

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

13 June 2013

Agenda Item Number	Page	Title	Officer Responsible	Reason Not Included with Original Agenda
11.	(Pages 1 - 12)	Land adjoining Foxhill and West of Southam Road, Banbury – conditions package	Principal Planning Officer	Conditions not finalised at time of agenda dispatch
12.	(Pages 13 - 25)	Hardwick Farm, East of Southam Road, Banbury – conditions package	Principal Planning Officer	Conditions not finalised at time of agenda dispatch

If you need any further information about the meeting please contact Natasha Clark / Aaron Hetherington, Democratic and Elections natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589 / aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Agenda Item 11

Update for 13/00158/OUT – West of Southam Road, Banbury

Recommendation

Approval, subject to:

- a) The delegation of the completion of the S106 negotiations as detailed in paragraph 5.130 – 5.131 to Officers in consultation with the Chairman
- b) The completion of the S106 legal agreement
- c) That it is resolved that in accordance with the provisions of Regulation 24 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- d) The following conditions:
 1. That no development shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) 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(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

2. That in the case of the reserved matters, application for approval shall be made not later than the expiration of eighteen months 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 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

3. That the development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

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(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

4. Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

Environmental Impact Assessment covering Socio-Economics, Ecology and Nature Conservation, Landscape and Visual, Air Quality, Noise and Vibration, Hydrology, Flood Risk and Drainage, Ground Conditions, Cultural Heritage and Archaeology and Agricultural Circumstances, a Transport Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation.

Amended/alternative scheme and additional information to the ES received 05/04/13.

Red line Site Location Plan (original) PO-001A

Site Access Dukes Meadow Drive 13167-48-1

Site Access Southam Road 13167-48-2

Southam Road Junction (with pedestrian crossing) 13167-48-6

Southam Road Layby (with pedestrian crossing) 13167-48-7

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

5. That the site shall be developed with a mix of housing types/sizes to meet the local housing needs in accordance with the requirements of Policy BSC4 of the Proposed Submission Local Plan, details of the mix shall be submitted to and approved in writing to the local planning authority, prior to the commencement of the development.

Reason – In the interests of meeting housing need and creating a socially mixed and inclusive community and to comply with Policy BSC4 of the Proposed Submission Local Plan and government guidance contained within the National Planning Policy Framework.

6. No reserved matters applications shall be made or development commenced until Design Codes for the site have been submitted to and approved in writing by the Local Planning Authority. This shall include a density plan for the site, design influences / character area study, form of buildings, street frontage, materials, servicing, parking, sustainability features and design parameters in accordance with the zone plan provided with Clare Mitchell's email of 25th April 2013. Thereafter, the development shall be carried out in accordance with the approved Design Code.

Reason – Design Codes are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality development in accordance with the Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

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

8. Prior to the first occupation of any dwellings on the site, a final Code Certificate, certifying that the dwellings in question achieves Level 4 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

9. No more than 90 dwellings shall be accommodated on the site and these shall be in accordance with drawing no. P0-002 indicating the agreed area for built development (excluding strategic landscaping, potential strategic footpath and SUDs as appropriate)

Reason - In order to protect the landscape setting of Banbury and the visual amenities of the open countryside and to ensure that the site is not overdeveloped and to comply with Policies C7, C8, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land contamination and mitigation

10. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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.

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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.

12. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. 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.

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.

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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.

Landscape, Trees, Maintenance, Public Open Space & Play

14. That no development shall take place on a phase identified in condition no. 7, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to conserve and enhance biodiversity and prevent the spread of non-native species and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. That all planting (including any supplemental to existing hedgerows), seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

16. Prior to the commencement of the development a survey identifying trees to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved survey.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written

approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works

(b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

17. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.
- (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan
- (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) details of any levels changes within or adjacent to protection zones;
- (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees.
- (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.

Reason – To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.

Reason – To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of

the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 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, full details of a method of supervision and programme of works for the landscaping [including POS and play areas], which is appropriate to the scale and duration of the development works (to include the information set out below at (a) to (d) below), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method of supervision and programme of works shall be carried out in accordance with the approved details.
- (a) developer's 'clerk of works' employed to undertake supervisory/monitoring role of approved landscape works. Applicant/Agent to provide written confirmation and contact details of chosen individual or company
 - (b) relevant persons/contractors to be briefed by project 'landscape architect'/'architect' on all on-site matters relating to the implementation of the approved landscaping
 - (c) timing and methodology of scheduled site monitoring visits to be undertaken by 'clerk of works'
 - (d) procedures for notifying and communicating with the LPA when dealing with unforeseen variations to agreed works.

Reason – To ensure proposed landscape operations are carried out in accordance with the approved landscape details in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Except to allow for the means of access and vision splays the existing hedgerow/trees along the Southam Road boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

21. Prior to the commencement of the development hereby approved, a plan showing the existing and proposed levels of the site 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 levels.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and in order to protect the landscape setting of Banbury and the visual amenities of the open countryside and to comply with Policies C7, C8, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of the development of any phase identified in condition no. 7, hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, 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.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

23. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems, an appropriate method of mulching and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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 and specifications.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Archaeology

24. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site 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 Government guidance contained within the National Planning Policy Framework.

25. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 25, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

Ecology/Biodiversity

26. Prior to the commencement of any works on site including works of site clearance or preparation, a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans shall be submitted for written approval which must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

27. Prior to the commencement of the development hereby approved, including any works of site clearance, a method statement for enhancing biodiversity on site 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.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

28. 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. 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 C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

29. Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

30. Prior to the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys 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 that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

31. The works hereby approved shall be carried out during daylight hours only; ceasing one hour before sunset and not commencing until one hour after sunrise.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

32. 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 competent ecologist to assess

the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

Drainage

33. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, based on sustainable drainage principles and an assessment of the hydrological and hydrological context of the development detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following corresponding rainfall event. The strategy shall also provide details of how the scheme shall be maintained and managed after completion. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason – To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

34. Prior to the commencement of the development, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, 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 water supply infrastructure has sufficient capacity to cope with the additional demand and to comply with Government guidance contained within the National Planning Policy Framework.

35. Prior to the commencement of the development full details of the foul drainage for the site 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 water supply infrastructure has sufficient capacity to cope with the additional demand and to comply with Government guidance contained within the National Planning Policy Framework.

Highway/Access

36. Prior to the first occupation of the development, the approved means of access as detailed on drawing nos. 13167-48-1, 13167-48-2 and 13167-48-6 shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.

Reason – In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

37. No development shall commence on site for the development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the locality during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

38. Prior to the commencement of 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 (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Other

39. Prior to the commencement of the development, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

Reason – In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

40. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details

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

41. That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site 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 community infrastructure and Government guidance contained within the National Planning Policy Framework.

42. No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

Reason – In order to comply with Government guidance contained within the National Planning Policy Framework.

43. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason – To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

44. Prior to the commencement of the development full design details of the proposed strategic footpath and its route shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall be constructed to adoptable standards 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.

45. Prior to the commencement of the development, details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

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

46. That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Informatives

1. Thames Water recommends the following informative be attached to this planning permission. Thames Water Page 11

10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2. Legal agreement
3. Pursuant of condition no. 32 this is to protect otters should they be in the vicinity of the immediate vicinity

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. Although a departure from the adopted development plan, it is considered to be acceptable on its planning merits as the proposal is consistent with the National Planning Policy Framework, forms part of an allocated site within the emerging development plan and would not cause serious harm to the character or appearance of the countryside area, residential amenity, ecology matters, flood risk or highway safety and adequate provision is made for open space, play areas, affordable housing and other essential local infrastructure. Further, the need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. As such, the proposal is in accordance with government guidance contained in the National Planning Policy Framework and Policies H5, R12, C1, C2, C4, C7, C13, C14, C17, C28, C30, C31, ENV1, ENV12, TR1 of the adopted Cherwell Local Plan, BSC1, BSC2, BSC3, BSC4,, BSC7, BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD4, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD16, ESD17, ESD18, INF1 and Banbury2 of the Proposed Submission Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the outline application should be approved and planning permission granted subject to appropriate conditions, as set out above, and a legal agreement to secure the essential infrastructure requirements.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 12

Update for 13/00159/OUT – East of Southam Road, Banbury

Recommendation

Approval, subject to:

- a) The delegation of the completion of the S106 negotiations as stated in paragraphs 5.132 – 5.133 and as detailed in the attached Financial Contribution list, to Officers in consultation with the Chairman
- b) The completion of the S106 legal agreement
- c) That it is resolved that in accordance with the provisions of Regulation 24 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- d) The following conditions:
 1. That no development shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) 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(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

2. That in the case of the reserved matters, application for approval shall be made not later than the expiration of eighteen months 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 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

3. That the development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

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(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

4. Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

Environmental Impact Assessment covering Socio-Economics, Ecology and Nature Conservation, Landscape and Visual, Air Quality, Noise and Vibration, Hydrology, Flood Risk and Drainage, Ground Conditions, Cultural Heritage and Archaeology and Agricultural Circumstances, a Transport Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation.

Amended/alternative scheme and additional information to the ES received 05/04/13.

Red line Site Location Plan PO-010B

Southam Road Junctions 13167-48-3

Southam Road North Junction 13167-48-4

Southam Road Layby 13167-48-5

Southam Road Junction (with pedestrian crossing) 13167-48-6

Southam Road Layby (with pedestrian crossing) 13167-48-7

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

5. That the site shall be developed with a mix of housing types/sizes to meet the local housing needs in accordance with the requirements of Policy BSC4 of the Proposed Submission Local Plan, details of the mix shall be submitted to and approved in writing to the local planning authority, prior to the commencement of the development.

Reason – In the interests of meeting housing need and creating a socially mixed and inclusive community and to comply with Policy BSC4 of the Proposed Submission Local Plan and government guidance contained within the National Planning Policy Framework.

6. No reserved matters applications shall be made or development commenced until Design Codes for the site have been submitted to and approved in writing by the Local Planning Authority. This shall include a density plan for the site, design influences / character area study, form of buildings, street frontage, materials, servicing, parking, sustainability features. Thereafter, the development shall be carried out in accordance with the approved Design Code.

Reason – Design Codes are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality development in accordance with the Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

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

8. Prior to the first occupation of any dwellings on the site, a final Code Certificate, certifying that the dwellings in question achieves Level 4 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

9. No more than 510 dwellings shall be accommodated on the site.

Reason - In order to protect the landscape setting of Banbury and the visual amenities of the open countryside and to ensure that the site is not overdeveloped and to comply with Policies C7, C8, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land contamination and mitigation

10. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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.

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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.

12. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. 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.

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.

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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.

Landscape, Trees, Maintenance, Public Open Space & Play

14. That no development shall take place on a phase identified in condition no. 7, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to conserve and enhance biodiversity and prevent the spread of non-native species and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. That all planting (including any supplemental to existing hedgerows), seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

16. Prior to the commencement of the development a survey identifying trees to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved survey.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written

approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works

(b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

17. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.
- (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan
- (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) details of any levels changes within or adjacent to protection zones;
- (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees.
- (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.

Reason – To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.

Reason – To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of

the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 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, full details of a method of supervision and programme of works for the landscaping [including POS and play areas], which is appropriate to the scale and duration of the development works (to include the information set out below at (a) to (d) below), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method of supervision and programme of works shall be carried out in accordance with the approved details.
- (a) developer's 'clerk of works' employed to undertake supervisory/monitoring role of approved landscape works. Applicant/Agent to provide written confirmation and contact details of chosen individual or company
 - (b) relevant persons/contractors to be briefed by project 'landscape architect'/'architect' on all on-site matters relating to the implementation of the approved landscaping
 - (c) timing and methodology of scheduled site monitoring visits to be undertaken by 'clerk of works'
 - (d) procedures for notifying and communicating with the LPA when dealing with unforeseen variations to agreed works.

Reason – To ensure proposed landscape operations are carried out in accordance with the approved landscape details in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Except to allow for the means of access and vision splays the existing hedgerow/trees along the Southam Road boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

21. Prior to the commencement of the development hereby approved, a plan showing the existing and proposed levels of the site 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 levels.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and in order to protect the landscape setting of Banbury and the visual amenities of the open countryside and to comply with Policies C7, C8, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of the development of any phase identified in condition no. 7, hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, 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.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

23. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems, an appropriate method of mulching and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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 and specifications.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Archaeology

24. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site 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 Government guidance contained within the National Planning Policy Framework.

25. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 25, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

Ecology/Biodiversity

26. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), 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.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

27. Prior to the commencement of any works on site including works of site clearance or preparation, a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans shall be submitted for written approval which must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

28. Prior to the commencement of the development hereby approved, including any works of site clearance, a method statement for enhancing biodiversity on site 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.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

29. 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. 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 C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

30. Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

31. Prior to the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys 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 that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local

Plan and Government guidance contained within the National Planning Policy Framework

32. The works hereby approved shall be carried out during daylight hours only; ceasing one hour before sunset and not commencing until one hour after sunrise.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

33. 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 competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

Drainage

34. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, based on sustainable drainage principles and an assessment of the hydrological and hydrological context of the development detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following corresponding rainfall event. The strategy shall also provide details of how the scheme shall be maintained and managed after completion. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason – To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

35. Prior to the commencement of the development, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, 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 water supply infrastructure has sufficient capacity to cope with the additional demand and to comply with Government guidance contained within the National Planning Policy Framework.

36. Prior to the commencement of the development full details of the foul drainage for the site 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 water supply infrastructure has sufficient capacity to cope with the additional demand and to comply with Government guidance contained within the National Planning Policy Framework.

Highway/Access

37. Prior to the first occupation of the development, the approved means of access as detailed on drawing nos. 13167-48-3, 13167-48-4 and 13167-48-5 shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.

Reason – In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

38. No development shall commence on site for the development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the locality during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

39. Prior to the commencement of 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 (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Other

40. Prior to the commencement of the development, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

Reason – In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

41. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and County Planning (General Permitted Development

Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details

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

42. That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site 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 community infrastructure and Government guidance contained within the National Planning Policy Framework.

43. No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

Reason – In order to comply with Government guidance contained within the National Planning Policy Framework.

44. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason – To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

45. Prior to the commencement of the development full design details of the proposed strategic footpath and its route shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall be constructed to adoptable standards 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.

46. That the reserved matters application(s) for housing development within the northern north eastern and eastern areas of the site must demonstrate that each dwelling can be attenuated to achieve that the World Health Organisations guideline noise value for Living Rooms $L_{Aeq}(T) = 35dB$ and Bedrooms $L_{Aeq}(T) = 30 Db$, can be achieved. And that for the outdoor gardens and openspace areas of a noise value 55 dB $L_{Aeq}(T)$ or less, can to achieved

Where (T) = the day time period of 16 hrs between 07:00 and 23:00 hrs or the nighttime period of 8 hrs between 23:00 and 07:00 hrs.

In addition there should not be a significant number of exceedances of the LAMAX criteria of 45 dB during the nighttime period.

Where acoustic barriers, bunding, planting or other features are required to achieve these standards, full details of these elements shall be submitted with the application. Thereafter and prior to the first occupation of the affected dwellings and the first use of the common areas, the acoustic barriers shall be installed and retained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

47. That details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved.

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

48. That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

49. The details of the layout and construction of the small 10 space car park to the south east of the site including details of its porous surfacing, shall be submitted to and approved in writing to the Local Planning Authority prior the first occupation of the dwellings. The car park shall be provided in accordance with the approved details, prior to the final phase agreed under condition no. 7. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason – To ensure that adequate provision is made for the parking of vehicles to serve the Country Park and in the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

Informatives

1. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. Legal agreement

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMSSION AND DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. Although a departure from the

adopted development plan, it is considered to be acceptable on its planning merits as the proposal is consistent with the National Planning Policy Framework, forms part of an allocated site within the emerging development plan and would not cause serious harm to the character or appearance of the countryside area, residential amenity, ecology matters, flood risk or highway safety and adequate provision is made for open space, play areas, affordable housing and other essential local infrastructure. Further, the need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. As such, the proposal is in accordance with government guidance contained in the National Planning Policy Framework and Policies H5, R12, C1, C2, C4, C7, C13, C14, C17, C28, C30, C31, ENV1, ENV12, TR1 of the adopted Cherwell Local Plan, BSC1, BSC2, BSC3, BSC4,, BSC7, BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD4, ESD5, ESD6, ESD7, ESDF8, ESD10, ESD13, ESD16, ESD17, ESD18, INF1 and Banbury2 of the Proposed Submission Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the outline application should be approved and planning permission granted subject to appropriate conditions, as set out above, and a legal agreement to secure the essential infrastructure requirements.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.