

**OS Parcels 4083 And 6882 Adjoining And North Of
Broken Furrow
Warwick Road
Banbury**

17/00284/DISC

17/00286/DISC

Applicant: Cherwell District Council

Proposal: Discharge of Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01485/CDC (17/00284/DISC) and Discharge of Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01484/CDC (17/00286/DISC)

Ward: Banbury Hardwick

Councillors: Cllr Anthony Ilott
Cllr J A Donaldson
Cllr Nicholas Turner

Reason for Referral: Council is applicant

Expiry Date: 31 July 2017

Committee Date: 31 August 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1 The application relates to a small area within the western part of a larger site (approx. 26ha) allocated for development, to which Policy Banbury 5 of the Cherwell Local Plan 2011-2031 applies.
- 1.2 The larger site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries.
- 1.3 There are two public footpaths that run across the site, one across the western side of the western field from the Warwick Road towards Hanwell and one which runs along the northern boundary of the eastern field for a short distance before turning towards Hanwell. There are records of bats and badgers on the site and there are also notable habitats including lowland mixed deciduous woodland and a broadleaved woodland plantation. Other site constraints include naturally occurring contaminants, a minor aquifer and known records of minerals.
- 1.4 The site's surroundings consist of the site's surroundings consist of the Hanwell Fields development to the south, amenity space, which is not public, to the east (and

which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks the Council's approval of details required by condition, specifically Conditions 3, 4, 5, 8, 9 (partially), 12, 18 of 16/01484/CDC and 16/01485/DISC.

3. RELEVANT PLANNING HISTORY

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

12/00021/SO - Screening Opinion - Proposed development including up to 380 residential dwellings along with associated access, landscaping and infrastructure – EIAYES

12/01789/OUT - Outline application for up to 350 dwellings, together with new vehicular access from Warwick Road and associated open space – granted with conditions

15/00462/REM - Reserved Matters to outline application 12/01789/OUT - 118 dwellings together with new vehicular access from Warwick Road and associated open space (Phase 1) – granted with conditions

15/01589/REM - Reserved Matters application for 232 dwellings dealing with appearance, landscaping, layout and scale (this development forming the 2nd phase of development which received Outline permission under 12/01789/OUT) – pending consideration

16/00504/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) – granted with conditions

16/00515/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) – granted with conditions

16/01095/OUT - Variation of Condition 2 of 12/01789/OUT - pending consideration

16/01210/REM - Reserved matters to outline 12/01789/OUT - Erection of 21 No. houses, associated highways access and parking - pending consideration

16/01484/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) (revised scheme of 16/00515/CDC) – granted with conditions

16/01485/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) (revised scheme of 16/00504/CDC) – granted, conditions

16/00498/DISC – Discharge of Condition 3 (energy strategy), 4 (brick sample) and 5 (roof tile sample) of 16/01485/CDC – granted

16/00499/DISC – Discharge of Conditions 3 (energy strategy), 4 (brick sample) and 5 (roof tile) of 16/01484/CDC – granted

16/00511/DISC – Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle store /parking facilities) and Partial Discharge of Condition 9 (landscaping scheme) of 16/01484/CDC – pending decision

16/00512/DISC – Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle facilities) and partial discharge of condition 9 (landscaping scheme) of 16/01485/CDC – pending decision

17/00071/DISC – Discharge of condition 6 (Amended elevation design details) of 16/01484/CDC – granted

17/00076/DISC – Discharge of Condition 6 (Amended Elevation Design Details) of 16/01485/CDC – granted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

- 5.1. N/A

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Banbury Town Council - No comments

CONSULTEES

- 6.3. CDC's ecology adviser (26.06.2017) –

Thanks for sending through the plans. The badger fencing plan is fine and I am happy to recommend discharge of condition 13 provided works are undertaken in accordance with this plan and the previously submitted Updated Ecological Appraisal completed by ELMAW Consulting dated 27th February 2017 (paragraphs 5.15 and 5.16 includes the mitigation measures to safeguard badgers during construction).

In terms of the bat boxes and swift bricks, I welcome these measures however could the applicant confirm please the approximate heights of the boxes? I'm a bit concerned that the buildings may be too low for swift bricks (these should be placed at a height of at least 5m).

- 6.4. The applicant's contractor then confirmed: "Indeed Louise is correct, the birdboxes will be too low on the buildings (as we have no Gable ends). The bird boxes will be

located in the existing trees as per the attached Architect drawings which will comply with Louse min height of 5m.”

6.5. CDC's ecology adviser (27.06.2017) –

That's a shame about the swift boxes but that's fine if its not possible to include them. I welcome the provision of boxes on the trees however there are no details included on the types of boxes to be installed. Would it be possible to confirm this please?

6.6. The applicant's contractor subsequently submitted a drawing showing the type and location of the bat and bird boxes for the Hanwell Fields site, further adding:

“The nine Schwegler 2F bat boxes should be installed in clusters of three on three of the largest trees, at a height of between 3 to 6 metres from ground level. The three boxes on each tree should ideally each face different aspects to offer choice to bats at different times of the year.

6.7. “The four Schwegler 2GR hole-fronted bird nest boxes should be installed at a height of around 3 metres from ground level, on four different trees to void territorial clashes. Boxes should be placed facing between north and east. “

6.8. CDC's ecology adviser (21.07.2017) –

6.9. I'm happy to recommend discharge of the condition 15 relating to the bird and bat box scheme in line with the updated plan.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. 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. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 - Presumption in Favour of Sustainable Development
- SLE4 - Improved Transport and Connections
- BSC3 - Affordable Housing
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- 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
- BAN5 - Land North of Hanwell Fields

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 - Design of new residential development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

- 8.1. Condition 13 of both consents requires the submission of an update to the mitigation strategy for badgers, to 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. Drawings “16022-GNA-XX-ST-DR-A-0201 rev C3” (Proposed Overall Site Plan) and “Ecological Enhancement Scheme” (ELMAW Consulting, July 2017) refer, along with an email from Mr Shane Quinn of Willmott Dixon to the Local Planning Authority dated 13/07/2017 at 10:07hrs. Having regard to the comments of the Council’s ecology adviser, the submitted details latterly submitted are acceptable.
- 8.2. Condition 15 of both consents requires the submission of a method statement for biodiversity enhancements on site together with the long term maintenance. The submitted document entitled “Ecological Enhancement Scheme” (ELMAW Consulting, May 2017) refers. Having regard to the comments of the Council’s ecology adviser, the submitted details are acceptable.
- 8.3. Condition 16 of both consents requires the submission of 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. The submitted drawing “16532/E/900 Rev P1” (External lighting intent) refers. The submitted details are considered acceptable.

9. CONCLUSION

- 9.1. The submitted details are acceptable.

10. RECOMMENDATION

That the said conditions are discharged in accordance with the details latterly submitted.

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