allow Gladman a fair period to secure reserved matters and clear pre-commencement conditions.~~

<sup>6</sup> ~~See commentary on approach to provision of bond in Section 4~~

<sup>7</sup> OCC estimate it would take up to 18 months to procure completion of the Gladman section of the spine road (worst case scenario with contingency). Trajectory supplied 31 May 2016 shows it will take approximately 18 months to deliver from 350 to 500 homes on Gallagher site.

- ~~500 homes on the Gallagher site – spine road completed across the whole of Banbury 17 (no further dwellings on the Gallagher site to be built until completion of spine road)~~

### In Mechanism 1 Either Scenario:

#### **Maximum duration of spine road works:**

Gladman: 4 years from commencement (as per planning condition)

Gallagher: 8 years from commencement (based on trajectory provided 31 May 2016).

#### **Longstop for completion of spine road works:**

Gladman: 4 years from commencement (as per planning condition)

Gallagher: 8 years from commencement (based on trajectory provided 31 May 2016).

### **3. Spine Road & Mechanism 2**

S38 agreement Mechanism 2 would need to include:

- OCC step-in arrangements (grant of licence to OCC (assignable))
- Dedication of land for adoption as highway
- OCC right to use developer drawings
- Provision of funding for Spine Road works (see section 4 below)
- ~~Gallagher to be responsible for securing planning permission for the link road and clearing of planning conditions required for the link road (on Gladman site).~~
- ~~Gladman/successors agreement not to object to planning applications for the spine road on their site~~

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### **4) Bonds/Alternative Security**

#### **Mechanism 1**

Default bonds required for mechanism 1 s38/s278 agreement works on commencement of works. Use of standard OCC works bond for each s38 is required. OCC consider it would be appropriate to delay provision of the works bond to commencement of development (OCC standard is to require bond on completion of S38 agreement).<sup>8</sup>

Developers have requested to reserve the right to reduce the bond as the spine road is delivered. This is contrary to standard approach ~~and OCC cannot agree to this.~~ ~~The developer does however have the right to request that OCC gives consideration to reducing a works bond.~~ Developers and OCC to consider milestones for elements of the spine road and provision for reduction of the bonds on completion of such milestones PROVIDED THAT this would need to be agreed with OCC in advance of completion of the S38 agreement. If not, then developers would have to rely on the right to request that OCC gives consideration to reducing a works bond at the time of construction.

<sup>8</sup> If a bond is used as security for mechanism 2, then the bond for the S38 works will need to be in place on completion of the S38 agreement for the Gladman section in order to cover the non-implementation. If another form of security is used, then yes the bond for the S38 works (mechanism 1) could be commencement.

**Mechanism 2**

The approach for securing the availability of funds in Mechanism 2 is the main outstanding point as at the date of this note. The current position can be summarised as follows:

- The Developers had proposed a bond being made available from completion of the S38 agreement to provide the security. OCC would prefer any such bond to increase in line with indexation. The developers considered that a contingency could be used in order to provide for indexation. OCC is considering whether a contingency approach may be workable and the developers are considering whether a bond where the overall sum is index linked is available from bondsmen.
- OCC would prefer a requirement to pay an index linked financial contribution if the trigger events occur. This was considered to be unworkable by Gladman for the reasons explained at the meeting.

~~The Developers have proposed use of a bond to provide the finance for the incomplete section of spine road in the event that one developer doesn't implement their consent. However, since there will have been no default by the developers/landowner OCC think it would be very difficult for a works bond to be secured in this circumstance to fund construction costs (which would need to rise in line with inflation, unlike in the standard works bond). In our experience as highway authority, works bonds operate when there is default. Essentially, at the Mechanism 2 trigger point, funding will be provided for the construction costs — this can be covered by a simple payment provision which restricts use of the payment to the spine road work. This payment obligation could be in the s38/s278 agreement. It also means that the developers wouldn't be paying for the mechanism 2 bond during the life of the development. The sum would need to be index linked to preserve its value, to ensure OCC can pay for the work.~~

**5) Further Information Required and Actions**

- The basic specification of for the spine road needs to be agreed in order to avoid potential delays later in the process. OCC/CDC await details.
- OCC needs details of value of works (Gallagher and separately Gladman) in respect of s38 spine road works and separately the s278 works so that OCC can consider whether any procurement implications arise.
- CDC agreed that following grant of planning permissions, the consideration and determination of subsequent applications (discharge of conditions, RM) in respect of each site will be on their own merits i.e. no longer linked and timescales are not fettered by consideration of issues on adjacent site etc. CDC to confirm.
- Gladman/Gallagher to obtain quote from Bondsmen for mechanism 2 index linked product
- OCC to reconsider whether a non-indexed figure with a high contingency would be acceptable and if so how much this would need to be for

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- Gladman to consider inclusion of time period in addition to the 350 home trigger with respect to mechanism 2 land option and payment/bond being triggered [see footnote 5]
- CDC to consider planning conditions that need to be cleared before the Gladman spine road can be delivered and timescales for implementation
- OCC to reassess how long it could take to procure the mechanism 2 spine road on the Gladman site (clearing planning conditions / obtaining a new planning permission may require an earlier trigger)
- Gallagher/Gladman to update housing trajectory/planning permission implementation timetable

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