

**Case Officer:** Matthew Parry                      **Ward(s):** Banbury Calthorpe and Easington  
Adderbury, Bloxham and Bodicote

**Applicant:** Gallagher Estates

**Ward Member(s):** Banbury Calthorpe & Easington:

Cllr Colin Clarke  
Cllr Kieron Mallon  
Cllr Nigel Morris

Adderbury, Bloxham & Bodicote:

Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Nigel Randall

**Committee Date:** 4<sup>th</sup> August 2016

**Reason for Committee Referral:** Major Development

**Recommendation:** That Committee resolves to inform the SoS that the Council proposes to approve the application subject to conditions and completion of a legal agreement

### **Introduction**

*This planning application proposes development on land allocated within the Cherwell Local Plan 2011-2031 Part 1 as Banbury 17. This application is one of two applications submitted contemporaneously on this allocated site, the other being application reference 15/01326/OUT which is also on this agenda for determination. At the 19<sup>th</sup> May 2016 Planning Committee it was resolved that both applications had to be considered by Members together as they proposed development that was inherently interlinked and a proper holistic view of the merits of the overall proposed development on the allocated site was necessary. Whilst each application is the subject of its own individual report and recommendation, officers' intend to present the schemes together in the interests of enabling informed decision making. However, whilst both applications relate to the same overall allocated site, they are nonetheless two separate applications and therefore two decisions need to be made at Committee.*

*Shortly after receipt of this application the Council was informed that the Secretary of State for Communities and Local Government (SoS) had received a request from a third party to issue a call-in direction so that he himself could determine the application under provisions contained within s77 of the Town and Country Planning Act 1990. The SoS has not yet formally exercised this power and it is not clear if he intends to do so but he has requested to be kept up to date with progress on the application. To this end, the SoS has been sent a copy of this report and its associated recommendation. The SoS has further requested that no decision be made until he is afforded the opportunity to potentially call-in the application having reviewed the Council's intended decision following consideration at Planning Committee. As a result, officers' recommendation reflects these*

*circumstances. Members should note however that the potential use of call-in powers have only been expressed in relation to this application and not application reference 15/01326/OUT on the remaining part of the allocated Banbury 17 site. The SoS can however intervene at any time on any application up until the point a decision is made.*

## **1. Application Site and Locality**

- 1.1 The application site consists of just over 52 hectares of predominantly agricultural land located to the south of Banbury. The site forms a large section of the land between the A361 (Bloxham Road) and White Post Road in Bodicote and in turn forms the majority of the land allocated as Banbury 17 in the Cherwell Local Plan 2011-2031 Part 1 for a residential-led urban extension to the south of Banbury. The majority of the northern edge of the site abuts Salt Way, a public right of way and historic trading route that is afforded status as a local heritage asset. The remainder of the site's northern boundary is formed by the under-construction Morris Homes residential development which was allowed on appeal in 2013. Further to the north lies the residential area of Easington which is an estate development dating from the 1960's and 70's where buildings are typical of the generic national vernacular of the time with a mix of detached houses, semi-detached houses and bungalows. The majority of the immediate context to the north however is dominated by the institutional buildings and playing fields associated with the secondary schools of Blessed George Napier, Banbury Academy and the Space Academy.
- 1.2 To the west of the site lies the A361, otherwise known as Bloxham Road. This is one of two arterial routes into Banbury from the south together with the A4260 (Oxford Road). Mature trees and hedgerows line Bloxham Road on the approach into Banbury. Adjacent to the site along Bloxham Road are Crouch Cottages and Wykham Park Lodge. A farm track with field gates provides access to the application site for farm vehicles from Bloxham Road at its north-western corner. Beyond the site to the south and west is predominantly open countryside primarily used for agriculture. The western context is however likely to change in the coming years with planning permission having been granted for up to 350 homes on land to the west of Bloxham Road which was, in part, allocated for residential development in the Cherwell Local Plan 2011-2031 Part 1 as Banbury 16.
- 1.3 Tudor Hall School lies to the southwest of the site though its main School buildings, including its listed buildings, located further to the south beyond Wykham Lane. Some of its formal recreation grounds and playing fields are however adjacent to the application site on land to the north of Wykham Lane from which there is also a gated vehicular access to the School.
- 1.4 The southern boundary of the application site is comprised mainly of hedgerows and occasional hedgerow trees with agricultural fields and farm buildings beyond as the land falls gently towards Wykham Lane. This includes Wykham Park Farm, its farm buildings and farm shop as well as associated residential properties. At its eastern edge the site projects southwards through a narrow rectangular spur that runs down to meet Wykham Lane. The eastern site boundary is formed by a sparse hedgerow that runs on a north-south alignment separating the site from the adjacent Bodicote allotments, Banbury Cricket Ground and further agricultural land to the east. This eastern agricultural land forms the remainder of the allocated Banbury 17 site and is the subject of a planning application (ref: 15/01326/OUT) for residential development which is also on the Committee agenda. Further to the east lies the village of Bodicote which includes a conservation area that extends up to the junction between Wykham Lane and White Post Road as well as a number of listed buildings including the Grade II listed Council offices of Bodicote House and now-converted lodge to the front of the Council premises.

- 1.5 The application site comprises gently undulating farmland countryside containing a number of large agricultural fields delineated by hedgerows and is thus traditional rural farmland in character despite the proximity to Banbury. The site contains many tree species along its boundaries with many of the individual trees mature and in good health. A small area of semi-natural mixed woodland is located in the north-western corner of the site and a narrow strip of mixed woodland is located along much of the southern boundary. A stretch of woodland also encloses a public bridleway that runs from Wykham Lane to Salt Way in a north-south alignment through part of the centre of the site. A further public footpath also passes through the centre of the site that links Wykham Lane with the Salt Way and the Blessed George Napier School recreation ground to the north. Another public footpath runs adjacent to the site's western boundary alongside Tudor Hall School and meets Bloxham Road opposite Crouch Cottages before crossing and routing through agricultural land to the west so that it finally connects up to the Salt Way.
- 1.6 Views into the site from surrounding roads are generally not significant due to the topography of the land together with screening provided by existing woodland, trees and hedgerows. The site is however easily viewed from the public footpaths and bridleway that run through and alongside the site and whilst the site forms part of a pleasant countryside context to Banbury and Bodicote it is not subject to any statutory or local landscape designations. Similarly the site does not contain any local, national or internationally protected areas of known ecological importance though the individual habitat and species impacts will need to be duly considered as part of assessing the merits of the proposals. There are no existing water features within the site and the site is considered to be at low risk from all sources of flooding based on Environment Agency modelling. A dry drainage ditch does run along the southern boundary of the site and similarly there are ditches within the vegetation either side of the public bridleway that passes through the site.
- 1.7 The application site can be seen edged in black on the site location plan appended to this report which aides in understanding the site's wider context.

## **2. Description of Proposed Development**

- 2.1 The application seeks outline planning permission for the development of up to 1000 homes, a local centre, primary school, community centre, secondary school playing fields, new bridleway and informal/formal recreation facilities on the site together with the provision of a section of spine road from the A361 through to the site's eastern boundary. The site forms part of a larger area of land allocated as Banbury 17 within the Local Plan for up to 1345 dwellings and supporting residential uses including a local centre, primary school, community centre and formal play and sports facilities. The application is in outline only with all matters reserved except for access. As a result it is the principle, type and amount of development that needs to be considered at this stage together with the means of accessing/egressing the proposed development which includes by car, public transport, on foot and by cycle. If approved, all other matters relating to the detail of the appearance, scale, layout and landscaping of the various buildings and land uses within the development would need to be submitted for subsequent approval prior to any development commencing. An illustrative masterplan has been submitted by the applicant to demonstrate how the proposed development could be accommodated on the site which also attempts to show how development across the wider Banbury 17 site would be integrated. This masterplan is indicative only and is not necessarily reflective of the detailed development that would be proposed as part of reserved matters if this application were to be approved.
- 2.2 Vehicular access to the site is proposed to be created from a new four-arm roundabout on Bloxham Road. Two of the roundabout arms would enable access to the new development whilst the other two would provide for through-traffic along Bloxham Road.

The creation of the roundabout necessitates the eastward re-alignment of a section of Bloxham Road to enable sufficient space for the creation of the roundabout and to ensure suitable entry to the roundabout from all its arms. An existing section of Bloxham Road is proposed to be retained in order to continue to provide access to Crouch Cottages and Crouch Farm though its northern exit would be restricted by bollards to ensure that it is not able to be used as a cut-through for vehicular traffic to avoid the new roundabout.

- 2.3 The development is also proposed to be accessed via a new spine road that would run through the site and link Bloxham Road with White Post Road such that, in time, vehicular access could be achieved from the west and east. In order to facilitate this the applicant proposes to construct a 6.75m wide section of spine road from the new access onto Bloxham Road through to the site's eastern boundary where it meets the site that is currently subject to planning application reference 15/01326/OUT to its enable onward connection. Planning application reference 15/01326/OUT is proposing the eastern section of the spine road from the boundary between the sites through to a new junction with White Post Road.
- 2.4 In order to understand the proposed access to the site it is necessary to have an appreciation of the wider development context for the south of Banbury. Together Policies Banbury 16 and 17 provide for a significant urban extension to the south of Banbury either side of Bloxham Road. Planning permissions have already been granted on land associated with Banbury 16 and land to the northwest of Banbury 17. Together the construction of the means of access to these two developments will in due course see a further alignment of a section of Bloxham Road together with a new four-arm roundabout created to the south of where Salt Way crosses the Bloxham Road.
- 2.5 The access arrangements now being proposed have been designed to correspond with the other approved highway works associated with the aforementioned extant planning permissions. As a result, new footways would be created to both sides of the newly aligned Bloxham Road that link together the two new roundabouts and then onwards towards the town centre. Pedestrian crossing facilities are also proposed to be coordinated as part of efforts to connect new and existing public rights of way on both sides of the Bloxham Road. The existing farm access at the northwest of the site is proposed to be retained though altered to form a restricted emergency vehicular access for use predominantly by pedestrians and cyclists.
- 2.6 Whilst the application is in outline only, the supporting documentation indicates that a mix of 1-5 bedroom dwellings are to be proposed on the site. In the main this is proposed to be 2 storey housing though in more central parts of the site and closer to the local centre this is expected to be higher – 2 ½ or perhaps 3 storey buildings. 30% of the dwellings are proposed to be of affordable tenure incorporating a mixture of rented and intermediate housing.
- 2.7 In addition to the residential development, a neighbourhood centre is proposed including a mix of uses including potentially shops, cafés and takeaways (Classes A1-A5) as well as D1 and D2 uses such as a nursery, doctors/dental surgery or small-scale leisure facilities. The precise details of the local centre, the uses proposed and the size/type of units is a matter that would be assessed and determined via an application for reserved matters approval.
- 2.8 Further associated development is also proposed within the site. Land up to 3.01ha in size for a new primary school is proposed to the east of the Morris Homes development to meet the needs of pupils generated by this proposed development as well as surrounding developments. In addition, land equivalent to 1.81ha is proposed adjacent to Blessed George Napier School for new school playing fields. A community facility is also proposed

within the local centre area. Significant areas of public open space, informal green space, equipped play areas and sports pitches are also proposed in various areas across the site. A new footpath bridleway is also proposed along the south of the site to link up with a footpath bridleway proposed on land to the east (ref: 15/01326/OUT) before connecting back up with Salt Way.

2.9 The application has been accompanied by an Environmental Statement that represents an Environmental Impact Assessment (EIA) that considers the potential significant environmental effects associated with the proposed development both individually and cumulatively with other committed/planned development. As a result, the application proposes EIA development for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and must be considered and assessed accordingly with full regard had to the submitted Environmental Statement.

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
13/00321/OUT	OUTLINE - 1000 dwellings together with a local centre including retail (A1), financial services (A2), restaurants (A3-A5), up to a combined total floorspace of 1000m2, employment space (B1) up to a total floorspace of 5000m2 with the B1(a) office component limited to a maximum of 2,500m2, associated car parking, a community primary school (including space for community uses (D1) and assembly and leisure uses (D2)), green infrastructure including formal and informal open space, amenity space, retained hedgerows, structural landscaping, supporting infrastructure (including gas, electricity, sewerage, water, telecommunications), sustainable urban drainage systems, new connection to the A361 Bloxham Road, pedestrian and cycling connections to the surrounding footpath and cycle network and any necessary demolition and ground remodelling	Undetermined. Appeal lodged against non-determination then appeal withdrawn.
13/00010/SO	Screening Opinion to 13/00321/OUT - 1000 dwellings together with a local centre including retail (A1), financial services (A2), restaurants (A3-A5), up to a combined total floorspace of 1000m2, employment space (B1) up to a total floorspace of 5000m2 with the B1(a) office component limited to a maximum of 2,500m2, associated car parking, a community primary school (including space for community uses (D1) and assembly and leisure uses (D2)), green infrastructure including formal and informal open space, amenity space, retained hedgerows, structural landscaping,	EIA Required 06.03.2013

supporting infrastructure (including gas, electricity, sewerage, water, telecommunications), sustainable urban drainage systems, new connection to the A361 Bloxham Road, pedestrian and cycling connections to the surrounding footpath and cycle network and any necessary demolition and ground remodelling

#### **4. Response to Publicity**

- 4.1 As an application for EIA development that, at the time of its submission proposed development that represented a clear departure from the development plan (Cherwell Local Plan 1996), the application proposals were publicised accordingly by way of local newspaper notices, letters to occupants of surrounding properties and site notices displayed in the vicinity of the site. The Secretary of State for Communities and Local Government (SoS) was also notified of the application. During the course of the life of the application further amendments and additional/updated supporting information has been submitted and these have been publicised in a similar manner.
- 4.2 20 representations have been received from third parties, mostly in objection, and these are summarised as follows:
- It is understood that there is a need for more housing but these proposals will damage the enjoyment of Salt Way and the views over open fields;
  - The proposals will alter the experience of the ancient Salt Way forever being transformed from a peaceful recreation track to a path through a housing estate;
  - The traffic on the A361 is very heavy already and has become noticeably worse in recent years due to developments in Bloxham and beyond;
  - The current sewerage network cannot accommodate more demand and has already created problems of overflow and odour around Landsdown Crescent due to load on the system from Tudor Hall;
  - The proposed spine road will not assist in alleviating congestion as it will make traffic in Bodicote even worse especially during school run times;
  - This is further loss of greenfield land and is unsustainable;
  - The proposals will contribute towards the expansion of Banbury towards Bodicote and Bloxham reducing their separate character and identities;
  - The residents of Wykham Lane have a real concern about the inevitable increase in traffic along this dangerous road. This will be a particular risk during morning and evening peak periods when it will be an obvious cut-through for anyone coming towards Banbury from Oxford or junction 10 of the M40 and onwards to the proposed development. This will make it even more difficult to emerge from the various drives into a small lane where the speed limit is 60 miles an hour along much of its length. It will also result in substantially more traffic wanting to turn right from the end of Wykham Lane into Bloxham Road towards the proposed development. This is already an accident black spot with a recent death as a result;
  - Bodicote is already being encroached upon by Banbury sprawl;
  - There is a desperate need for affordable housing in Banbury and this development would help to resolve some of this need;
  - The integrity of the Salt Way as a heritage asset and public amenity would be destroyed. It presently provides views out over open fields and countryside as well as long distance views of Bloxham Grove and Barford St Michael. It is a quiet tranquil route that is enclosed by hedgerows in many parts and is an area of ecological interest;

- It is incredibly disappointing that an area that has for so long provided an important green buffer to Banbury would be lost;
- The proposals represent a level of development and growth that prejudices Bodicote's rural village character;
- The road infrastructure is completely unable to cope with this development without causing serious injuries and fatalities;
- The proposals would destroy the Salt Way local wildlife site;
- Far too many housing estates have been approved in recent years damaging the green and pleasant land around Banbury;
- A single access point onto Bloxham Road would see over 2000 vehicle trips per day which is excessive for such an access;
- Proposals such as this seem to tick all of the boxes at planning stage – green spaces, school, cycle ways, sports facilities etc but the reality of which gets built always seems to be different;
- The roundabout entrance to the site is a positive and a marked improvement on the delay-causing traffic lights installed on the Oxford Road / Bodicote development. However beyond this there is no consideration or improvements planned to cope with the extra cars which will flow on the connecting roads right up to the motorway and train station. Road improvements should be funded that increase flow and throughput of traffic right up to the motorway. For this site in particular the addition of two mini roundabouts at the entrances from Springs Road and Queens Rd, both subject to lengthy queues and congestion, would be hugely beneficial and help partially mitigate some of the negative impacts of the development. Beyond this traffic flow improvements are required; to the station and motorway, on the Oxford Road, ideally replacing traffic lights with roundabouts which avoid wasted switching time, a second entrance / exit to the M42 south of Banbury from the bridge just before Adderbury and a bypass to the west of Banbury connecting A361 with B4100;
- Residents have been obliged to accept the despoiling of the environment of the south-western fringe of Banbury by Government edict requiring more houses;
- The proposals have not shown the approved new roundabout to the Banbury 16 and Morris Homes site together with the proposed new roundabout for this development proposal. As a result the whole impact of this development area is not revealed in one place to assist in assessment by third parties.

#### 4.3 Easington Sports & Social Club has made the following comments on the application:

- Easington Sports owns its own site adjacent to BGN School and has a club constitution that states that we need to promote community football for the people of Banbury and so we are surprised that both Gladman Developers and now this outline planning application have made no attempts to contact the club given the allocation of sports fields. In addition to this, we have made our position very clear to Cherwell District Council that we need to relocate to achieve our development plan goals and long term, we have a well-documented problem with floodlight provision at our current site next to the residents of Addison Road and Grange Road. It seems clear that BGN school are set to benefit from this planning application and we are aware they are an oversubscribed school that needs space to expand. There is certainly potential for swapping our site for land in the Gallagher Development that might be more mutually beneficial for instance to both our club and the school.
- On closer inspection of Sport England comments the last time this outline plan was submitted (dated 22nd December 2014) it seems clear that this amendment does not address some of the concerns mentioned by Sport England at the time. We would be interested to know if this site will have changing facilities and parking provision and whether our club could make use of this site to address our pitch needs as part of a community agreement. It is not clear the quality of the surface or whether an FA Standard drainage system will be put in place and this would be of interest to the club if dual use

with the school were extended to these fields in line with our current agreements with the school. Easington Sports would like to note that the school and the football club are currently working with the IOG to improve the drainage to the existing BGN fields through the Oxfordshire Football Association. The current fields are out of action for between 2 and 3 months of each year due to failed drainage and so we would ask the planning authorities to take this into consideration and wonder whether the Gallagher Development should also be looking to install a drainage system for existing pitches as well as providing this new space. This would demonstrate a real commitment to pitch provision for both School, football club and community use.

4.4 Tudor Hall School has made the following summarised representations:

- The proposal for the south-western area of the site to be green infrastructure is welcome and helps to partly alleviate the impact of the development on the parkland estate character of Tudor Hall School however this area of green space is not extensive enough to protect the landscape setting of Tudor Hall;
- Residential development shown in the south-western parcel and its associated roundabout arm should be omitted to ensure that the rural estate landscape character around the School is adequately preserved;
- The harm caused by the insufficient area of green space at the southwest of the site is exacerbated by the proposed creation of a children's play area which is inherently urban/suburban in character as opposed to the existing rural farmland character to the east of Tudor Hall.

4.5 Banbury Ornithological Society has commented as follows:

- We acknowledge that the applicant has put considerable effort into researching the ecological value of the site. We consider this to have been an effective approach and also indicates a good insight into the ecology of this area.
- We would like to see greater consideration of how the development could deliver a net gain in biodiversity. This could be demonstrated by a commitment to create BAP priority habitat within the 18ha of GI, especially limestone grassland.
- We would also welcome some specific measures for the bird populations assessed as being of local importance. For example, provision of nesting bricks or boxes in buildings for swifts (about one for every 20 houses, possibly in new school building), clusters of nest boxes for tree sparrows (along the boundary with arable land) and allowing hedgerows to become mature for the benefit of bullfinches and wintering thrushes.
- Along the Salt Way, great care should be taken before planting new trees, we suggest exploring creating a flower-rich meadow strip here, and allowing trees and scrub to spread naturally through natural regeneration from those already established along the Salt Way.
- The transition zone from the housing areas to the adjacent agricultural area is likely to be especially good for enhancement for wildlife as many birds will use the adjacent farmed habitats for feeding – examples include yellowhammers, chaffinches, sparrows and thrushes. It is good to see this is shown as part of the “general green space” and we would encourage the applicant to develop this thinking to create a wildlife-rich fringe.
- We welcome the SUDS provision and agree it will create some useful habitat useable by a variety of wildlife. Again, working with nature, using native species, will be important.

## 5. Response to Consultation

### **Bodicote Parish Council:**

Objection. It is the intention to join the proposed spine road through to that proposed on the Gladman development site (application ref: 15/01326/OUT) to enable exit onto White Post Road, Bodicote. The amount of traffic that would be generated is a concern both in terms of the vehicles generated from this development as well as existing traffic that



would use the spine road to travel across town. The increase in traffic using Wykham Lane is a concern and measures are needed to prevent traffic using the lane as a rat-run.

The Parish Council is also concerned about the amount of noise and air pollution the additional traffic will generate given the proximity of the Bishop Loveday Primary School and its school children.

**Banbury Town Council:**

No objection.

**Cherwell District Council:**

Landscape Officers – The assessment of the visual effects of the proposed development is fair and the illustrative masterplan does respond to the conclusions of the landscape assessment which is encouraging. Recreation facilities should be grouped together and play facilities provide valuable open space with housing areas to break up built form. The current provision and strategy for LAPs, LEAPs and NEAPs needs to be revised and children must not need to cross the spine road to access them. Further work is needed on the local centre and as part of the detailed masterplan and reserved matters stages to ensure that it has more of an organic feel as a centre rather than a detached facility with a car park.

Recreation and Health – The sports pitches need to be properly joined up between this site and the neighbouring application site to create more practical and user friendly playing pitches with a better location for a pavilion. This would also have some economies for both the developers as they would then only need to provide one large pavilion serving all pitches rather than a number of smaller pavilions at locations across both developments.

The following outdoor recreation infrastructure is required on site as result of this proposed development: Sports pitch provision requirement is 1.13ha per 1000 people. 2390 people = 2.7ha of sports pitches. 1 sports pitch = 0.9ha average. Therefore 2.7 ha = 3 adult football pitches. Each site will require its own changing pavilion with adjacent car parking. A commuted sum will be required for the maintenance of both the pitches and pavilion.

Indoor Sports provision: A contribution will be require for off-site indoor sports facilities The contribution will be towards the Capital cost of extending the Spiceball Sports Centre. Contribution is: 1000 dwellings x 2.39 people x £317.43 per person = £758,658.

Waste and Recycling – Each dwelling must be served by CDC's standard bin provision. This should be secured either through s106 requirement or by condition.

Community Services – A development of this size needs to include provision for a minimum 600sq m community facility to mitigate impact on existing facilities. This could be part of the local centre. Community facility needs to be completed at an appropriate stage and transferred to CDC at nil cost. Commuted payments are also required to cover the early years of maintenance.

Environmental Protection - Submission, approval and implementation of a Construction Management Plan is required to cover matters of noise, dust and vibration (as referred to in the Environmental Statement). Noise mitigation measures must be to appropriate standards (the environmental statement refers to WHO 1999) and should be submitted for approval with regard to properties identified as being affected by noise (principally traffic).

Arboriculture - It is acknowledged that some trees will need to be removed to construct the access on to the site. This includes some B category trees. Provision should be made on site for replacement planting. It is difficult to comment on the proposals when the final master plan has not yet been finalised. As many trees and hedgerows should be retained as possible. The design should take account of the root protection zones of the trees. The utilities, where possible, should be located outside the root protection zones of the trees to be retained. The retained trees should be protected in accordance with the submitted tree protection plans. Conditions recommended including the need for arboricultural method statement and tree protection measures prior to commencement of development.

Ecologist - With regard to the above application for OS Parcel 7400 adjoining and south of Salt Way Banbury, the submitted level of ecological information is sufficient at this stage.

There are a number of ecological constraints on site for which draft mitigation is included and it is generally satisfactory. Full mitigation strategies should be included within a CEMP with on-going mitigation included in the biodiversity enhancement plan and LEMP. In order to achieve no net losses to biodiversity on site the layout will have to be carefully designed around these constraints ensuring there are sufficient buffers in place such that habitat corridors are maintained. Lighting will be particularly important in terms of maintaining the value of the hedgerows to bats.

Chapter 9 of the ES makes some suggestions for biodiversity enhancements on site but it should be ensured that some areas remain for wildlife which are not also used for recreation, access or dog walking. In addition I did not note any suggestions of biodiversity enhancements within the built environment (built in bat boxes, swift bricks, nest boxes etc.. within dwellings and public buildings) I would expect to see these included in any biodiversity enhancement scheme. Consideration should also be given to the inclusion of green roofs or walls on some of the amenity buildings.

To achieve a net gain for biodiversity overall in line with NPPF recommendations some of the biodiversity impacts stated within the ES as not mitigatable on site (loss of arable land, disturbance to bats, farmland birds and brown hare). Whilst claimed to be more minor impacts in terms of ecological value cumulatively and taking into account other local developments these represent a large local impact. This could be dealt with by contributions to a current or future project off site with these species conservation as its goal. I am happy to discuss this aspect further.

The following conditions are recommended:

**K12 Nesting Birds: No Works Between March and August Unless Agreed**

No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

**K23 Use of Native Species**

All species used in the planting proposals associated with the development shall be native species of UK provenance.

**K21 Construction Environmental Management Plans (CEMP) for Biodiversity**

Prior to the commencement of the development hereby approved, including any demolition and 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 biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include mitigation and avoidance of harm measures for Great Crested Newts, Bats and Reptiles. Thereafter, the development shall be carried out in accordance with the approved CEMP.

#### K20 Landscape and Ecological Management Plan (LEMP)

Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan 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.

Thereafter, the LEMP shall be carried out in accordance with the approved details.

#### K17 Biodiversity Enhancement

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the site and the adjacent Salt Way for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

#### K14 Badgers: Mitigation Strategy

Prior to the commencement of the development hereby approved, including any demolition and 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 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.

#### K5 Lighting and wildlife

Prior to the commencement of the development a lighting strategy outlining how lighting will be sensitively designed to minimise disturbance to wildlife, in particular bats, will 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.

#### **Oxfordshire County Council:**

See Appendix 2 to this report.

#### **Other External Consultees:**

Environment Agency – No objection subject to two conditions requiring:

- Submission and approval of a surface water drainage scheme restricting rainwater discharge to pre-development levels;
- Procedures in the event of finding unexpected contamination on the site.

Highways England – No objection

Natural England – Following comments made:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 49.8ha of agricultural land, including 23ha classified as 'best and most versatile (BMV)' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

2. The verification survey has addressed our initial concerns. The survey results are now in line with the post 1988 MAFF survey (3301\033\96), and provides a good indication of the amount of BMV land in the application.

3. From the information provided the amount BMV that will be irreversible lost is 23ha. It is recognised that a proportion (20ha) of the agricultural land affected by the development will remain undeveloped as public open spaces, sports fields, play space and allotments.

4. Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

5. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. We note that mitigation described in the addendum to Chapter 11 is suitable and we would welcome the preparation and adherence to a Soil Management Plan.

Thames Water – Following comments made:

Waste Comments - With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved 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". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with

Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments - Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Thames Water recommend the following informative be attached to any planning permission: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

#### Supplementary Comments:

Insufficient documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of any proposed connection points or alterations to the public system, including; calculated peak foul and surface water discharge rates, details of any pumped discharges (maximum pump rates), attenuation details with accompanying capacity requirement calculations and details of incorporated SuDS must be included in the drainage strategy. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study. To ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing waste foul and surface water infrastructure, and, if required, recommend network upgrades. In accordance with part H of the Building Regulations Act 2002. Positive connection to a public surface water (or combined) sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being ; - 1st Soakaways; 2nd Watercourses; 3rd Sewer. Thames Water's preferred option would be for all surface water to be disposed of on-site using SUDs.

Thames Valley Police – The following financial contributions are necessary to mitigate the impact of the proposed development on police infrastructure:

#### Assessment and Request

As you are aware TVP has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of the Cherwell District Council area and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of policing developer contributions towards the provision of infrastructure will be required. This assessment and information has been fed into the Council's Infrastructure Delivery Plan and is acknowledged by the Council as a fundamental requirement to the sound planning of the area.

The additional population generated by the development will inevitably place an additional demand upon the existing level of policing for the area. In the absence of a developer contribution towards the provision of additional infrastructure then TVP consider that the additional strain placed on our resources and therefore ability to adequately serve the development.

At present the Cherwell Local Police Area (within which Banbury lies) has a population of approximately 141,900 and 56,700 households. based on 2011 Census information

At present this population generates an annual total of 32,871 incidents that require a Police action. These are not necessarily all “crimes” but are calls to our 999 handling centre which in turn all require a Police response/action. Effectively therefore placing a demand on resources.

The proposed development of 1000 units would have a population of 2400 (at 2.4 per unit). Applying the current ratio of “incidents” to population then the development would generate an additional 558 incidents per year for TVP to deal with.

In total Cherwell area is served by; (all figures = FTE)

- 124.3 Uniformed Officers – a mixture of Patrol and Neighbourhood
- 21 PCSO's.
- 11 CID Officers.
- 9.25 Dedicated staff

Central staffing provision is provided and drawn upon when required – this ranges from support functions (HR, IT, etc) to operational functions (SOCO, Forensics, Major Crime Unit) these services are provided force wide. Again utilising the ratio of current staff/officers to the projected additional demand then the development would generate the following additional requirements.

Total Additional LPA Officers Required	2.10
Total Additional PCSO	0.35
Total Additional CID	0.18
Total Additional Support Staff (Local/Central)	0.15

In order to mitigate against the impact of growth TVP have calculated that the “cost” of policing new growth in the area equates to £143,629 to fund the future purchase of infrastructure to serve the development.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the terms of the CIL Regs, up until the relevant Local Authority has adopted CIL, whereby pooling will be limited to 5 S106 Agreements (subject to other regulatory tests).

The contribution will mitigate against the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

#### STAFF SET UP

The basic set up costs of equipping and training of staff;

OFFICER/PCSO	
Uniform	£873
Radio	£525
Workstation/Office Equip (2:1 ratio)	£1508
<b>TOTAL</b>	<b>£2906</b>

STAFF	
Workstation/Office Equip (2:1 ratio)	£1508
<b>TOTAL</b>	<b>£1508</b>

On the basis that the development generates a requirement for 2.45 additional uniformed officers – including PCSO, and 0.33 staff/CID included the set up costs equate to £7618 (2906 x 2.45 + 1508 x 0.33).

TVP would utilise the contribution in the following manner;

- £5812 as the set up costs of 2 additional officers to work within the Banbury Neighbourhood team.
- £1308 as one of five pooled resources towards the set up costs of an additional officer to work within the Banbury Neighbourhood team.
- £498 as one of five pooled resources towards the set up costs of an additional member of staff to work within the Banbury Neighbourhood team.

#### PREMISES

At present within Cherwell Neighbourhood Policing is delivered from premises in Banbury, Bicester and Kidlington. At present TVP maintain full capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floorspace. Each new officer/member of staff is allocated 16.88sqm of floorspace (workstation, storage, locker room etc) at a cost of £1800per sq m. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. As this development will generate 2.78 staff/officers the cost is £84,468 (16.88 x 1800 x 2.78)

- This contribution would be utilised as one of five pooled resources towards an approved programme of building works to be undertaken at Banbury Police Station over the next 5-8 years.

## VEHICLES

The purchase of vehicles including response and neighborhood patrol cars and bicycles. The (three year lifetime) capital costs of these items are;

Patrol Vehicle – £42,300

PCSO Vehicle - £25,960

Bicycles - £800

Current fleet deployment within Cherwell administrative area (therefore serving 56,700 households) is broken down as follows;

Patrol Vehicle – 18

PCSO Vehicle - 12

Bicycles – 15

This equates to a cost of £19.13 per household. Accordingly therefore in order to maintain this level of provision the development would generate a required contribution of £19,130 (19.13 x 1000)

- The payment would be used as one of 5 pooled payments towards the purchase of a patrol vehicle for use within the Banbury Neighbourhood area.

## MOBILE IT

Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item - £4250, therefore for this development (which generates 2.45 additional uniformed officers, the cost would be £10,413 (4250 x 2.45).

- This payment would represent complete cost for the purchase of 2 Mobile IT kits for officers working within the Banbury Neighbourhood team £8500
- The remainder £1913 would be used as one of upto 5 pooled payments towards the purchase of 1 additional Mobile IT kit for officers working within the Banbury Neighbourhood team

## ANPR CAMERAS

Automatic Number Plate Recognition (ANPR) Cameras – TVP has a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale and location of proposed development and the road network in the area. Current coverage in Cherwell is extremely limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR camera coverage in the area to mitigate the impact of planned growth. Each camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development. Operationally it has been determined that this development should support the contribution of £22,000 towards the provision of ANPR in the area.

This payment would represent complete costs for the purchase of 2 ANPR cameras to be located on or adjacent to the application site. The precise location will be determined with



regard to operational requirements. TVP are happy to confidentially share this information with the Council regarding the precise location in due course.

For clarification this response is solely linked to the impact of the development upon TVP's infrastructure requirements. You may receive a separate response from TVP's Secure by Design advisor relating to detailed matters of the design and layout of the proposals.

Sport England – Concern raised about the proposals for the following reasons:

1. While the precise layout of the development will be determined at the reserved matters stage, "Key layout principles are embedded within the "Development Framework Plan" (Design and Access Statement, Paragraph 5.26). The provision of outdoor sport on two single pitch sites, separated by existing vegetation and potentially the main route through the site, will be difficult to manage and maintain and is unlikely to be sustainable.
2. There is a lack of certainty whether changing facilities (and a car park) will be provided to support the use of the proposed sports pitches.
3. There is a lack of certainty whether a Multi-Use Games Area will be provided and whether it will be of a suitable size and specification to accommodate formal sport.
4. No contribution has been identified specifically towards the provision of indoor sports facilities.

## **6. Relevant National and Local Planning Policy and Guidance**

### **6.1 Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1 (LPP1)

Banbury 17 - South of Salt Way: East

SLE2 - Securing Dynamic Town Centres

SLE4 - Improved Transport and Connections

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC7 - Meeting Education Needs

BSC9 - Public Services and Utilities

BSC10 - Open Space, Outdoor Sport & Recreation Provision  
BSC11 - Local Standards of Provision - Outdoor Recreation  
ESD1 - Mitigating and Adapting to Climate Change  
ESD2 - Energy Hierarchy  
ESD3 - Sustainable Construction  
ESD4 - Decentralised Energy Systems  
ESD5 - Renewable Energy  
ESD6 - Sustainable Flood Risk Management  
ESD7 - Sustainable Drainage Systems (SuDS)  
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment  
ESD13 - Local Landscape Protection and Enhancement  
ESD15 - The Character of the Built Environment  
ESD17 - Green Infrastructure  
INF1 – Infrastructure  
Banbury 13 – Burial Site Provision in Banbury

Cherwell Local Plan 1996 (Saved Policies) (LP 1996)

ENV1 - Development likely to cause detrimental levels of pollution  
ENV12 - Development on contaminated land  
C15 - Prevention of coalescence of settlements  
C28 - Layout, design and external appearance of new development  
C30 - Design of new residential development

**6.2 Other Material Planning Considerations:**

National Planning Policy Framework (NPPF) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (PPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## 7. Appraisal

- 7.1 Officers' consider the following matters to be relevant to the determination of this application:
- Principle of Development;
  - Access and Transport Impacts;
  - Landscape, Visual Impact and Settlement Character
  - Impact on Historic Environment;
  - Housing Mix/Affordable Housing;
  - On-site Infrastructure/Facilities;
  - Open Space and Outdoor Recreation;
  - Biodiversity;
  - Trees and Landscaping;
  - Impact on Existing Neighbouring Amenity;
  - Flood Risk and Drainage;
  - Sustainability and Energy Efficiency;
  - Off-site Infrastructure;
  - Planning Obligation(s);
  - Local Finance Considerations.

### Principle of Development

- 7.2 As described earlier in this report, the application site relates predominantly to land that is allocated for residential development in the Cherwell Local Plan 2011-2031 Part 1 (LPP1). This allocated land, known as Banbury 17, has its own site-specific planning policy in LPP1 and includes not only the application site but also land to the east (to which application reference 15/01326/OUT relates) as well as land to the northwest where new homes are already under construction having been granted planning permission separately in 2013 by the SoS. This application however relates to the vast majority of the land within the Banbury 17 allocation though does include an additional narrow tract of agricultural land adjacent to Bodicote's allotments. Broadly speaking therefore officers are satisfied that the principle of development falls to be considered primarily against the provisions contained in Policy Banbury 17 of LPP1. This policy is up-to-date with respect to national planning policy and guidance such that full weight can be attributed to it. So far as other policies contained within LPP1 and the LP 1996 relate to the proposals, these are also material but it is Policy Banbury 17 that provides the primary and overarching basis against which the merits of these application proposals should be considered. Any actual or perceived conflicts with other adopted development plan policies should therefore generally be resolved in favour of Policy Banbury 17 which is site-specific.
- 7.3 Policy Banbury 17 supports the development of up to 1345 dwellings on the Banbury 17 land together with associated infrastructure including new primary school and secondary school facilities, community centre, local shops, and outdoor recreation facilities together with a new spine road that passes through the site from Bloxham Road through towards Oxford Road. The 1345 dwellings provided for by the policy includes the 145 dwellings granted planning permission by the SoS and is now being built out by Morris Homes. The application proposes up to 1000 dwellings on the site together with almost all of the associated elements contained within the requirements of Policy Banbury 17. Together with development proposed concurrently under application reference 15/01326/OUT, this would equate to a total of 1415 dwellings on Banbury 17, marginally more than its allocation for 1345. However, new dwellings are proposed on the allocated site in the general locations provided for by Policy Banbury 17 and so, rather than encroach onto unallocated greenfield land or land restricted from built development by the policy, it is

simply proposed to develop at a slightly higher density which is currently expected to be about 40 dwellings/hectare. This is relatively high for an urban edge site and is similar to that proposed on parts of Longford Park. Given the generally sustainable location of the site on the edge of the District's largest settlement, officers have concluded that this minor increase in dwellings is neither explicitly harmful in sustainability terms or a material departure from the provisions of Policy Banbury 17. It is necessary however to be satisfied that the amount of development proposed on this application site can be appropriately accommodated on the site in the manner required by Policy Banbury 17 and this will be considered by officers throughout the report as part of assessing the various planning merits of the proposals.

- 7.4 As stated above, the application site does extend slightly beyond the limits of the land allocated in the Local Plan and this relates to a narrow stretch of agricultural land at the east of the site adjacent to Bodicote allotments. However, no built development is proposed in this area and development would be limited to the creation of public green space, footpaths, ponds and new allotments as indicatively shown in the illustrative masterplan. Officers are satisfied that the limited amount of additional land included together with the type and nature of the development proposed in this area is not in material conflict with either Policy Banbury 17 or wider policies in the development plan that seek to protect valuable countryside. As a consequence of the above, officers consider there to be no objection to the principle of the proposed development in planning policy terms. However, more detailed consideration of the individual merits is necessary to ensure that overall the proposals accord with the full requirements of Policy Banbury 17 and, where relevant, other national and local planning policy requirements.

#### Access and Transport Impacts

- 7.5 Policy Banbury 17 requires the principal means of access to development on the Banbury 17 land to be from Bloxham Road. Furthermore, the policy also requires an east-west link road to be provided from Bloxham Road through to White Post Road to serve local traffic. The policy is clear that an integrated, coordinated and comprehensive approach is necessary between developments proposed on the two separately owned sites of Banbury 17 to ensure, inter alia, that a link road is delivered. It is therefore clear that Policy Banbury 17 requires two separate means of access to the development proposed on this application site – the principal access from Bloxham Road to the west and a further access to/from White Post Road to the east.
- 7.6 Policy Banbury 17 also requires the submission of a Transport Assessment and Travel Plan that analyses the traffic impacts associated with the proposed development and demonstrates that opportunities to encourage more suitable modes of transport and linkages with existing development have been maximised. Policy Banbury 17 also requires the provision of a suitable bus route through the site along the new link road together with a turning area within the development site during the initial construction period whilst the link road is awaiting completion.
- 7.7 Policy SLE4 of LPP1 is also material. It is reflective of national policy in the NPPF by requiring developments to facilitate use of sustainable modes of transport. Policy SLE4 goes on to state that new development will be required to mitigate significant adverse transport impacts arising from the development by providing financial contributions to the relevant local authority towards funding of infrastructure improvements. Policy SLE4 further adds that development which is not suitable for the roads that serve the development and which would have severe traffic impact will be resisted.
- 7.8 It is against the aforementioned development plan policy requirements that the application primarily needs to be assessed with respect the traffic and transport implications of the proposals. As required by Policy Banbury 17, the application proposes its main vehicular

access from Bloxham Road. To ensure the access provides for suitable traffic capacity for both the development and existing Bloxham Road traffic, this is in the form of a 4-arm roundabout. To ensure suitable access to this roundabout and space for its construction, this requires the eastward re-alignment of a small stretch of Bloxham Road. Entry and exit for Bloxham Road traffic requires suitably deflected carriageways to ensure satisfactory vision splays to meet Design Manual for Road and Bridges (DMRB) standard. Part of the existing Bloxham Road carriageway would be retained as an adopted road to enable access to Crouch Cottages and Crouch Farm albeit it would function essentially as a private road with respect to motor vehicle traffic given that egress onto Bloxham Road at its northern end would be prevented by bollards. It would however operate as part of the pedestrian/cycle way linking Bloxham with Banbury. Officers have no concerns about the suitability of this arrangement for occupants of these existing properties given that, in all probability, it would improve the quality of their living conditions due to movement of traffic away from the houses. Any inconvenience associated with having a single means of vehicular access from their houses onto the Bloxham Road is considered minor and more than outweighed by the benefits associated with being served by a quiet 'semi private' section of road. It should be noted that to date no objections to the proposals have been received from occupants of the two affected dwellings.

- 7.9 The application proposes reductions in the speed limit on Bloxham Road so that the 30mph restriction would be extended to a point south of the application site. This is necessary to ensure that the newly aligned Bloxham Road is suitable for the resulting residential area. Such changes are beyond the control of the local planning authority and need separate authorisation by Oxfordshire County Council (the Local Highway Authority [LHA]) as part of making/varying the traffic regulation order governing Bloxham Road. A similar traffic regulation order would need to be made for any new controls to be introduced over traffic using the former Bloxham Road carriageway. Financial contributions are recommended to be required from the developer through a s106 agreement (i.e. planning obligation) to cover the costs to the County Council associated with this process.
- 7.10 In order to understand and assess the merits of the proposed new access and highway arrangements it is necessary to appreciate the wider development context to the south of Banbury. Officers have been clear from the outset that any new access and changes to the highway needs to operate safely and seamlessly with work proposed and approved further to the north on Bloxham Road. Members may remember the proposals on land to the west of Bloxham Road on land allocated as Banbury 16 in LPP1 for up to 350 dwellings (planning permission ref: 14/01188/OUT). This proposed new housing site is directly opposite the land currently being developed by Morris Homes. Outline consent was subsequently granted which included a detailed scheme of access to that site involving the creation of a new four-arm roundabout with the east and west arms providing access to the new housing developments on either side. It also included a secondary priority junction further to the south. Further changes are now being sought to this approved access arrangement which includes the omission of the southern secondary junction and minor re-positioning of the roundabout together with a more extensive network of footways and pedestrian crossing points. These changes are being proposed as part of a current planning application and officers are supportive of the amended arrangement which facilitates a more cohesive approach with respect to planning for new developments and associated traffic management on Bloxham Road.
- 7.11 The current proposed access arrangements to the site from Bloxham Road have taken account of the aforementioned proposed amendments to the highway layout further to the north so that the overall approach is fully coordinated. Such highway arrangements have been designed in full consultation with the LHA which has indicated its satisfaction with the proposals in this respect. Re-aligned sections of road together with fully linked

footways, cycle lanes and pedestrian crossings are shown to be proposed in what officers' consider to be a fully cohesive approach that maximises accessibility between new and existing development in accordance with the requirements of Policy Banbury 17.

- 7.12 Highway officers at the LHA have fully considered the safety and suitability of the new roundabout and associated alterations to Bloxham Road and have concluded that they have no concerns regarding its capacity to appropriately accommodate existing traffic together with that arising from the new development. Two arms of the newly proposed roundabout are shown to facilitate vehicular access to the application site which officers consider to be essential for a development of this size in order to appropriately manage traffic flows entering and leaving the development particularly during the early stages of the development when the new spine road is yet to be completed. The detailed layout for development within the site as part of later reserved matters applications would need to include appropriate provision for ensuring there is a suitable loop for development traffic in the event that one of the arms of the roundabout is unexpectedly blocked prior to completion of the east-west spine road. An internal looping arrangement is considered important by the LHA and officers concur that this is necessary in the interests of good planning and proper traffic management.
- 7.13 Members should also note the proposed emergency vehicular access to the northwest of the site. This is actually a proposed alteration to an existing farm access rather than a wholly new means of accessing the land. It is proposed to be restricted to pedestrians and cyclists at all times except in the event of a secondary emergency access being required to the site and has been included at the specific request of the LHA. Such an emergency access is only required up until the new spine road has been completed through the site in the exceptional circumstance where access to/from the site via both arms of the roundabout are blocked due to a traffic accident or other incident. It is however proposed by the applicant that this emergency access is permanent which provides the additional benefit of securing the pedestrian/cycle linkage it affords in perpetuity.
- 7.14 Officers have recommended that a condition be imposed that requires all of the proposed new access and highway works to be carried out in advance of first occupation of any dwelling on the site and similarly recommend that a s106 agreement includes a requirement for a highway agreement to be entered into with the County Council under s278 of the Highways Act 1980 to enable the developer to carry out works on the highway authority's land to its specifications.
- 7.15 Members may well be aware that there is local concern about the wider traffic implications arising from this development. The potential for this development to have significant adverse impact on a number of existing roads and junctions was recognised by the Council as part of formulating and adopting Policy Banbury 17. As a result the policy seeks to minimise usage of the private car by requiring the development to make full provision for a bus service through the site and the maximisation of pedestrian/cycle links so that there is a high degree of integration with existing communities. As part of efforts to achieve this, the proposals make provision for a 6.75m wide spine road through the site from Bloxham Road to its eastern boundary for onward connection to White Post Road. A carriageway of this specification meets the standards expected by the LHA so that it is suitable for navigation by a bus. Development on Banbury 17 is then required through the policy to make suitable financial contributions towards pump priming a new bus service that connects the site to the town centre as well as provide bus stop infrastructure within the site for new residents. The applicant has agreed in principle to these requirements which would need to be secured through a s106 agreement before planning permission is granted. Furthermore, the spine road is proposed to feature pedestrian and cycle lanes running from the new Bloxham Road access through into land to the east so as to encourage these more sustainable transport modes. Numerous footpath links are also

proposed from the development onto the Salt Way from which several other footpaths stem that provides routes onward into the town. Other proposed footpaths and bridleways link development back to the Salt Way and across Bloxham Road to development approved on the allocated Banbury 16 land. All of these new footpaths and bridleways within the site need to be secured by condition or through s106 agreement as necessary to ensure they are appropriately maintained and available for public use in perpetuity.

- 7.16 As described previously in this report, Policy Banbury 17 includes the area of land at the northwest of the allocated site (the Morris Homes development) that was granted separate planning permission by the SoS back in 2013. Outline planning permission was granted and the detailed matters approved prior to the adopting of Policy Banbury 17. As a result, this development does not make provision for future connections through to other development and there are footpaths and estate roads that do not extend to site boundaries. Unfortunately as a result there are limited opportunities to directly integrate this neighbouring development into the proposed development. However, the illustrative masterplan does demonstrate that footpath and bridleway routes are intended to abut and run alongside this neighbouring site such that in due course connections can be formally or informally made. Officers propose to progress this further as part of the relevant reserved matters applications to ensure all attempts are made to facilitate these connections in the interests of creating good quality integrated new development.
- 7.17 In addition to maximising pedestrian and cycle connectivity and the provision of a dedicated bus service, Policy Banbury 17 is also clear that in order to appropriately manage traffic arising from development on Banbury 17 that a spine/link road is necessary that connects Bloxham Road with White Post Road. Once completed such a road would avoid vehicular traffic associated with the development having to travel along Wykham Lane, Springfield Avenue or other roads within Banbury when heading eastwards towards the Oxford Road and vice versa. It also ensures that any traffic originating from development on the eastern part of Banbury 17 (application ref: 15/01326/OUT) can avoid doing likewise to access Bloxham Road and beyond. The completion of a spine road through the site will therefore contribute towards mitigating the adverse impact of the proposed development on the existing local highway network. Officers are acutely aware of the rat running that takes place along Wykham Lane in particular and concur with the views of Highway Officers at the LHA that any significant increase in vehicle movements along this road and through its junctions with White Post Road and Bloxham Road is unacceptable. As a result of its narrow rural nature, inherent pinch points, Tudor Hall bridge and bottle-necking leading up to its junction with White Post Road, officers consider any significant increase in use of Wykham Lane would pose a safety risk to drivers and pedestrians as well as a further disturbance to occupants of homes along it. Officers have been mindful of this in considering when completion of the spine road should take place.
- 7.18 Policy Banbury 17 is clear in its requirement for the “*early delivery of the A361 to A4260 Link Road [spine road] along with its associated junctions*”. The earlier that the spine road is delivered, the lesser the impact on surrounding roads both in significance and duration. Officers have considered the conclusions of the Transport Assessment (TA) which was based on a Banbury specific traffic model supplied by the LHA. Officers have also considered the requirements for the bus service in order to ensure it is commercially viable and that existing services are not subject to unacceptable and inconvenient temporary diversions into the site. Furthermore, officers have had regard to the commercial viability implications associated with the costs to the developer of very early delivery of the spine road without significant capital receipt from house sales. In summary, and having considered these matters in the round, officers are satisfied that the spine road is required to be completed and available by the occupation of half of the total number of dwellings proposed on this site. At this point the number of traffic movements

would begin to become more substantial and the new primary school would be expected to be operational. Whilst in the interim period the vehicular movements along Wykham Lane and Springfield Avenue would increase as traffic could not pass through the wider Banbury 17 site, the amount of additional traffic up until this point is reached is thought to be tolerable given that up until approximately this stage there would not be unacceptable cumulative levels of congestion, inconvenience or highway safety risks. Moreover, it has become clear that almost 50% of the homes within the development could be within reasonable walking distance of a bus stop provided at the site entrance if the existing 488 service is temporarily diverted into the site as is proposed.

7.19 Irrespective of the clear requirement of Policy Banbury 17, the applicant contends that the spine road is not necessary to make the development acceptable based on the conclusions of traffic impact within their submitted Transport Assessment. Notwithstanding this, the applicant has however committed to providing the section of spine road within the application site from Bloxham Road to the eastern boundary. Officers are in fundamental disagreement with the applicant about the necessity of the spine road and, together with officers at the LHA, consider it an essential component of delivering acceptable development on the site. It is therefore necessary to ensure that any planning permission includes the mechanisms by which to require the spine road to be delivered at an appropriate stage. This is recommended to be through both conditions and legal agreement covenants which not only mandate the delivery of the spine road but also its full specification and a connecting point so that it properly aligns with that proposed on land to the east (application ref: 15/01326/OUT). Based on advice from the LHA and taking account of factors such as planning policy, projected traffic congestion, highway safety implications and commercial viability, officers are recommending that no more than 500 dwellings be allowed to be occupied on this application site until the spine road is completed. OCC has made clear in its consultation response that a commitment as part of this application to deliver a section of spine road to the site's eastern boundary by occupation of 500 dwellings is not necessarily sufficient as this does not guarantee that it will be serving its necessary and intended function if the connecting section of road is not provided on land to the east. This eastern part of the Banbury 17 site is outside the applicant's control and is part of land to which application reference 15/01326/OUT relates. OCC are concerned that there is a small risk that if development does not eventually take place on land to the east or there is a delay in implementation of an approved development (and that therefore the eastern section of spine road is not provided when necessary) that this entire proposed development could be served solely from Bloxham Road which they consider to be wholly unacceptable and contrary to the requirements of Policy Banbury 17. OCC is therefore recommending that planning permission should only be granted subject to: either 1) a limit in a s106 agreement on the maximum amount of development that can take place on this application site until the spine road is fully completed; or 2) Together with the developer of land to the east, the developer commits to pro rata funding towards the costs of provision of the spine road which enable OCC to have step-in rights to carry out necessary highway works. OCC has raised concern as to whether either developer is prepared to make these commitments and cautions Members accordingly. Officers agree with OCC that a completed spine road from Bloxham Road through to White Post Road is necessary for the proposed development to be acceptable in planning terms. Officers are therefore recommending that planning permission should only be granted where there is sufficient security for the Council that the spine road would be completed before a substantial proportion of development takes place on this application site in accordance with the representations made by OCC.

7.20 The means of connection of the new spine road onto White Post Road is proposed as part of application reference 15/01326/OUT which is also for consideration at this Planning Committee. Whilst the works themselves are proposed under this other application and



should be duly considered as part of the assessment of that application, the need for the spine road arises principally as a result of the amount of development proposed as part of this application. Concerns about the nature and level of usage of the spine road have been predominantly raised in response to publicity for 15/01326/OUT though are equally relevant to these proposals. This issue is mainly addressed as part of the committee report associated with 15/01326/OUT but it is also prudent to repeat some of the arguments here. Whilst the details of the alignment of the spine road within the Banbury 17 site has yet to be determined as this is proposed to a reserved matter, it has been designed to a specification suggested by the LHA so that it is sufficient to serve development traffic, accommodate a bus service and potentially provide a route for some local traffic. It is neither intended nor has it been specified as a road to serve any greater purpose than that necessary to properly integrate the overall Banbury 17 site and reduce use of Wykham Lane and Springfield Avenue for development traffic. Furthermore, it is a clear requirement of Policy Banbury 17 which was adopted by the Council following endorsement at examination by an independent Inspector on behalf of the SoS. The necessity for the spine road is therefore, in officers' view, a matter beyond debate and any concerns about increased traffic movements in and around Bodicote or its impact on urbanisation of the gap between Bodicote and Banbury have been fully considered as part of adopting Policy Banbury 17. Consideration should now be given to the individual details by which the spine road would be provided and its means of connection to Bloxham Road and White Post Road rather than its principle which is fully established. Some concern has been raised about the potential air quality implications of increased traffic passing near existing houses and Bishop Loveday Primary School and this is addressed separately later in this report.

- 7.21 Notwithstanding the provision of the spine road, it is clear that the proposals would still give rise to significant adverse impact on the functioning of a number of existing junctions within Banbury. Without improvements to these junctions the development would lead to unacceptable congestion. In particular the Bridge Street/Cherwell Street eastern corridor, the A361 Southam Road junction with Castle Street and Warwick Road as well as the Bloxham Road/Springfield Avenue junction require improvement which officers recommend are funded by the developer through financial contributions to Oxfordshire County Council (OCC). It is also recognised that in order to be able to accommodate additional projected traffic flows, signalisation of the Bloxham Road/Queensway is necessary and it is recommended by officers that the developer be required to carry out this work themselves through covenants in a s106 agreement. The LHA endorse this approach.
- 7.22 Consequently officers have considered the acceptability of the access, traffic and transport impacts of the proposed development against the requirements of relevant development plan policies (Policy Banbury 17 and SLE4 of LPP1) and have concluded the following:
1. The proposed principal means of access to the development from Bloxham Road is suitable and safe whilst also being designed so that it is cohesive with other development planned/approved immediately to the north;
  2. The proposals have been designed to accommodate provision for a bus service through the Banbury 17 site and the developer has agreed in principle to make financial contributions towards pump priming a new bus service to be secured through s106 agreement;
  3. Extensive footpath and cycle links are proposed as well as a new bridleway that ensures suitable integration with existing and proposed development including the ability for all reasonable efforts to be made to incorporate linkages to the existing Morris Home site;
  4. A completed spine road is required before more than 500 dwellings can be occupied on the site to avoid cumulative severe traffic impact on surrounding roads as well as

significant adverse safety and residential amenity impacts for users/occupants of Wykham Lane;

5. Notwithstanding the above measures, the proposals are still likely to give rise to unacceptable traffic impacts elsewhere in Banbury without mitigation. Junction improvements are required to be carried out/funded by the developer as detailed above at an early stage in the build-out of the development and secured through s106 agreement;

6. Increased traffic flows to the north of Bodicote are inevitable and were accepted by the Council as part of the adoption of Policy Banbury 17. It is the detail of the acceptability of the means of access that are now for consideration together with the specification/phasing of the spine road. However, the spine road is proposed to be designed to a specification set by the LHA to ensure that it is suitable and attractive only to local traffic. The final details of the spine road are recommended to be a matter to be approved following a grant of outline consent and would fall to be determined by the Cherwell District Council in consultation with the LHA.

- 7.23 For the reasons summarised above, officers are satisfied that subject to the safeguards recommended through conditions and s106 agreement, the proposed development would be well integrated with existing/proposed development, served by a suitable range of transport modes, have an appropriate means of vehicular access and would not have wider significant adverse transport/traffic impacts. Consequently, the proposals are considered to accord with the requirements of Policies Banbury 17 and SLE4 of LPP1 in this respect.

#### Landscape, Visual Impact and Settlement Character

- 7.24 At their heart the proposals involve the development of greenfield land that forms the existing countryside edge to Banbury. The evidence base that underpinned LPP1 and its strategic allocations included a landscape capacity assessment for Banbury to determine those areas that could accommodate large areas of new built development without giving rise to significant adverse impacts on the wider natural landscape or important areas of landscape character. In taking the decision to adopt Policy Banbury 17 as part of LPP1 the Council has accepted the principle of residential development on this site subject to the requirements and provisions set out in the policy text. In simple terms and with respect to this particular application site, Policy Banbury 17 essentially supports housing development within the northern part of the allocated land with areas of formal and informal green space to the south to soften the impact on the wider landscape and maintain openness between Banbury and Bodicote to preserve its separate village identity. The policy also requires a significant buffer to Salt Way so as to reduce the impact on its rural character and consequent historic and amenity value. It has therefore already been accepted by the Council that it is appropriate, in principle, for significant residential development to take place on the land in order to meet the housing needs of the District in the most sustainable way possible.
- 7.25 Whilst the land allocated for development was not found to be of significant landscape value, it is nonetheless recognised as gently rolling farmland that is a contributor to the intrinsic beauty of the countryside and setting to Banbury and Bodicote. Its loss, in perpetuity, will clearly be harmful to the wider views of the landscape and local landscape character. However, such a loss has been accepted in the context of the overall significant local housing need together with the mitigation measures and protections included within Policy Banbury 17 so that the overall harm to the landscape would be reduced as far as possible.
- 7.26 Officers have considered the landscape implications of the proposed development in the context of the allocation provided by Policy Banbury 17 to determine whether, in this respect, the proposals accord with the basis on which it was allocated. The applicant has

submitted a detailed landscape and visual impact assessment as well as considered the potential for significant effects on the natural landscape within the associated Environmental Statement.

- 7.27 The areas of the site proposed for new built development are in direct accordance with that provided for by Policy Banbury 17. The applicant is also proposing a traditional approach to scale and density within the built development area with the higher and denser development proposed in and around the proposed neighbourhood retail area at the centre of the site with the intensity of development decreasing to a more suburban form towards the southern and western edges. This ensures a more graded transition between the surrounding countryside and the new urban edge to Banbury which helps soften the landscape impact in accordance with the requirements of Policy Banbury 17.
- 7.28 All significant existing landscape features are proposed to be retained and generally augmented on the site. This includes the woodland at the northwest corner of the site, the thick belt of vegetation along the southern edge as well as large parts of existing hedgerows. Significant new structural planting is indicatively proposed to the southwest and around the site's entrance from Bloxham Road to ensure that this new gateway to Banbury is not unduly stark in appearance and sits more comfortably within its landscape setting. It should be noted however that to create the new roundabout a number of existing mature trees will need to be removed along Bloxham Road just to the north of the entrance to Tudor Hall School. Whilst the proposals avoid removing or materially harming the more significant Category A trees, several of the Category B trees will need to be felled which will detract from the current pleasant rural and wooded backdrop to this part of Bloxham Road on entry into Banbury. The existing mature western boundary trees along Bloxham Road together with other significant boundary vegetation and the topography of the land currently prevents any notable views of the site from surrounding public roads. As a result, despite the retention and protection of a significant amount of the tree cover along the western boundary, views of the site would be opened up by the creation of the new access which would considerably affect the rural countryside setting immediately to the south of Banbury. That being said, subject to the imposition of suitable conditions to protect existing landscape features as well as securing appropriate new strategic landscaping and buffers through a detailed masterplan and relevant reserved matters applications, officers are satisfied that the development being proposed can adequately mitigate its harm to local landscape character in accordance with the requirements of Policy Banbury 17.
- 7.29 Policy Banbury 17 also recognises the importance of the Salt Way as a historic trading route and local amenity that has an intrinsic rural character. This character is partly created by its enclosure with vegetation as well as its settlement edge location that in places affords sweeping views over the countryside to the south and through to Bloxham. It is inherently acknowledged within Policy Banbury 17 that development to the south of the Salt Way will harm its rural character and experience. To ensure however that this harm is minimised to an acceptable level, the policy requires development to be set away from the Salt Way by approximately 20m to both prevent clear views of new buildings as well as afford space for new planting in existing gaps in vegetation. In the initial years following first construction of the development the change to the visual experience from Salt Way will be highly notable from a number of viewpoints though over time new vegetation should establish that encloses the Salt Way more significantly so that it begins to feel more rural again whilst also contributing towards generating ecological habitat. The extensive views from open sections of the Salt Way will however be significantly curtailed as a result of new structural tree/hedge planting and/or new buildings. In recognition of this, Policy Banbury 17 requires a new additional bridleway to be created that runs along the entirety of the south of the Banbury 17 site and links back up to the Salt Way. This will afford views southwards over surrounding countryside with a similar experience to the

current Salt Way with housing development to the north. The applicant has committed to providing this bridleway and made provision for connection through to the remainder of allocated site to the east.

- 7.30 Within the site there are three existing public rights of way that run in a north-south alignment between Salt Way and Wykham Lane. One of these (Banbury Footpath 47) may require diversion as a result of the development and, based on the submitted illustrative comprehensive masterplan, a consequent degradation in the amenity value for its users given that it would seem to pass along new estate roads rather than through open farmland. As a result existing countryside views from the section of this public footpath within the application site would be almost completely lost. Nearby Bridleway Banbury 11 and Footpath Banbury 46 are heavily enclosed within a wooded strip of land and this is proposed to be retained with the exception of the land necessary to allow the spine road to pass through which will inevitably result in the interruption of this bridleway route and loss of a section of its associated woodland. Notwithstanding the above, officers are of the view that as Footpath Banbury 47 is in such close proximity to the other nearby public footpath and bridleway, it is of reduced value as a route and is not as well-used as its nearby alternatives. As a result, the potential change to the views and landscape character experienced by its users is of less concern to officers. Nevertheless, as part of detailed reserved matters proposals and a detailed masterplan, officers would expect to see existing public rights of way properly protected as part of the proposed development and efforts made to ensure that they are properly incorporated into the site layout rather than shoehorned onto roads in development parcels as an inconvenience. Where this is not the case, good quality alternative routes would need to be provided. Officers are however satisfied that there is suitable scope within the proposed development to properly incorporate all existing public rights of way so that they retain a similar level of amenity value that they do at present on equally commodious routes.
- 7.31 As stated previously, with respect to the areas indicated for built development and associated open/green space, the illustrative masterplan demonstrates that the site is intended to be developed in a manner that is consistent with the layout envisaged through the application of constraints imposed through Policy Banbury 17. Similarly, building heights and densities are typical for a residential development of this size and accord with that expected for development on this allocated land. The only difference to the specific provisions of the allocation within Policy Banbury 17 is the location of approximately 0.9ha of allotments alongside Wykham Lane. This amounts to both operational development and a change of use of greenfield agricultural land. However, on consideration and having regard to Policy ESD13 of LPP1 which resists development inconsistent with local landscape character, officers are satisfied that the location of these allotments is entirely logical given that it co-locates with the existing Bodicote allotments. Whilst sheds and other paraphernalia are likely to follow, officers have concluded that these are not necessarily out of keeping with the rural character of the surrounding area and any harm caused to the wider natural landscape is minimal and outweighed by the benefits associated with the clustering of these low-key community facilities.
- 7.32 Members will have noted that there has been local concern raised about the impact that development on Banbury 17 will have on Bodicote's identity as a separate village. Whilst it is probably the case that the greater impact in this respect is caused by development proposed under application reference 15/01326/OUT, these application proposals have the potential to cumulatively contribute towards that impact. However, Policy Banbury 17 specifically allocates this land for new development and so issues regarding coalescence with Bodicote have already been rehearsed as part of drafting, examining and adopting LPP1. Provided that the application proposals accord with the provisions of Policy Banbury 17, then the principle of the southwards expansion of Banbury has been established and cannot now be revisited. Whilst Policy C15 of LP 1996 is still an adopted

part of the development plan and seeks to resistant coalescence of settlements, legislation requires any conflict with Policy Banbury 17 to be resolved in favour of the newest policy and hence Policy Banbury 17 takes precedence. Officers are therefore of the view that whilst cumulatively the proposals would contribute to a perception of erosion in the gap between Banbury and Bodicote, this is a matter that has been accepted in principle by the Council through adoption of LPP1 on the proviso that an open gap is retained as part of proposals in the form of public open space and outdoor recreation areas. The application proposals are shown to accord with this requirement and so are therefore found to be acceptable in this respect.

- 7.33 In conclusion on this matter, officers are satisfied that whilst the proposals will inevitably give rise to environmental harm due to loss of irreplaceable open countryside, this has been accepted as part of the decision to allocate the site for residential development. The proposals themselves demonstrate that key areas of the site are to be restricted from built development in accordance with the requirements of Policy Banbury 17. Furthermore, officers have found that the proposals make provision for the retention of all existing landscape features of significance as well as public rights of way and provide opportunity for substantial new structural soft landscaping that will help partly mitigate its impact on the natural landscape. Subject to conditions and relevant clauses in a s106 agreement that secure significant existing landscape features and establish appropriate buffers to built development, officers are satisfied that the proposals accord with the requirements of Policy Banbury 17 and are therefore considered acceptable in this respect.

#### Impact on Historic Environment

- 7.34 National planning policy in the NPPF affords great weight to the importance of preserving the significance of designated heritage assets such as conservation areas and listed buildings as they represent an irreplaceable resource. Any harm to a designated heritage asset should be avoided and is only considered acceptable where clearly outweighed by public benefits. The NPPF also introduced the concept of non-designated heritage assets which is those identified of local significance by the Council though these are of a value less than those statutorily designated. Policy Banbury 17 recognises that development on the Banbury 17 site has the potential to impact upon the special character of the Bodicote Conservation Area, historic value of Salt Way and a buried Neolithic causewayed enclosure within the site. Officers agree that these are the main heritage assets likely to be affected by proposals.
- 7.35 Turning first to the Salt Way, the Council has recognised this as a local heritage asset due to its use as a rural trading route for many hundreds of years. In recognition of this, Policy Banbury 17 includes a requirement for development to respect the landscape setting of Salt Way which includes a buffer of approximately 20m in width so that its rural character is partly preserved. It was inherent within the decision to allocate development on Banbury 17 that proposals would be likely to have an adverse impact on its rural qualities and sense of tranquillity. However, mitigation in the form of suitable stand-off distances (a condition is recommended preventing development within 20m) as well as requirements for augmenting boundary vegetation and limiting artificial lighting helps to reduce the impact to a level that is less than significant. Furthermore, the requirement for a new bridleway helps to partly mitigate the impact by providing another alternative public route along the rural edge of the site. However, this mitigation cannot be afforded any great weight given that the Salt Way is a historic route and its significant in this respect cannot genuinely be replaced. Nevertheless, with respect to Salt Way officers are comfortable that the proposals provide for development in the manner envisaged by Policy Banbury 17 and take all reasonable opportunities to mitigate adverse impact on the heritage value of the Salt Way.

- 7.36 Bodicote Conservation Area is considered a designated heritage asset. Its significance derives from its special character and appearance and there is a statutory duty to give regard to the desirability of preserving it. These application proposals are less likely than those submitted under 15/01326/OUT to have an appreciable impact on this Conservation Area given that they will barely be visible from it. As a result there will, at the very least, be negligible impact on the special appearance of the Conservation Area. The Council's appraisal of the Bodicote Conservation Area does identify increased traffic within the historic core of the village as a threat to its rural village character and it is only in this regard that the proposals have the potential to have any material impact on the significance of the Conservation Area. However, as discussed previously, Banbury 17 is an allocated site and the principle of development has been established. As a result, the Council has already carried out a balancing exercise between the public benefits arising from the new housing and the desire to preserve the special character of the Bodicote Conservation Area and has already found the development acceptable in principle. Nevertheless, such a finding was predicated, inter alia, upon mitigating traffic impacts and avoiding built development in the southern areas of the allocated site. As already set out the proposals include provision of public open space to the south of Banbury 17 and a spine road that, once completed, should prevent any material increase in use of Wykham Lane which in turn should prevent any material increase in traffic movements through the historic core of Bodicote. Consequently, having regard to the requirements of Policy Banbury 17, officers are satisfied that the proposals would not have a significant adverse effect on the special character and appearance of Bodicote Conservation Area and that any minor harm caused would be more than outweighed by the substantial public benefits associated with the supply of much needed new housing on this land.
- 7.37 Prior archaeological investigation of the site has revealed evidence of a causewayed enclosure dating back to the Neolithic age. Policy Banbury 17 requires the physical preservation of this archaeological feature in keeping with Government guidance which is supportive of deposits of archaeological significance such as this ideally be preserved in situ rather than disturbed. The applicant is proposing to avoid any built development on the area of the site where these buried heritage assets are located and officers support this approach as does the County Council's archaeologist. Further archaeological investigation has been carried out by the applicant in advance of submitting the planning application which identifies other potential areas for archaeological deposits though nothing of obvious significance. To ensure that development on site takes place with suitable regard for any potential buried heritage assets, officers recommend that a condition be imposed requiring the development to be carried out in accordance with a watching brief that has been agreed with the County Council's archaeologist.
- 7.38 Tudor Hall School is located nearby though the main complex of school buildings is to the south of Wykham Lane and therefore set a significant distance away from the application site. 17<sup>th</sup> century grade II listed buildings, gates and walls are located within this complex and are clearly of architectural and historical special interest. These buildings are however separated from the application site by a quite significant distance and by substantial intervening belts of trees and hedgerows. As a result, officers are of the view that the proposed development would not have any material impact on the special interest of these listed buildings.
- 7.39 The Tudor Hall School site continues to the north side of Wykham Lane and this grounds used for its outdoor recreation facilities and formal parkland estate. It also includes the more historic Wykham Park Lodge building adjacent to Bloxham Road. Neither the building nor the grounds are themselves designated as heritage assets though they are clearly of some merit and create a pleasant institutional parkland character. Furthermore, due to their separation from the listed buildings by other modern school building and intervening landscaping, they are not a significant contributor to their setting. The northern

corner of the School's recreation grounds abuts the application site and its setting has the potential to be affected by the proposed development. However, any weight to be afforded to the value of these recreation grounds is relatively low given that they are neither classified as a designated or non-designated heritage asset. Whilst consideration does need to be given to the amenity experienced by neighbouring land uses, for School grounds this level of amenity is low given that it is not an area relied upon as part of genuine living conditions or a place of significant public amenity value.

7.40 Nevertheless, it is recognised that the proposals could affect the landscape setting of these School grounds by replacing surrounding rolling farmland countryside with more general residential green space which can be of a somewhat different character. The illustrative masterplan also suggests that a children's play area would be created near to the application site's boundary with Tudor Hall School and it is claimed by the School that this would further affect the School's landscape setting. Having given this matter some consideration officers have found that any harm to the School's landscape setting is likely to be very low given that there is evidently space for detailed reserved matters to propose a significant landscape buffer together with the opportunity for more formal tree planting in this area. Moreover, the distribution and layout of play areas and other recreation facilities is also not definitive at this stage given that the application is only submitted in outline and the layout can change as part of detailed reserved matters applications to take account of any potential harm caused to the setting of Tudor Hall School. Notwithstanding that, even based on the illustrative masterplan submitted, there would appear to more than sufficient opportunity for structural landscaping at the southwest of the application site to prevent any particular views of the play area in the long term from the Tudor Hall School grounds and thus adequately preserve its setting.

7.41 Due to the significant distance from the proposed development to the nearest listed buildings the proposals are unlikely to have a material effect on their setting and therefore their special interest. The only listed building in moderately close proximity to the site is Wykham Farm. This grade II farmhouse derives its special interest from, in part, its setting within agricultural surroundings which would be reduced due to the housing development proposed to the north. However, there would still be significant areas of farmland around it and views between the listed Wykham Farm house and the new development would be negligible due to substantial intervening vegetation. Officers are therefore satisfied that the significance of this grade II listed building would not be materially adversely affected and so no concerns are raised in this respect. Officers have therefore concluded that for the reasons set out above, detailed proposals would not give rise to any significant harm to nearby heritage assets and that any minor residual harm that would result would be more than outweighed by the substantial public benefits associated with the proposed development. For this reason officers have concluded that in this respect the proposals accord with the requirements of Policies Banbury 17, ESD13 and ESD15 of LPP1 as well as relevant policies of the NPPF.

#### Housing Mix/Affordable Housing

7.42 Policy Banbury 17 requires a minimum of 30% of the new dwellings provided on the site to be of affordable tenure in the interests of supporting the creation of mixed and balanced communities in accordance with both local and national planning policy objectives. Policy BSC3 of LPP1 is also material and specifies that the Council seeks at least 70% of the affordable homes to be affordable rented units with the remainder intermediate housing (such as shared ownership). The applicant has indicated a commitment to provide such affordable housing and officers recommend that this is secured via s106 agreement together with the specification for such units including the size and types as informed by the latest need on advice from the Council's housing officers. This is likely to be predominantly two bedroom dwellings together with modest proportions of 1 and 3 bedroom dwellings.

- 7.43 The design, layout and distribution of such affordable housing would be considered as part of reserved matters applications and at that stage officers would need to have particular regard to the need to create inclusive communities by ensuring such affordable housing is well distributed across the site and indistinguishable from the market housing. Furthermore, officers have had regard to the conclusions of the Oxfordshire Strategic Housing Market Assessment (SHMA) which has found that the greatest need within the District is for 3 bedroom dwellings with strong need too for 2 bedroom homes. In order to ensure the development meets the identified housing needs of the area rather than simply developer profit objectives by potentially overproviding on large detached housing, officers recommend a condition that imposes minimum proportions of 2 and 3 bedroom dwellings on the site in a manner that accords with the need identified in the SHMA.
- 7.44 Notwithstanding the above, the definition of affordable housing seems to be increasingly a fluid matter and central Government has been indicating in recent months that it intends to include starter homes within this definition and include an arbitrary national planning policy requirement for a certain proportion of starter homes as part of major residential developments. It is currently unclear what proportion this would be or when/if these changes will take effect. Officers therefore recommend that if Committee resolves to approve this application, delegated authority is given to the Head of Development Management to amend the specific tenure mixes currently being sought if necessary in order to satisfy the latest national and local planning policy position in the event that changes are introduced in the period between a committee resolution to grant planning permission and the final issuing of a decision notice.

#### On Site Infrastructure/Facilities

- 7.45 In order to create a sustainable residential urban extension to southern Banbury a number of on-site amenities and facilities are required in order to meet the needs of new residents. This is reflected within the requirements of Policy Banbury 17. Policy INF1 of LPP1 is also of relevance and requires development proposals to demonstrate that infrastructure requirements can be met including transport, education, health, social and community facilities. Outdoor recreation facilities are also relevant here too but these will be discussed further within the next section of this report.
- 7.46 Policy Banbury 17 requires the provision on site of a new primary school to serve the needs of both development on Banbury 17 as well as development approved/allocated on Banbury 16. The applicant is proposing such a primary school on the site on land to the east of the existing Morris Homes development. Oxfordshire County Council as the local education authority has been consulted on the proposals and has indicated their support for the primary school proposals including both the size/shape of land proposed as well as its location within the site. Officers are recommending that a s106 agreement includes relevant clauses that secure either the direct delivery of the new primary school by the developer or financial contributions to OCC to cover the build costs together with land transfer at an appropriately early stage in the build out of the development. As the application is proposing a larger primary school that is necessary to meet the needs of pupils expected to be generated from just this development (so that it can also serve pupils arising from development approved on Banbury 16 [planning permission 14/01188/OUT] as well as proposals relating to application reference 15/01326/OUT), it is necessary for costs to be appropriately equalised through a s106 agreement so that the infrastructure sought through s106 agreement meets the statutory tests of necessity and proportionality. This would require allowances to be made for financial contributions expected from a developer on implementation of 14/01188/OUT as well as in connection with development proposed under 15/01326/OUT if approved.



- 7.47 It is a further requirement of Policy Banbury 17 for secondary school land to be provided within the site for use as playing fields on the basis that secondary school pupils arising from development on the Banbury 17 would place additional pressure on facilities at the neighbouring schools. The application proposes 1.81ha of playing field land to the opposite side of the Salt Way from Blessed George Napier School. This land is proposed to be transferred to OCC for the intention of providing sports pitches for Blessed George Napier School to cope with the additional pupils that it is likely to receive as a result of the proposed development. OCC has confirmed that it is satisfied with the amount, layout and location of the proposed secondary school playing field land. The arrangements for its provision together with the timing of its transfer to OCC will need to be secured through s106 agreement prior to any planning permission being issued. In a situation similar to the primary school provision, the applicant is proposing a larger area of secondary school playing field land than is necessary to directly mitigate the impact of this proposed development. This is to ensure that the secondary school impacts associated with development proposed under 15/01326/OUT can be mitigated as well as resolving an existing element of town-wide deficiency. The arrangements for equalisation of these costs is a matter that will need to be addressed as part of completing the s106 agreement.
- 7.48 It is well established that a development of the size proposed gives rise to additional pressure on community facilities. To this end, Policy Banbury 17 requires a new community facility to be provided on the site as part of the development. It is therefore recommended that a s106 agreement includes requirements for the provision of a 600sq m community centre within the site together with precise specifications to ensure it meets local needs and is suitably attractive to a community group. This is a similar approach to that taken on other recent strategic residential developments at Bicester and Banbury. Financial contributions towards the initial years of its maintenance will also need to be secured as part of a s106 agreement. Once again a mechanism for offsetting part of the costs to the applicant will need to be included within a s106 agreement given that the community centre is also required to serve development proposed under application reference 15/01326/OUT.
- 7.49 A local centre is also proposed as part of the development and would potentially include a mix of local shops, cafes, takeaways and perhaps a nursery or similar. The applicant is proposing to keep the details of uses and the size of the local centre flexible except in so far as to state that up to 1000sq m of retail units are proposed. There is currently very limited information provided on the proposed local centre though officers are clear that it is an important part of delivering a sustainable residential community so that key everyday amenities are within walking distance. A clearer picture of the local centre is unlikely to emerge until the applicant submits a more detailed masterplan in advance of submission of reserved matters application as recommended by officers in the list of conditions. Following an approved masterplan, a further detailed reserved matters submission for the local centre would need to be made and within this the Council would be able to consider the merits of the individual units and uses proposed together with the overall make-up of the local centre to ensure that it is suitable. At this stage however officers are satisfied that the applicant is proposing such a facility which is indicated to be of size/nature typically expected in a residential development of this size. A s106 agreement will need to include suitable requirements relating to the general minimum specification, phasing and delivery of the local centre to ensure that it is provided on the site in an appropriate manner.
- 7.50 Policy Banbury 17 also requires the provision of public art on the site. Officers recommend that a condition be imposed requiring submission of details of the public artwork including its form and location together with a timetable for its installation. Associated requirements are necessary in a s106 agreement to ensure that suitable arrangements are in place for the long term maintenance of the public art.

7.51 Having regard to the above and the requirements of Policies Banbury 17 and INF1 of LPP1, officers are satisfied that subject to the inclusion of suitable covenants within a s106 agreement, the necessary on-site infrastructure is able to be provided to ensure that a sustainable new residential community is created on the site without having an adverse impact on existing public infrastructure.

#### Open Space and Outdoor Recreation

7.52 Policy Banbury 17 requires general green space, play areas, allotments and sports provision as part of development on Banbury 17 in accordance with the specifications and thresholds set out in Policy BSC11 of LPP1. As discussed earlier in this report, the sports facilities are proposed in areas to the south and east of the application site. Based on an assumption of average household sizes of dwellings on the application site, it is anticipated that a minimum of 2.7ha of sports provision is necessary to meet the needs of the new population. The Council's open space assessment for Banbury identifies significant under provision of football pitches and it is considered necessary for the sports provision to be in the form of football pitches. Adult pitches are the preference given that these can then easily be subdivided if necessary into junior pitches. On the basis of the maximum 1000 dwellings proposed, this equates to a requirement on site for three adult football pitches and an associated pavilion. A s106 agreement is therefore recommended to include a requirement of such facilities to be provided on the site together with transfer to the Council for management.

7.53 The illustrative masterplan indicates that the pitches would not necessarily be located directly adjacent to each other and would perhaps be to either side of the new spine road which reduces the benefits of co-location. This arrangement needs further assessment as part of a more detailed masterplan that is required to be submitted prior to any submissions of reserved matters application. However, it is recognised that there are genuine constraints on the site that may affect the ability to provide all of the football pitches directly adjacent to one another and account does need to be taken of these. First, Neolithic archaeological deposits are known to exist in the location of where the northern football pitch is indicatively shown in the illustrative masterplan. These are of heritage significance and Policy Banbury 17 requires them to be preserved in situ which prevents any built development taking place on this land making it ideal for outdoor recreation. Second, there is an important belt of woodland to either side of the existing public bridleway that runs north-south through the site adjacent to the recreation areas. It is not appropriate for reasons of biodiversity protection and visual amenity to make any significant interventions into this landscape feature except for the provision of the spine road which is essential to mitigate the impact of the overall development. Notwithstanding that, officers are mindful of the need to try to locate the sports facilities as close together as possible in the interests of convenience and usability. Officers are however satisfied that this can be achieved as part of the detailed masterplanning of the proposed development. As a consequence, subject to a s106 agreement requiring the appropriate level and specification of sports pitches and pavilion as detailed previously together with a mechanism for their transfer to CDC on their completion, officers are satisfied that the new residents would be adequately served by outdoor sports facilities in accordance with the requirements of Policies Banbury 17 and BSC11 of LPP1.

7.54 Policy Banbury 17 also requires residential developments to include sufficient play areas for children and young people. Based on the thresholds and matrix set out in Policy BSC11 of LPP1 as well as similar approaches taken elsewhere on recent surrounding residential developments, officers expect all homes to be within 5 minutes walking distance of a play area. Local Areas of Play (LAP) cater for very young children and would expect to be closer so that they are more convenient for toddlers. For a development of this size officers would expect 6 LAPs being a combination of equipped and unequipped. The Local Equipped Areas of Play (LEAP) are more significant and cater for slightly older

children from about 4-8 years of age. These still need to be conveniently accessible and should be provided on either side of the spine road to avoid unnecessary crossing of this primary estate road. Officers consider that 3 LEAPs are required on the site to meet the needs of the new residents and be within 400m of each dwelling as specified in Policy BSC11. Finally, Neighbourhood Equipped Areas of Play (NEAP) are more significant and are designed to be more suitable for older children. Walking distances to such facilities can be longer and some children can be expected to be unaccompanied by adults. Officers consider that a single NEAP is required on the site in order to mitigate the impact of the proposed development. The LAPs, LEAPs and NEAP required on the site need to be secured through s106 agreement together with an appropriate timetable for their delivery as well as minimum specifications and maintenance arrangements. The specific design detailing and location of the play facilities will be a matter for consideration as part of the detailed masterplanning and reserved matters stages and may well differ from that shown illustratively in the current masterplan.

- 7.55 Significant areas of other general green space and public open space are proposed within the development and, if approved, officers would need to give them more detailed consideration as part of the masterplanning and reserved matters stages. These green spaces not only help provide suitable buffers to surrounding land uses and the wider countryside but also help to provide relief within built development parcels. A s106 agreement will need to include suitable clauses to ensure the long term maintenance arrangements of all general amenity spaces included within the final detailed development.
- 7.56 Policy Banbury 17 also requires the provision of a new circular bridleway along the southern edge of the Banbury 17 site that links back to the Salt Way. The illustrative masterplan indicates this with a dashed orange line and the developer has committed to providing this bridleway which officers welcome. The detailed specification of the bridleway together with the timetable for its delivery and means/location for connection to the eastern parcel of Banbury 17 (application ref: 15/01326/OUT) will need to be secured through s106 agreement. Officers would expect to approve the final details of this new bridleway route as part of the detailed masterplan and reserved matters applications and it may differ slightly from that shown on the current illustrative masterplan.
- 7.57 In conclusion, having regard to the requirements of Policies Banbury 17 and BSC11 of LPP1, officers are satisfied that there is the opportunity within the site to provide suitable formal and informal outdoor recreation facilities to meet the needs of the new residents subject to these being satisfactorily secured through s106 agreement.

#### Biodiversity

- 7.58 The Council has a statutory duty under the Natural Environment and Rural Communities Act 2006 to have regard to the purpose of conserving biodiversity as part of carrying out its functions. Furthermore, through Policy ESD10 of LPP1 as well as national policy in the NPPF, net gains in biodiversity are sought as part of new development. Policy ESD10 resists net loss of biodiversity or harm to protected/priority species unless these are unavoidable and can be effectively mitigated or compensated. Policy Banbury 17 also requires the detailed consideration of the ecological impacts of proposed development on the site together with the retention and enhancement of landscape features of ecological value. Policy Banbury 17 also states that light pollution should be minimised to avoid harm to nocturnally active species.
- 7.59 The Council's ecologist has advised that the ecological report and Environmental Statement provide sufficient information at this stage to assess the likely ecological constraints and impacts. The illustrative layout indicates that sufficient buffers are to be in place and that important habitat corridors are maintained. The existing agricultural land

provides little habitat of significant ecological value except to farmland birds and brown hare and it is the connecting landscape features that form important corridors for protected species such as bats. It is essential that these are retained and augmented where necessary in order to achieve net biodiversity gains on the site.

- 7.60 The vast majority of existing trees are proposed to be retained on the site which accords with the requirements of Policy ESD10 of LPP1. Any loss is shown to be kept to a minimum and is to facilitate the creation of the new vehicular access and provision of the spine road. The public open space areas illustratively proposed to the southwest of the site and the 20m Salt Way buffer provide the opportunity to mitigate for any lost trees. In order to ensure that detailed site design takes place in a manner that takes full account of the need for biodiversity enhancement, officers recommend that pre-commencement conditions are imposed with requirements for the submission and approval of ecology and landscape management plans. Officers also recommend that the condition requiring the approval of a full masterplan prior to submission of reserved matters applications incorporates a requirement to demonstrate accordance with net gain biodiversity objectives as part of designing the site layout. Officers also expect detailed reserved matters applications to include provision for biodiversity enhancements within the relevant phase including, for example, the incorporation of bat tubes and nesting boxes as part of relevant buildings as well as suitable means by which hedgehogs can pass underneath fences between gardens.
- 7.61 Overall officers are satisfied that the impacts on protected and priority species have been appropriately assessed and can, in the main, be fully mitigated through the use of appropriate masterplanning and imposition of conditions. However, the Environmental Statement has suggested that a number of ecological impacts are not able to be mitigated (loss of arable land, disturbance to bats, farmland birds and brown hare) and dismisses these a little too readily given the large local impact as a result simply of the cumulative scale of development proposed to the south of Banbury. Having regard to the requirements of Policy ESD10 of LPP1 and national planning policy, where these impacts cannot be avoided or mitigated on site, there needs to be compensation elsewhere in order to be acceptable and to deliver the net biodiversity gains necessary. Officers therefore recommend that a financial contribution is sought through s106 agreement towards an off-site project with conservation of these species as their goal. The precise figure of this contribution is yet to be determined and is currently being discussed between the Council's ecologist and local wildlife groups.
- 7.62 All bats are European protected species through the Conservation of Habitats and Species Regulations 2010. By appropriately surveying any mature trees before felling/lopping, incorporating appropriate buffers and avoiding removal of their woodland/hedgerow habitat as is proposed, any adverse impacts are likely to be able to be avoided. A requirement to submit a construction ecological management plan through planning condition should ensure officers consider the potential implications and the ways by which harm can be avoided. Furthermore, officers are recommending a condition that requires the prior approval of all external artificial lighting so that the Salt Way in particular can be kept suitably dark in the interests of bat conservation. In any event, if despite these measures the works/activity would still cause harm to bats then a mitigation license would be required from Natural England in order for the development to proceed lawfully.
- 7.63 In conclusion on this matter of ecological impact, officers have had due regard to the importance of conserving biodiversity. The proposals indicate the vast majority of important habitat is to be retained and there are opportunities for enhancement to these through new planting and buffer areas. Suitable conditions and s106 clauses are recommended to be imposed to secure such habitat protection/enhancement and its long term maintenance. In order to ensure that net biodiversity gain is achieved across the site

as part of the development, it is likely to be necessary to compensate for harm to a handful of priority species that cannot be mitigated on site and this is recommended to be secured through s106 agreement. Subject to these safeguards and provisions, officers are satisfied that the proposals would not have an adverse impact on biodiversity and would contribute towards the objective of achieving local biodiversity gain in accordance with the requirements of Policies Banbury 17 and ESD10 of LPP1.

#### Trees and Landscaping

- 7.64 Policy Banbury 17 requires proposals on the site to retain and enhance existing hedgerows and trees including along the Salt Way. Policy ESD10 of LPP1 encourages the protection of trees with the aim of increasing the number of trees in the District. This application is in outline only with all matters reserved for later approval except for the means of accessing the site. As a result, the proposed vehicular access from Bloxham Road is in detail and is what is proposed to be constructed. As a result any impact on trees, hedgerows and landscape features arising from the construction of the vehicular access must be considered at this stage. Landscaping within the site is a matter reserved for later approval and officers would need to assess the hard and soft landscaping merits of the development proposed on each parcel of land as it comes forward in reserved matters submissions. Nevertheless, for reasons already discussed previously, officers are satisfied that overall there is sufficient ability within the site to satisfactorily accommodate the amount of development proposed whilst ensuring that the landscaping of it is appropriate.
- 7.65 With respect to the vehicular access, the proposed roundabout would be constructed predominantly within the site following re-alignment of the Bloxham Road carriageway. This will result in the removal of a small number of mature trees along the existing tree lined western boundary with Bloxham Road. The affected trees are thought to be equivalent to Category B based on applicable of the relevant British Standard for trees affected by construction (BS:5837:2012). A number of Category A trees of greater public amenity value are however proposed to be retained. Nevertheless, to create the new access it is inevitable that some trees will be lost and other trees potentially harmed due to proximity to construction works. This will have an adverse impact on the cumulative public amenity value that they trees provide to this section of Bloxham Road on the entry to Banbury. However, the principle of the creation of a new roundabout access from Bloxham Road has been established as part of allocating the site and officers are satisfied that the applicant has taken all reasonable measures as part of designing the access arrangements to avoid harm to important individual trees. Officers do however recommend that a condition be imposed requiring the submission of an arboricultural method statement prior to commencement of development to ensure the construction works are proposed and carried out in a manner that protects as many trees as possible.
- 7.66 The illustrative masterplan submitted with the application indicates a significant amount of new tree planting will take place along the newly aligned stretch of Bloxham Road to mitigate any harm caused by loss of existing trees. This is welcomed and officers would expect to see this in detail as part of the first phase of reserved matters which should, in time, help to re-create the wooded eastern edge to the Bloxham Road.
- 7.67 Within the site it is clear that the vast majority of existing soft landscape features would be retained and officers would expect to see this as part of the more detailed masterplanning stage and within the reserved matters submissions. The main impact in this respect is likely to be caused by the new spine road which would inevitably have to cut through sections of hedgerows and woodland that cross the site. This is simply a consequence of the need to properly integrate the development into the wider road network and, given its specification, is likely to result in about 13-14m of hedgerow being removed in 2-3 places across the site. It is therefore important that loss of parts of these landscape features is

adequately mitigated elsewhere on the site to ensure proper linked pathways of vegetation both in the interests of visual amenity and biodiversity.

7.68 Officers have therefore found that the proposals would adversely affect a number of mature trees along the eastern boundary of Bloxham Road and that this would have a harmful effect on the public amenity and the wooded character of this part of Bloxham Road. However, significant harm has been avoided through sensitive design of the proposed access and measures are recommended to be required through condition to protect trees proposed for retention. Together with the opportunity for significant new planting along Bloxham Road as part of reserved matters applications, the adverse public amenity impact caused by harm to the existing trees is considered acceptable. Within the site, no material loss of trees is anticipated due to the absence of them in central areas of the site. Harm is most likely to be restricted to certain sections of existing hedgerows and officers are content that this is necessary as part of completing the spine road but can be adequately mitigated elsewhere within the site. Consequently with respect to the specific impact of these proposals on trees and other soft landscape features within the site, officers have found that the proposals are in accordance with the requirements of Policies Banbury 17 and ESD10 of LPP1 and are therefore acceptable.

#### Impact on Existing Neighbouring Amenity

7.69 Policy ESD15 of LPP1 requires new development to consider the amenity of both existing and future occupants of land and buildings with respect to privacy, outlook, natural light, ventilation and indoor/outdoor space. Policy C30 of LP 1996 has similar requirements. Both reflect one of the core planning principles set out in the NPPF. Policy ENV1 of LP 1996 resists development that would cause significantly detrimental levels of noise, vibration, smells or other types of environmental pollution.

7.70 There are no existing dwellings that are sufficiently close to the development that they are likely to be directly affected by it in terms of privacy, outlook or levels of sunlight/daylight. A handful of existing residential properties lie between the site and Wykham Lane to the south. Whilst not directly affected due to their distance from proposed new built development, the views to the north from these properties over the surrounding countryside will diminish though there will still be pleasant open views in other directions. In any event, it is well established through court judgements and Government guidance that private views are not a material planning consideration. It is recognised that new residents within the proposed development could make greater use of the public rights of way that run southwards past these existing properties. However, such an increase in usage cannot reasonably be considered to amount to a material disturbance to the living conditions enjoyed by occupants of these dwellings. The new bridleway proposed within Banbury 17 should also partly mitigate this by providing an alternative route away from existing dwellings. The new houses currently being constructed on the Morris Homes development are also thought to be separated by sufficient distances albeit they are likely to be closer and more affected than any existing dwelling. It is more likely however that the surrounding residents would be affected by the noise, disruption and general nuisance associated with the construction works which are likely to take place over a period of about 10 years. This is a substantial period of time and the areas and properties affected are likely to change as the development builds out eastwards from Bloxham Road. As a result, officers are recommending that a construction management plan be submitted and approved for each phase of the development to ensure that the mitigation measures are appropriately bespoke. Construction traffic management measures would be expected to be incorporated into this same document. Controls are likely to include the hours of working on the site, compound details, noise, vibration and dust mitigation, construction traffic routing arrangements and wheel washing facilities. Officers are however clear that no construction traffic should not use Wykham Lane at any time and this is a necessary requirement of the construction management plan. When considering the construction

management plan officers may need to be mindful of development taking place elsewhere to the south of Banbury and the potential for cumulative effects as there could be as many as three different construction projects taking place simultaneously to the south of Salt Way. Development on this site however is generally separated from existing dwellings by generous distances given that they are to north of Salt Way and so direct nuisance is unlikely to be significant but it will be prolonged. Care is more likely to be necessary when considering the working arrangements in the vicinity of new homes on the Morris Homes site which is likely to be completed before this proposed development could commence. Nevertheless, officers are quite satisfied that an appropriate construction management plan secured by condition could adequately ensure that the amenity enjoyed at nearby properties is not unacceptably affected.

- 7.71 On a related matter, some concern has been raised by residents of Bodicote about the impact of this proposed development on local air quality when taken together with that proposed under 15/01326/OUT. The Council's Environmental Protection officers are however clear that any air quality impacts are likely to be minimal and would only be associated with the new vehicular traffic. As this would be almost predominantly car based, the impact of emissions would be negligible and of no risk whatsoever to human health. The EIA carried out as part of this proposed development also demonstrates that air quality impacts would be very minor. Lorries and heavier vehicles could emit more nitrogen oxide and particulate matter however this would again be minimal as these are not expected to use the new spine road given that it is to be designed to function as a route unsuitable for possible bypassing traffic due to its low speed residential nature and traffic calming features. It is however worthwhile to recognise that the Banbury 17 land has been allocated for major new residential development and so the Council has already established in principle that any minor harm associated with matters such as air quality is acceptable in the context of the overall public benefits associated with the proposed development.
- 7.72 In summary on this matter officers have concluded that the proposals would not give rise to any direct material harm to surrounding properties in terms of the privacy, light and outlook enjoyed from them. Given the scale of the proposed development and the long duration over which construction work would occur, it is inevitable that some nuisance will be caused to nearby residents. However, the principle of development has already been established and this nuisance can be adequately controlled through the use of measures secured through a phased construction management plan as is typical for developments of this size and nature. Subject to such a condition, officers are satisfied that the proposals would not have an unacceptable impact on the amenity enjoyed by surrounding residents in accordance with the requirements of Policy ESD15 and Policy ENV1 of LP 1996.

#### Flood Risk and Drainage

- 7.73 Policy ESD6 of LPP1 is reflective of national policy in the NPPF by encouraging development towards areas at lower risk of flooding and resisting development that is highly vulnerable to flooding or increases flood risk elsewhere. In short, the site is at very low risk from any sources of flooding (Flood Zone 1) and does not suffer from critical drainage problems. As a result, the Environment Agency has no objections to the proposed development.
- 7.74 Policy ESD7 of LPP1 requires all major developments to incorporate sustainable drainage systems (SuDS) for the management of surface water run-off. A site-specific flood risk assessment has been submitted that sets out the proposed methodology by which surface water is to be managed on site to ensure there is no increased discharge from the site above pre-development rates. Where possible, surface water should be managed through direct infiltration in the ground but in many cases the ground conditions do not allow for

this to work effectively and so on-site natural storage features are necessary in the form of ponds and detention basins which then control flows out to local watercourses or the public sewer. Whilst the full surface water drainage arrangements cannot be known until the detailed scheme begins to take shape, drainage engineers at Oxfordshire County Council have confirmed that they are satisfied with the proposed SuDS strategy for the site and the illustrative masterplan indicates suitable areas for discharge to ponds and basins on the assumption that infiltration itself will not be sufficient to manage all surface water. Ponds in particular are welcome as a landscape feature as these can provide wetland habitat for a number of species as well as a public amenity benefit.

- 7.75 Consequently, officers are satisfied that the proposed development would not be at material risk of flooding and neither would it increase flood risk elsewhere. Furthermore, a full SuDS strategy is proposed for the development which should prevent significant risk of on-site flooding in a storm event and ensure no increase in surface water run-off from the site onto neighbouring land or to nearby watercourses. As a result, in this respect officers are satisfied that the proposals accord with the requirements of Policies ESD6 and ESD7 of LPP1.

#### Sustainability and Energy Efficiency

- 7.76 Policy ESD5 requires all proposals for 100 dwellings or more to assess the potential for significant on site renewable energy provision and for this provision to be required where viable. An energy statement was submitted alongside the planning application which demonstrated that a combination of solar PV and solar thermal technology could be incorporated on new buildings within the development and that there could be scope for air/ground source heat pumps particularly where flats are proposed. Other more significant renewable energy sources were discounted however such as combined heat and power (CHP) and wind turbines due to site and viability constraints. Officers are recommending that a condition be imposed that all applications for reserved matters include details of the renewable energy generation measures to be incorporated into that phase of development.
- 7.77 Policy ESD4 of LPP1 requires proposals of this scale and nature to assess the potential for utilising District Heating or Combined Heat and Power. However, the lack of nearby appropriate sources and recipients of such consistent energy output means that this is not viable in this instance.
- 7.78 Policy ESD3 of LPP1 requires all new homes to be constructed to achieve zero carbon. This standard and associated allowable solutions have been cancelled by Government and the latest Ministerial Statement suggests that local planning authorities should not be requiring higher standards of energy efficiency than that set out in the Building Regulations and that Part L of the Building Regulations will be updated in due course to introduce higher energy performance standards. In the interim however, Government guidance suggests that local planning authorities may continue to apply an energy performance standard equivalent to Code 4 of the former Code for Sustainable Homes and no higher as this is the approximate level to which the forthcoming new Part L of the Building Regulations may be increased. As a result, officers are recommending that a condition be imposed that requires all new dwellings on site to be designed to this energy standard though this may need to be reviewed in the event that changes are introduced at national level in the period between a committee resolution to grant planning permission and a decision notice being issued.
- 7.79 Policy ESD3 of LPP1 is still however material and up-to-date with respect to non-residential buildings and it requires all such buildings to be designed to achieve a BREEAM 'very good' rating. A condition is therefore recommended that requires all non-



residential buildings in subsequent reserved matters proposals to be designed to meet this standard.

- 7.80 Officers therefore have no objection to the proposals with respect to energy sustainability subject to the imposition of the conditions recommended.

#### Off-site Infrastructure Mitigation

- 7.81 Policies Banbury 17 and INF1 require not only new infrastructure to be provided on the site to meet the needs arising from the development but off-site improvements are required too in order to ensure proper mitigation of its impacts on community services and public resources.

- 7.82 Whilst new educational facilities are required on-site to meet the needs arising from the development (in the form of a new primary school and secondary school playing fields) , off-site contributions are required too in the form of a financial contribution to fund the expansion of the nearby Blessed George Napier School. This is calculated on a per pupil basis and the final amount required to be contributed depends on the precise amount of development later proposed and the ultimate mix of housing. Such a financial contribution needs to be secured with OCC through s106 agreement. Similarly the proposals are likely to generate a need for additional special educational need provision in the local area. As a result, a financial contribution towards an expansion project at Frank Wise School is recommended to be sought through s106 agreement.

- 7.83 The proposed development is also likely to give rise to additional demand on local indoor sports facilities and to this end a financial contribution is required to mitigate this impact through an expansion and improvement of Spiceball Sports Centre in Banbury. This financial contribution is required to be secured through s106 based on a matrix approach given that the exact figure required is as yet unknown as it will depend on the final amount of new housing proposed and the mix of dwelling sizes .

- 7.84 Thames Valley Police has also made representations on the application and claimed that the increased population arising from the proposal is likely to put pressure on existing police facilities. At this stage it is unclear to what extent the contributions sought have been fully justified as genuine capital projects or, if not, if they are a type of infrastructure that has been funded five or more times within the District since April 2010. Officers are mindful of the statutory tests and limitations relating to the pooling of infrastructure through s106 agreements and before pursuing the Thames Valley Police contributions further, additional clarification will need to be sought. However, for clarity officers have at this stage listed these financial contributions among the items recommended to be secured through a planning obligation.

- 7.85 As part of the preparation of Local Plan Part 1 it became clear that both Banbury and Bicester had inadequate burial sites to manage the projected population increases arising from the planned development. As a result, Policy Banbury 13 includes a requirement for new strategic residential development proposals to make a financial contribution towards expansion of existing cemetery facilities in the town. Officers therefore recommend that a financial contribution is sought from this proposed development through a s106 agreement. Once again, the exact sum necessary would be dependent upon the amount of housing finally proposed as well as the mix of dwelling sizes.

- 7.86 OCC has also made representations requesting financial contributions towards expansion of facilities/bookstock at Banbury Library as well as additional adult health and day care provision in the local area. Officers recommend that these financial contributions are sought through s106 agreement in line with the OCC's representations.

- 7.87 Other financial contributions are also required towards mitigation of transport impacts as discussed previously in this report as well as an off-site ecological enhancement project that focuses on habitat that supports priority farmland bird species and brown hare.
- 7.88 Thames Water is the water supply and sewerage provider for the area and in response to consultation on the proposals they raised concerns about the impact of the development on the capacity of the existing network. Without on and/or site improvements to the network this could lead to sewer flooding with associated significant environmental consequences as well as inadequate supply of mains water to new/existing homes. In order to ensure this does not occur and in accordance with the recommendations of Thames Water, officers recommend that conditions are imposed that prevent any development taking place until the developer has undertaken studies to determine existing capacity and any improvements necessary. Any improvements will then need to have been made before any new demand is placed upon the water supply and sewerage network. This is an approach regularly taken with respect to major new development proposals.
- 7.89 Subject to securing mitigation of the above off-site infrastructure through s106 agreement and/or conditions as appropriate, officers are satisfied that the proposed development would not have a significant adverse impact on the overall provision of community services and public infrastructure.

#### Planning Obligation(s)

- 7.90 In order to ensure that the significant adverse impacts of the development are mitigated in addition to securing provision of suitable on-site provision of facilities and affordable housing, a s106 agreement (planning obligation) will need to be entered into with both Cherwell District Council and Oxfordshire County Council. This is preferably in the form of a single planning obligation entered into with both Councils. In order to justify requiring the developer/landowner(s) to enter into a planning obligation, the relevant covenants within the planning obligation need to meet a number of statutory tests, these being: a) necessary to make the development acceptable in planning terms; b) relevant to the development proposed; c) fairly and reasonably related in scale and kind. Furthermore, there is also a statutory restriction on seeking more than five pooled contributions towards a type of infrastructure or infrastructure project in the District since April 2010 where such infrastructure could otherwise be funded through the Community Infrastructure Levy. Officers have had regard to the requirements of relevant development plan policies and considered any associated planning obligation requirements against the above statutory provisions. Having done so officers are of the view that a significant number of items need to be secured through a planning obligation before the development can be considered acceptable and, in turn, planning permission granted. These items are as follows:

#### *Cherwell District Council:*

- Minimum 30% affordable housing;
- Provision of on-site community facility (600sq m floorspace) and maintenance contributions;
- Provision of on-site adult/junior football pitches, pavilion and maintenance arrangements;
- Provision of 0.9ha on-site allotments and management/maintenance arrangements;
- Provision of 6 x LAP, 3 x LEAP, 1 x NEAP together with maintenance arrangements;
- Financial contribution towards off-site sports facility enhancements (extension to Spiceball Sports Centres) – approximately £758,658 index linked;
- Financial contribution towards additional burial site provision in Banbury;
- Provision of public artwork on site together with maintenance arrangements;

- Maintenance arrangements for public realm features – green spaces, public open space, trees/hedgerows, drainage features, footpaths etc;
- Specification of local centre together with a programme for its provision on site;
- Provision of a new footpath/bridleway around the site, its specification, point of connection to eastern boundary together with arrangements to secure long-term maintenance and access for the public in perpetuity;
- Financial contributions to be forwarded to Thames Valley Police for the infrastructure set out in their consultation response where these have not been pooled towards more than five times from other developments in the District since April 2010;
- Financial contribution towards off-site species conservation project to compensate for adverse impact on BAP priority species (farmland birds and brown hare);

*Oxfordshire County Council:*

- Financial contribution towards pump priming new bus route to serve the development and to meet costs of temporarily increasing frequency of the 488 service during the initial years - £1000/dwelling;
- Financial contribution towards funding a temporary diversion of the 488 bus service into the site to ensure that it is credible;
- Improvements to surrounding public rights of way: £45,000 towards Bodicote bridleway 45, £25,000 towards Bodicote bridleway 11, £40,000 towards Banbury restricted bridleway 41 (Saltway), £30,000 towards Banbury footpath 40, £20,000 towards Broughton bridleway 14 and £15,000 towards Banbury footpath 37;
- Financial contribution to the Banbury Area Transport Strategy with improvements proposed to Bridge Street/Cherwell Street eastern corridor, the A361 Southam Road junction with Castle Street and Warwick Road as well as Bloxham Road/Springfield Avenue junction;
- Off-site highway works required to be carried by the developer and secured through a s278 highway agreement to deliver signalisation of Bloxham Road/Queensway;
- To ensure the developer enters into a highway agreement under s278 of the Highways Act 1980 to lay out the approved new access arrangement;
- To require the laying out of a spine road from Bloxham Road through to the site's eastern boundary at coordinates to be agreed to ensure suitable connection with the element of the spine road proposed under application reference 15/01326/OUT. Spine road specification to include: 6.75m wide carriageway, 2m footway, 3m combined footway/cycle track, bus stop infrastructure and associated grass verges. Spine road to be completed to the site's eastern boundary and available for public use by the occupation of 500 dwellings on the site;
- Financial contribution to cover the costs of making/varying Bloxham Road traffic regulation order to introduce speed limit changes and restrict vehicular access along existing section of Bloxham Road by Crouch Cottages;
- Financial contribution towards the monitoring of the Travel Plan;
- Financial contribution of approximately £6,222,734 towards part of the build costs of a new primary school on the site or suitable alternative arrangements for direct delivery of the primary school by the developer;
- 3.01ha of primary school land safeguarded as part of the development. Transfer of 2.22ha of fully serviced primary school land to OCC (1.81ha at nil cost to directly mitigate impact of the application proposals) by occupation of 150 dwellings on the site to enable construction by OCC. Alternatively, to secure arrangements for transfer of completed primary school site in the event of direct delivery by developer;
- OCC to secure option to obtain remaining 0.79ha of the 3.01ha primary school land if needed at later stage to mitigate impacts of additional pupils generated through other developments on the allocated Banbury 16 and 17 sites;
- Financial contribution of approximately £4,505,062 towards expansion of neighbouring Blessed George Napier (secondary) School;

- Provision of 1.855ha of secondary school playing field land on the site to mitigate impact of expansion at Blessed George Napier School and terms of transfer to OCC. 1.22ha provided at nil cost with the remainder required to mitigate impact of surrounding developments;
- Financial contribution of approximately £210,804 towards expansion of Special Education Needs school capacity at Frank Wise School.
- Financial contribution of approximately £229,235 towards expansion of facilities at Banbury Library and cost of bookstock;
- Financial contribution of approximately £25,830 towards local adult health and wellbeing day care facilities;
- General administration and monitoring costs.

7.91 Notwithstanding the above, it is however necessary to have regard to other off-site financial contributions expected from other approved developments where these have been towards infrastructure to be provided on this site. This includes the outline planning permission granted on land west of Bloxham Road (14/01188/OUT) and, if approved, the current application on the eastern portion of the Banbury 17 site (ref: 15/01326/OUT). Having regard to the statutory tests of planning obligations in addition to Government guidance, the Council must not 'double charge' developers by effectively seeking multiple payments (and therefore overpayment) for the same item of infrastructure. In drafting a satisfactory planning obligation, account will need to be taken of any financial contributions received (or anticipated to be received) from other developments towards the items of infrastructure listed above and appropriate allowances made to ensure that only what is necessary is included within the planning obligation associated with this proposed development.

#### Local Finance Considerations

7.92 This development has the potential to attract New Homes Bonus for the Council equivalent to approximately £7,838,352 over 6 years based on current arrangements for the Council. Business rates are also likely to be received but the amount is unclear at this stage as the amount and type of commercial units in the local centre are not yet known. These sums of money can potentially be a local finance consideration which can in turn be a material planning consideration in weighing up the merits of the proposed development. Officers however recommend that Members give this very little weight given that it is unclear how much of a direct or indirect impact that this funding would have on making this particular development acceptable in planning terms. Furthermore, it is officers' view that other matters are of significantly more importance for a local planning authority given that it should be acting in the wider public interest and it is not appropriate for any genuine concerns in this respect to be outweighed by a financial matter such as this.

#### Other Matters

7.93 The proposals would result in the loss of 23ha of best and most versatile agricultural land based on the definitions provided by Government. This loss has been accepted in principle as part of taking the decision to allocate the site for development in LPP1. No objection can therefore be raised to this now. However, based on the recommendations of Natural England, officers recommend the imposition of a condition requiring a soil management plan to be submitted, approved and implemented which ensures that the higher quality top soil is separated from poorer quality spoil so that it can be re-used either on or off-site in new planting areas and green spaces. Officers also recommend use of a condition that requires approval of a spoil management plan to ensure that large mounds of earth do not form over prolonged periods on the site during construction works and that this spoil is either properly incorporated into a landscape strategy for the site or removed from the land.

## **8. Conclusion**

- 8.1 The application site represents the vast majority of a larger site allocated for major new residential development in LPP1 through Policy Banbury 17. For the reasons set out in this report, subject to conditions and a satisfactory s106 agreement, the proposals are considered to accord with Policy Banbury 17 and satisfactorily facilitate development on the wider Banbury 17 site in the manner required by Policy Banbury 17 as well as all other relevant policies of the District's development plan. Whilst up to 80 additional dwellings are proposed on the overall allocated Banbury 17 site in comparison to that set out in Policy Banbury 17, officers have sufficient confidence that this amount of development can be acceptably accommodated on the site though it will probably require greater provision of smaller dwellings and more compact unit typologies. However, this general approach makes efficient use of land in a sustainable location which officers support in principle and assists in delivering the small to medium sized dwellings that are recognised as in greatest need in the District.
- 8.2 Legislation requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. For the reasons discussed in this report, officers consider the proposals to be in accordance with the development plan and as a result the starting point should be to resolve to grant planning permission. As Policy Banbury 17 and the other main policies of LPP1 are up-to-date and consistent with national planning policy and Government guidance, there are no conflicts with national planning and sustainability objectives. Any other concerns raised in response to the proposals are not considered to be significant and are able to be satisfactory mitigated and so do not represent cogent reasons for departing from the development plan.
- 8.3 Whilst not necessarily a determinative matter, it is also prudent for Members to have regard to the District's ongoing housing supply position and the importance of development taking place on strategic allocated sites such as this to ensure consistent delivery of housing in the District. In doing so this ensures that the housing that is delivered is on the most suitable sites rather than through poor quality, undesirable speculative applications that are more likely to be submitted when the District's supply of housing drops due to delays in delivery of housing on the larger established strategic allocations. The proposed development would make a substantial contribution towards meeting housing need in the District and in turn would help maintain at least a minimum five year supply of housing that is important to ensuring proper sustainable planning and decision making takes place within the District.
- 8.4 In coming to this conclusion, officers have had regard to the development plan, Government guidance as well as statutory and third party representations made in response to the application. In addition, the information contained within the submitted Environmental Statement has been considered as part of assessing the merits and impacts of the proposed development. Officers are satisfied for the reasons set out in this report that the adverse environmental effects of the development would not be significant subject to the mitigation measures secured through the recommended conditions and legal agreement clauses. This report should be considered as the Council's statement for the purposes of regulation 24(c) of the EIA Regulations 2011 (as amended).

## **9. Recommendation**

**That Committee resolves to inform the SoS that the Council proposes to grant planning permission subject to:**

- 1. The satisfactory completion of a legal agreement with both Cherwell District Council and Oxfordshire County Council to secure the items listed in paragraph 7.90; and**
- 2. The imposition of the conditions set out 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 planning condition(s) and/or via planning obligation;**

**Or, securing an appropriate legal mechanism by which delivery of a completed spine road can be ensured at an appropriate stage in accordance with OCC's recommendation.**

**In the event that the application is not called-in by the SoS, to delegate authority to the Head of Development Management to issue the notice of planning permission on satisfactory completion of the legal agreement.**

**That Committee also resolves to delegate authority to the Head of Development Management to make any necessary post-Committee minor amendments to the recommended conditions and items in the legal agreement subject to the prior written agreement of the Chairman. Any such changes would be limited to the extent that they would not materially deviate from the nature of the Committee resolution and the basis on which on the SoS was informed of the Council's proposed decision.**

### Conditions

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.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning Development Management Procedure Order 2010 (as amended).

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.

Reason - To ensure the proper phased consideration and implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

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.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

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.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

5 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings

JJG043 - 033 Rev. B - Location Plan

A\_005 Rev. D Footway Linkage and Delivery Plan

but only insofar as they relate to matters not reserved for later approval.

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 the masterplan and design code approved under the requirements of condition 6 of this planning permission.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

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;

- including
- d) The street form, street frontage and hierarchy for all types of street/road 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
- development
- 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 alignment of the spine road and general location of bus stops/crossing points on it as well as the general 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.



Reason - To ensure the development proceeds in a manner that is consistent with national and local planning policy objectives to deliver high quality residential environments that integrate successfully with the surrounding area in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - To ensure that a suitably designed spine road is approved to enable proper design and consideration of reserved matters submission on the site and to facilitate appropriate timely delivery of the spine road to assist in bringing forward development on the wider Banbury 17 allocated site.

8 No development shall take place on any phase (as approved under condition 2) until full details of existing and proposed ground and floor 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.

Reason - In the interests of visual amenity in accordance with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - To ensure the development is served by appropriate play facilities in the interests of sustainably providing for the amenities of the new residents in accordance with the requirements of Policies Banbury 17, BSC10 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - To ensure the continued health of retained trees/hedges of importance in the

interests of visual amenity and biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - To ensure the continued health of retained trees/hedges of importance in the interests of visual amenity and biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - To ensure the development does not cause harm to protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community

14 No development shall take place until impact studies on 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.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

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.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

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.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

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.

The plan shall include:

- o Description and evaluation of the features to be managed
- o Ecological trends and constraints on site that may influence management
- o Aims and objectives of management
- o Appropriate management options for achieving aims and objectives
- o Prescriptions for management actions for a 20 year period and beyond
- o 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)
- o Personnel responsible for implementation of the plan

- o Monitoring and remedial contingency measures triggered by monitoring.

Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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.

Reason -To avoid causing undue environmental nuisance associated with the construction of the development in accordance with the requirements of Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

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. .

Reason - In the interests of the amenities of future residents and to maximise walkable neighbourhoods in accordance with the requirements of Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - In the interests of creating sustainable development in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

26 All applications for approval of reserved matters shall be accompanied by full details of the elements of the surface water drainage scheme 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).

Reason - To ensure that as the development progresses appropriate consideration is given to ensuring that overall the development does not increase the risk of localised flash flooding in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

27 Prior to the commencement of any development within an approved phase, 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.

Reason - To ensure inappropriate storage of earth material does not occur on the site leading to inappropriate and unsightly landscape features on the site both during and post construction.

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.

Reason - To ensure the adverse environmental effects of the development as a result of lost best and most versatile agricultural land are adequately mitigated in accordance with the conclusions of the Environmental Statement.

29 No occupation of any building or dwelling on the site (other than for construction purposes) shall take place until the highway works shown in drawing no. A\_005 Rev. D have been fully completed and made available for continued public use.

Reason - To ensure the development is served by an appropriate form of access that does not have an unacceptable impact on the wider highway network in accordance with the requirements of Policies Banbury 17 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - To ensure a safe and satisfactory residential environment is provided and to mitigate impact on public infrastructure in accordance with the requirements of Policy ESD15, Banbury 17 and INF1 of the Cherwell Local Plan 2011-2031 Part 1.

31 Prior to first occupation of any dwelling within a phase (as approved under condition 2), fire hydrants shall be provided for that phase in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason - To secure the provision of essential infrastructure in the interests of reducing risk of fire damage in accordance with the requirements of Policy INF1 and BSC9 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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.

Reason - In the interests of creating a high quality public realm in accordance with the requirements of Policy Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

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

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

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.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - In the interests of sustainability in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

37 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, 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.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

38 No trees or hedgerows on the site (as existing at the date of this decision) shall be lopped, felled, uprooted or wilfully damaged unless otherwise directly necessary to lay out the approved new access from Bloxham Road and provide appropriate vision splays (as granted by this outline planning permission) or is directly necessary to facilitate the carrying out of the detailed elements of the development approved by subsequent reserved matters consents and details approved pursuant to conditions attached to this consent or reserved matters approvals.

Reason - To ensure existing landscape features of significance are retained in the interests of creating a high quality development that is sympathetic to its setting and preserves/enhances biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031.



39 No more than 1000 dwellings shall be accommodated on the site under the provisions of this planning permission.

Reason - To ensure that the local planning authority can consider the wider sustainability implications of a more intensive development on the site and to ensure the Environmental Statement is appropriate to the scale/impact of the development.

40 No more than 500 dwellings shall be occupied on the site until a spine road from the approved new vehicular access off the A361 (Bloxham Road) to the site's eastern boundary has been fully constructed and made available for public use in accordance with the details approved under the requirements of condition 7.

Reason - To ensure the satisfactory comprehensive development of the wider site allocated as Banbury 17 in the Cherwell Local Plan 2011-2031 Part 1, to ensure the site can be served by suitable public transport and to prevent significant adverse impact on the local highway network.

41 No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st 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.

Reason - In the interests of preventing harm to protected species in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - In the interests of sustainable construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

43 No part of any building on the site shall be located within 20m of any part of the Salt Way restricted byway.

Reason - To ensure the rural setting and public amenity value of this historic trade route is adequately protected in accordance with the requirements of Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - In order to provide an appropriate mix of housing on the site to respond to the objectively assessed housing needs of the District in accordance with the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1.

45 Applications for reserved matters approval that propose any part of a dwelling within 50m of the 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.

Reason - In the interests of the residential amenity of future occupants of dwellings on the site in accordance with the requirements of Policy ENV1 of the Cherwell Local Plan 1996.

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.

Reason - To ensure inappropriate use of the existing farm track does not occur in the interests of the amenities of future residents as well as the wider highway network.

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.

Reason - To ensure suitably dark areas of the site and pathways are retained/created in the interests of wildlife in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

48 Prior to 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.

Reason - To ensure the safety and efficiency of the highway network is maintained in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part

1.

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.

Reason - In the interests of public amenity in accordance with the requirements of Policy Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

50 Residential development on the site shall achieve an average minimum density of 30 dwellings/hectare across each and all residential parcels (as approved within the Design Code/Masterplan under the requirements of condition 6).

Reason - To ensure that as development progresses it takes the opportunity to make efficient use of land in the interests of sustainability contributing towards housing delivery in accordance with the requirements of Policies BSC1, BSC2 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

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.

Reason - To ensure that the part of this bridleway that runs through the site is protected during and post construction and that it is enhanced in a manner that is suitable for its increased usage in accordance with the requirements of Policy Banbury 17.

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.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

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 [F6], 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.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

**Planning Notes/Informatives:**

1. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

2. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

3. No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.

4. If the permission hereby given requires work within the public highway, the applicant is advised that he/she should not commence such work before formal consent is secured from the Highway Authority by way of either (a) a Section 184 Highways Act 1980 notice, or (b) the completion of a formal agreement between the applicant and the Highway Authority. Details of the form of both a) and b) above may be obtained direct from Oxford County Council, the Highway Authority on Tel. (01865) 844300.

5. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

6. The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.

7. Your attention is drawn to the need to have regard to the requirements of UK and European

legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

8. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

**CONTACT OFFICER:** Matthew Parry

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