

**Case Officer:** Samantha Taylor

**Applicant:** Hallam Land Management Ltd

**Proposal:** Outline planning application for a residential development of up to 825 dwellings; green infrastructure including formal (playing fields with changing rooms, allotments) and informal open space; landscaping and associated infrastructure including a balancing pond; on land off the A4260, with access off the existing Longford Park access off the A4260 (Oxford Road), and a new access off the A4260 (Banbury Road). All matters of detail reserved, save for access.

**Ward:** Banbury Calthorpe and Easington

**Councillors:** Councillor Clarke, Councillor Mallon, and Councillor Mephram

**Reason for Referral:** Major development and a Departure from the Development Plan

**Expiry Date:** 15 July 2021

**Committee Date:** 15 July 2021

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**SUMMARY OF RECOMMENDATION: DELEGATED POWERS TO GRANT PERMISSION SUBJECT TO: THE PRIOR PROVISION OF A SUITABLE MECHANISM TO SECURE THE LAND REQUIRED FOR THE RELOCATION OF BANBURY UNITED FOOTBALL CLUB, S106 PLANNING OBLIGATIONS, AND CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site lies to the southeast of Banbury. The Site's north-western boundary adjoins the residential area of Longford Park (Hobby Road & Songthrush Road). To the east of the site lies open countryside, used for agricultural purposes. The site extends to the south of Bodicote Park and the Bannatyne Health Club, before reaching the A4260 Oxford Road. Further to the south lies Adderbury/Twyford and to the west lies Bodicote and recent development at Cotefield Farm.
- 1.2. The site is generally flat, sloping further to the east of the site towards the Oxford Canal and River Cherwell beyond the M40. An existing tree belt and woodland copse provides screening to the M40.
- 1.3. The site is currently used for arable purposes, with field boundaries largely consisting of hedgerows with some trees and fencing. A substantial tree belt sits adjacent to the site boundary enclosing Bodicote Park and Bannatyne's Health Club.
- 1.4. An existing traffic lighted access serves Longford Park Phase 1 before extending the network into the residential streets of the development. Hobby Road and

Songthrush Road would be used in part to serve the development once vehicles have entered Longford Park Phase 1. In addition, a new principal access to serve the development and areas of land reserved for the football club relocation, a secondary school, community pitches and pavilion and also provide access into the residential development is proposed to the south of Bodicote Park, from the A4260 Oxford Road.

- 1.5. A public footpath extends through the site and adjacent to the Bodicote Park boundary, linking to Oxford Road. This public right of way would not be diverted as a result of the proposal. To the north of the site runs a Public Bridleway connecting Canal Lane, Longford Park and Oxford Road.

## **2. CONSTRAINTS**

- 2.1. The application site constraints are:
  - Public Right of Way 101/4
  - Public Right of Way 137/2
  - Public Bridleway Way 101/15
  - Medium Press Gas Pipeline and 25m buffer zone
  - Minerals Consultation Area
  - Archaeological Alert Area – DOX16724, Neolithic Cropmark
  - Recorded Protected and Notable Species Presence on site

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks outline planning permission for the provision of up to 825 residential dwellings, with associated green infrastructure, informal open space, landscaping and other necessary infrastructure. Access is to be taken from the existing Longford Park traffic lighted access and the creation of a new access from the A4260 Banbury Road. All matters are reserved, except for access.
- 3.2. An Environmental Statement accompanies the application following determination of an earlier Scoping Opinion that determined the proposal required an EIA. The full Screening and Scoping Opinions are available on the Council's website
- 3.3. Parameter plans have been submitted as part of the application, which provide further detail on the proposed density of site development.

## **4. RELEVANT PLANNING HISTORY**

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

**17/01408/OUT** - Outline planning application for a residential development of up to 700 dwellings, multi-purpose community building incorporating sports pavilion and changing rooms, green infrastructure including formal and informal open space landscaping and associated infrastructure including a balancing pond on land of A4260 Oxford Road with alteration to existing access from A2460. Application is **Currently held in abeyance awaiting a Decision.**

**17/00061/SO** - Screening opinion for up to 700 dwellings, multi-purpose community building incorporating a sports pavilion and changing rooms, green infrastructure including formal and informal open space, landscaping and associated infrastructure including a balancing pond on land of A4260 Oxford Road with alteration to existing access from A2460. **Screening Opinion Issued.**

**16/00051/SCOP** - Scoping Request for residential development of up to 750 new homes, including provision for vehicular access from Oxford Road, open space and associated infrastructure, Bankside Phase II. **Scoping Decision Issued.**

## **5. PRE-APPLICATION DISCUSSIONS**

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

## **6. RESPONSE TO PUBLICITY**

6.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 May 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Objections from 127 properties have been received, plus 5 further comments neither supporting nor objecting to the proposal and 2 letters of support. The comments raised by third parties are summarised as follows:

- Concerns with existing traffic volume that will worsen as a result of the proposed development to an unacceptable level, causing harm to highway safety;
- Existing issues with the access to Longford Park will worsen, in particular, concerns are raised with the use of Hobby Road and Songthrush Road for access to the site;
- Local services would not be able to cope with additional housing/residents, including doctor's surgeries, schools, community facilities;
- Access from Oxford Road should be the primary access;
- Access to the town centre should be improved;
- Noise nuisance during construction;
- Additional sports pitches and changing facility is not required on the site;
- Insufficient community facilities being provided on the development;
- Pollution concerns from additional traffic on health and the environment;
- Concerns with publicity of the application;
- Increased risk to local flooding;
- Increase in pollution;
- Construction traffic should not go through the residential roads of Longford Park;
- The delivery of the access from Oxford Road at an early stage is important;

- Harm caused to wildlife/protected species;
- Unknown impact on the existing Banbury Rugby Club;
- Pleased with the delivery of sports pitches/sports hub;
- Traffic improvement works may require the removal of trees, which would be of detriment to the local area;
- Protection should be afforded for greenfield sites;
- Conflict with relevant policies, such as the Adderbury Village Plan;
- Loss of wildlife/ecology;
- Proposed location of secondary school on the site is not acceptable;
- Only 30% of development is affordable housing; and
- Harm to the character of the site and local area.
- Growth of Banbury is too quick;
- Existing parking issues on Longford Park and high number of vehicles per household;
- Delays with doctor and dentist appointments;
- Disagreement with the location of the development and use of Longford Park for access;
- Personal views on their property or the local area;
- Failures of the delivery of development/developers at Longford Park and that this development should be completed before considering the current application;
- Loss of private views;
- Development on this site was not known to purchasers of properties on Longford Park;
- Wider investment should be made in existing community facilities;
- Development should not be for developer profit;
- Development of the site is inconsiderate to adjacent residents;
- The development is speculative;
- Housing market in Banbury is saturated;
- Existing drainage issues within Longford Park;
- No need for additional houses;
- Impact upon house values;
- Marketing of development on other sites; and
- Reducing greenbelt land.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

7.1. 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

- 7.2. Adderbury Parish Council: **Object** on the grounds of: 1) Existing traffic and highway safety issues; 2) Unacceptable access; 3) Lack of a need for a secondary school; 4) Lack of relocation of BUFC; 5) Lack of separation buffer between southern boundary and Adderbury; 6) Harm through high density and lack of garden space to serve residents; and 7) Coalescence with Adderbury.
- 7.3. Banbury Town Council: **Object** on the grounds: 1) Due to increased housing numbers delivery of Banbury 12 is compromised; 2) Unacceptable site access through Longford Park; and 3) Concern regarding the transport impact assessment.
- 7.4. Bodicote Parish Council: **Comments:** Note the location of the site within a mix of Parish/Town Council boundaries; note number of applications for the site; outline relevant planning policies, completion of Longford Park is required, concerns with traffic and note OCC J10A proposals.

## CONSULTEES

- 7.5. Environment Agency: **No objections.**
- 7.6. Thames Valley Police: **Objections**, concerns raised regarding the use of parking areas and crime prevention.
- 7.7. Highways England: **No objections.**
- 7.8. Natural England: **No objections.**
- 7.9. Thames Water: **Comments:** note that there is currently sufficient capacity with the existing foul and surface water drainage systems to cope with the proposed development, however, note that suitable capacity can be made subject to further design work between the applicant and Thames Water. Recommend that conditions are applied to ensure that this work is undertaken prior to the commencement of development.
- 7.10. Oxfordshire Clinical Commissioning Group: **Comment:** request for contributions towards primary health care.
- 7.11. CDC Building Control: **Comment:** the development will require a building control application.
- 7.12. CDC Strategic Housing: **Comment:** request for affordable housing and extra care housing be secured in line with Planning Policy.
- 7.13. CDC Leisure: **Comment:** request for contributions/planning obligations towards a Community Development Worker, Community Development Fund, Outdoor Sports Provision, Indoor Sport Provision and Public Art.

- 7.14. CDC Environmental Health: **No objection** in respect of noise, air quality, contaminated land or odour. Request for standard conditions relating to ground contamination, noise and electric vehicle charging points.
- 7.15. CDC Licensing: **No comments**.
- 7.16. CDC Landscaping: **Comments**: agreement with the ability of the site to accept residential development being high as outlined in the LVIA, appropriate assessment of the LVIA, concerns with reliance on tree/shrub planting and recommend this is addressed, LAP play spaces will need to be included.
- 7.17. CDC Planning Policy: **Objection**: exclusion of land for the football outside of the red edged site boundary (now addressed in revised plans) and to the additional housing numbers on the grounds of impact on the countryside and harm through place shaping principles conflict.
- 7.18. OCC Councillors (Cllr Mallon, Cllr Reeves, Cllr Fatemian): **Object** on the grounds that insufficient detail provided and errors with the information in the traffic impact assessment. Request application is not determined until mitigation measures are secured as part of the application.
- 7.19. OCC Minerals and Waste: **No objection**: not in a mineral safeguard area or safeguarded waste site.
- 7.20. OCC Rights of Way: **No objections**: the proposal does not require diversion of the public rights of way.
- 7.21. OCC HIGHWAYS: **No objections**: subject to the S106 contributions and requirements outlined (including strategic transport contributions, junction improvements, cycleway, public transport, rights of way enhancements and travel plan monitoring), an obligation to enter into a s. 278 and s.38 agreement and the recommended planning conditions. The earlier objections in respect of access through Longford Park, insufficient information within the TA and visibility splay information have been overcome by additional information submitted within the application process.
- 7.22. OCC Drainage: **No objections**: subject to the conditions recommended.
- 7.23. OCC Local Lead Flood Authority: **No objections**: subject to the conditions recommended requiring a suitable surface water management scheme, and SuDS design. The earlier objections have been overcome subject to the recommended conditions.
- 7.24. OCC Education: **No objections**: subject to the land reservation for the secondary school and future expansion option and payment of required financial contributions.
- 7.25. OCC Archaeology: **No objections**: subject to the recommended standard archaeological planning conditions.

## 8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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)

- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC3 – Affordable Housing
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Wellbeing
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD8 – Water Resources
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- BANBURY 4 – Bankside Phase 2 – 27ha for 600 homes and associated infrastructure
- BANBURY 12 – Land to be secured for the relocation of Banbury United FC. Any remaining land suitable for a new secondary school.
- INF1 – Infrastructure

#### ADDERBURY NEIGHBOURHOOD PLAN

- AD5 – Local Gaps, specifically Twyford and Bodicote/Banbury

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

## 9. APPRAISAL

### 9.1. The key issues for consideration in this case are:

- Principle of Development
- Environmental Impact Assessment
- Transport and Highways
- Landscape and Arboricultural Matters
- Design and Impact on the Character of the Area
- Ecology
- Flood Risk and Drainage
- Environmental Matters
- Residential Amenity
- Planning Obligations

#### Environmental Impact Assessment

9.2. The application is accompanied by an Environmental Impact Assessment, following the determination of a Screening Request and subsequent Scoping Opinion. The full Screening and Scoping Opinions are available on the Council's website.

#### Principle of Development

##### *Policy Context*

9.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.4. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (CLP 2031), the saved policies of the Cherwell Local Plan 1996 (CLP 1996) and several adopted 'made' Neighbourhood Plans.



- 9.5. The application site falls outside of the designated Bodicote Neighbourhood Plan Area. The site does not fall within a designated Neighbourhood Plan area and as such, this is not a material consideration of the application.
- 9.6. Policy Banbury 4 of the CLP 2031 Part 1 allocates an area of 27 hectares to the southeast of Banbury described as Bankside Phase 2, for the provision of 600 homes with associated services, facilities and other infrastructure. This policy sets out that 30% affordable housing should be achieved, with the dwelling mix informed by Policy BSC4 of the CLP 2031. The policy includes a number of key place-shaping principles to create a high-quality development as well as to provide a well-connected development in transport and access terms to the wider area and the Policy Banbury 12 site, which is located immediately to the south, fronting the A4260 Banbury Road.
- 9.7. Policy Banbury 12 of the CLP 2031 Part 1 allocates an area of land to the east of Oxford Road for the purposes of securing the relocation of Banbury United and for sport and recreation use. The Policy sets out that where any land is not required for the relocation of the football club, it should be considered suitable for a new secondary school.
- 9.8. Policy BSC1 of the CLP 2031 Part 1 outlines the Districts strategy for delivering a wide choice of high-quality homes within the plan period. The Plan is supportive of the strategic allocations within the Plan.
- 9.9. Policy BSC2 of the CLP 2031 Part 1 requires that housing developments make effective and efficient use of land, using an appropriate housing density.
- 9.10. In March 2017 the Government committed to the Oxfordshire Housing and Growth Deal (the deal), to support ambitious plans to deliver 100,000 new homes across the County by 2031. The deal committed to an Oxfordshire-wide Joint Statutory Spatial Plan to be adopted by 2021, and to be supported by £215 million of funding to help deliver more affordable housing and infrastructure improvements to support sustainable development across the county.
- 9.11. As part of the deal, to support this strategic approach to supporting housing delivery through joint working, Oxfordshire was temporarily granted flexibility from the National Planning Policy Framework policy on maintaining a five-year housing land supply. Since 2018, Oxfordshire have had to provide proof of a three-year land supply for planning purposes. This has worked to support the delivery of the local plans for the area and ensure that the local authorities could focus their efforts on their Joint Spatial Strategy. This flexibility was laid out at the time by the then Secretary of State in a Written Ministerial Statement on 12 September 2018.
- 9.12. The Oxfordshire authorities have not yet been able to finalise and adopt their Joint Statutory Spatial Plan, which is now known as the Oxfordshire Plan 2050. Therefore, in the best interests of housing delivery in the region, the current Secretary of State has extended the time afforded to Oxfordshire for the delivery of this plan to 2023. However, this extension will not be subject to the original land supply flexibilities. From 1st April 2021, all Oxfordshire authorities need to maintain

a five-year housing land supply, in accordance with the National Planning Policy Framework (NPPF).

- 9.13. In Cherwell District, a five-year housing land supply does not presently exist. The Council's latest Annual Monitoring Review (AMR, 2020), prepared in accordance with NPPF paragraph 73 guidance, identifies only a 4.7-year land supply for 2021 across the majority of the District (excluding the areas around the north of Oxford, near Kidlington, where the Local Plan Review proposes additional site allocations to meet Oxford's unmet housing needs and which are currently the subject of Judicial Review).
- 9.14. For development proposals in Cherwell District outside of Kidlington, Yarnton and Begbroke, the 4.7-year housing land availability figure equates to a shortfall of 509 homes. In accordance with NPPF paragraph 11 guidance and Footnote 7, the normal presumption in favour of a Development Plan is replaced with a presumption in favour of sustainable development because housing policies in the Development Plan are rendered out of date until such time as any shortfall has been overcome. For decision taking in Cherwell, this means granting permission for sustainable residential developments unless:
- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing a development proposal;
  - any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of development, when assessed against the policies in the NPPF taken as a whole.
- 9.15. The application proposes up to 825 dwellings to be constructed on the allocated site Banbury 4 and partially on Banbury 12. Whilst the application is in outline, it is expected that approximately 700 residential properties could be accommodated within the Banbury 4 allocation and approximately 125 could be accommodated on part of the Banbury 12 allocation. In total, the proposal would provide up to 225 more residential properties than envisaged by Policy Banbury 4 and would require some residential development on the Banbury 12 site, which is not allocated by the Policy.
- 9.16. During the application process, amended plans have been received which extended the red edged site boundary to extend around both Banbury 4 and Banbury 12 in their entirety.
- 9.17. The proposal also includes a small area of land to the east of Banbury 4 extending into the open countryside, which is proposed to be used as open space, including a surface water balancing pond.
- 9.18. In addition, within Banbury 12, the proposal includes provision of sport pitches and a pavilion associated with the 825-home residential development, whilst maintaining sufficient land to ensure compliance with the policy requirements of Banbury 12.

Assessment

- 9.19. The strategy of the CLP 2031 Part 1 as set out in Policy BSC1 is to focus the majority of new residential development needs at Bicester and Banbury, with limited development accommodated elsewhere within the district. Whilst Banbury 4 is allocated for 600 residential units, the addition of up to 225 extra residential units across Banbury 4 and part of Banbury 12 would be counted as windfall development, contributing to the delivery of boosting housing supply.
- 9.20. Banbury is a sustainable location for additional residential growth. In this case, the land is situated to the south of Banbury and adjacent to Bodicote. There are a range of complimentary uses within the local area and good connections into Banbury town centre. The provision of walking, cycling and public transport links to the application site and the surrounding area means that the site is well connected to local services and facilities at Longford Park, Bodicote and Banbury.
- 9.21. In the view of Officers, the site is considered to be a sustainable Location. The additional residential units above the allocated 600 houses on Banbury 4 would help contribute towards reducing the Council's Housing Land Supply deficit, which is currently at 4.7-years and represents a shortfall of 509 dwellings. Given the current shortfall in the 5-year land supply requirement, the 'titled balance' outlined at paragraph 11d of the NPPF is engaged. Therefore, planning permission must be granted for residential development in sustainable locations unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of boosting housing supply.
- 9.22. Part of the additional residential units, approximately 125 houses, are proposed on part of the Banbury 12 allocation. The purpose of Policy Banbury 12 is to firstly secure sufficient land for the relocation of Banbury United football club, provide open public leisure space and for the construction of a secondary school to serve the town. Given that paragraph 11d is engaged, it is relevant to consider whether the development could impact upon the delivery of Banbury 12 as a policy and whether that would have a significant and demonstrable adverse effect.

#### Conclusion

- 9.23. As set out, the proposal would deliver additional homes above that required by Policy Banbury 4 and proposes residential development on part of the allocated site Policy Banbury 12. As such, Officers consider the proposal conflicts with Policies Banbury 4 and Banbury 12.
- 9.24. As required by NPPF Paragraph 67, where an Authority is unable to demonstrate a sufficient 5-year housing land supply, there is a presumption (NPPF paragraph 11) in favour of sustainable development unless the harmful impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.
- 9.25. Given the proximity of the site to Banbury and adjacent services, the compatibility of the additional residential properties with the surrounding uses and the ability to accommodate the football club relocation and secondary school and public open space as required by policy Banbury 12, the principle of the development including the additional residential units is considered acceptable.

- 9.26. On the basis of the above, it is considered that the proposal could be concluded to be acceptable in principle subject to a consideration of other material considerations and whether there would be a significant and demonstrable harmful impact.

#### Transport and Highway Safety

##### Legislative and Policy Context

- 9.27. The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car and to achieve safe and suitable access to the site.
- 9.28. Policy SLE4 of the CLP 2031 Part 1 requires all developments to facilitate the use of sustainable modes of transport, making the fullest use of transport, walking and cycling. Where development is not suitable for the roads that serve the development and which have a severe traffic impact, these will not be supported.
- 9.29. Policy Banbury 4 of the CLP 2031 Part 1 outlines the site-specific infrastructure that should be delivered by the proposal. In highways terms, Banbury 4 requires a bus route extension from Phase 1 Longford Park, along with good accessibility with effective footpaths and cycle routes, retained and improved Public Rights of Way and provision of access into site Banbury 12.
- 9.30. Policy Banbury 12 requires vehicular access to be taken from the Oxford Road to the football ground.

##### Assessment

- 9.31. The application is accompanied by a Transport Assessment, which considered the proposed development against consented and existing development within the local area. Additional information has been submitted in support of the Transport Assessment. This is presented as representing a robust basis from which to assess the traffic impacts of the development and associated trip rates.
- 9.32. In their initial comments dated 7 August 2019, Oxfordshire County Council (OCC) objected to the proposal on highways grounds. The reasons given in that response related to concerns with the information provided within the Transport Assessment, the access via Longford Park Phase 1 was considered unsuitable and concerns over visibility and vehicle tracking. Since receipt of that initial objection, the applicant submitted additional revised information and plans, which OCC considers now to overcome their original objection.

##### Access

- 9.33. Access to the site is sought from 2 points on the Oxford Road. It is proposed that the existing signalised junction into Longford Park Phase 1 is used with through access created along Hobby Road and a new access created just to the south of Rugby Club providing access through the Banbury 12 site.
- 9.34. Details of the construction access has also been provided and confirms that construction traffic would access the site on a separate haul road, avoiding the

need for this traffic to be taken through the existing residential development at Longford Park.

- 9.35. A clear concern and objection by members of the public was the usage of the existing Longford Park junction to serve the development.

#### Traffic Movements and Modelling

- 9.36. A further key concern of the public representations received is the potential number of traffic movements that would result because of the scale of development and that this would cause significant delays along Oxford Road and harm to highway safety with the local highway network.

- 9.37. In response to OCC's earlier objection, the traffic modelling has been amended and OCC have accepted the modelling used. The OCC Highways Officer has confirmed they are now satisfied with the updated modelling, including the trip generation and distribution assumptions. Whilst the modelling shows that the development would have a detrimental impact upon a number of junctions along the Oxford Road corridor, the modelling also shows that strategic transport improvements within the town would bring the level of impact to an acceptable level.

- 9.38. OCC considers that the package of mitigation that would be required to overcome traffic concerns for the Oxford Road should focus on enhancements to sustainable transport access between the site and key destination. This would reduce the number of associate vehicle movements, leading to a reduction in impact. The Highways Officer has advised that this package of mitigation must include provision of direct pedestrian and cycle access between the site towards the town centre and contributions towards existing improvement schemes to improve the accessibility and reliability of public transport.

#### Conclusion

- 9.39. The proposed development has been concluded by your Officers to be acceptable in highway safety terms as set out above both in terms of the impact of the development on the highway network and the contribution to off-site mitigation. On the basis of the above, the application is considered to meet the requirements of Policies Banbury 4 and 12 and SLE4 of the CLP 2031 Part 1.

#### Landscape and Arboricultural Matters

##### Policy Context

- 9.40. Policy ESD13 of the CLP 2031 Part 1 relates to Local Landscape Protection and Enhancement. It requires development to respect and enhance local landscape character and not to cause visual intrusion into the open countryside or to cause harm to important landscape features and topography.
- 9.41. Policy Banbury 4 of the CLP 2031 Part 1 sets out the requirements for development proposals to be accompanied and influenced by landscape/visual and heritage impacts assessments and it requires structural planting and landscape proposals within the site such as the inclusion of a green buffer to the

north and east of the Rugby Club and to limit the visual impact of new buildings in relation to the rural setting of the site.

- 9.42. AD5 of the Adderbury Neighbourhood Plan defines the Twyford and Bodicote/Banbury Local Gap to ensure that development proposals do not harm either individually or cumulatively the open character.
- 9.43. The National Planning Policy Framework as part of encouraging good design, identifies that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

#### Assessment

- 9.44. The application is accompanied by a Landscape and Visual Impact Assessment which finds that the likely visual and landscape character impacts are likely to be slightly adverse, and that the current proposals are broadly consistent with the previously consents scheme at Longford Park in terms of massing, height and associated visibility within the surrounding landscape albeit, the public right of way view point would suffer some harm. The LVIA finds that views of the proposed development would be well screened from the vast majority of properties within Banbury and Bodicote. Due to the site context, the visual receptors already have views of an urban edge at Banbury including Longford Park with the proposal being viewed in this context.
- 9.45. As such, the landscape character and visual impact of the development would generally be limited and localised in extent and would not result in any significant major adverse effects in the long term.
- 9.46. The Landscape Officer accepts that the LVIA is a fair assessment of the impact of housing development on the site. However, the Officer does raise concerns with the reliance upon on tree and shrub planting as a mitigation treatment.
- 9.47. A small area of the new access falls within the Parish area of Adderbury. Therefore, the Adderbury Neighbourhood Plan is relevant to the consideration of the application. AD5 of the Neighbourhood Plan recognises the importance of retaining the local gap between Twyford and Bodicote/Banbury, seeking to ensure that any development within the local gap does not harm the open character it seeks to protect. The area of land which falls within the Adderbury Parish boundary will be used to provide safe access to the site at Banbury 12, with land used for visibility splays and a small part of the access to serve the site. The development is positioned on the parish boundaries, with minimal intrusion on the Twyford Gap. Officers consider that given the part of the proposal that would impact upon the Twyford Gap is for an access and visibility splays, this is relatively low scale development. The field gap would be retained between Bodicote/Banbury and Twyford, retaining the visual separation between the application site and Twyford. As such, Officers consider that the proposal would not cause harm to the open character of the Twyford Hap and therefore, would accord with Policy AD5 of the Adderbury Neighbourhood Plan.

- 9.48. During the application process, parameter plans showing how density will be used to soften the edges of the development to create an urban/rural fringe on the periphery of the development. This would soften the edges of the development facing the rural receptors and the longer distance viewpoints.

#### Conclusion

- 9.49. Overall, given that this application is at outline stage where all matters are reserved including landscaping (save for access), it is considered that an appropriate density and landscape strategy could be developed.
- 9.50. On the basis of the above assessment, Officers consider that the landscape and visual impacts of the proposal are acceptable having regard to the site context and extant development at Longford Park. The proposal would be visually prominent initially, but if this were to be delivered to a high quality, any potential impact could be mitigated. In addition, the delivery of residential development in a sustainable location on and adjacent to allocated site where development has been anticipated is considered to be acceptable. On this basis, the proposal is considered to comply with Policies Banbury 4 and ESD13 of the CLP 2031 Part 1 and the NPPF.

#### Design and Impact on the Character of the Area

##### Policy Context

- 9.51. Policy Banbury 4 of the CLP 2031 Part 1 requires compliance with Policy ESD15 and requires that proposals should provide high-quality well-designed development which accords with the Design Code for Phase 1, building on this to ensure a well-designed approach.
- 9.52. Policy ESD15 of the CLP 2031 Part 1 relates to the character of the built and historic environment, seeking to ensure that development complements and enhances the character of its context as well as being designed to meet high design standards.
- 9.53. The National Planning Policy Framework also sets out the importance of good design, advising that this is a key aspect of sustainable development and enables better places to live and work to be achieved.

##### Assessment

- 9.54. As the application is currently at outline stage, the application is accompanied by parameter plans and a design and access statement, showing indicative details. During the application process, amended parameter plans showing a mixed housing density across the site, interwoven with green public spaces, key feature areas and connectivity through the site have been provided.
- 9.55. As shown on the Parameter Plan, an average housing density across the site of 37 dwellings per hectare (dph) is achieved, with areas designated of lower (up to 30dph), medium (up to 35dph) and higher density (up to 40dph). Areas of higher density have been positioned adjacent to the existing development at Longford Park and towards the north east corner of the Rugby Club. These areas are situated within the site and read within the context of adjacent development. Areas

of medium density have been used to break up the areas of higher density and towards the periphery of the site, before lower density areas on the site's north-eastern and eastern edges. The use of this approach helps to achieve a softened urban/rural fringe.

- 9.56. The proving layout, which provides a detailed indicative layout of a small potential area of the development, shows how higher density development will be used around the primary street, with careful use of apartment buildings, terraced and semi-detached properties. Development along the secondary street because less dense, with an increase in use of semi-detached and detached properties, before the private drive area is reached on the edge of the development with larger detached and semi-detached properties. Green spaces along the primary street are shown with set in parking areas. Where possible, private drives or shared parking facilities at the front of the properties have been used, with some parking courts used for apartment buildings to the side/rear. Around the parcel edge areas designated as Public Open Space Corridor are annotated within pedestrian linkages through.
- 9.57. The proving layout demonstrates that an acceptable housing layout, with a mix of property sizes and necessary infrastructure can be provided within the site and including the additional housing numbers proposed above the strategic allocation of Policy Banbury 4.
- 9.58. It is important to note that approximately 50 additional houses are proposed to be accommodated on Banbury 4 with an extra 125 houses on the Banbury 12 site which has not been allocated for residential development.
- 9.59. It is also important to consider whether there is sufficient space on the Banbury 12 site for the allocated uses to be achieved to an acceptable standard, together with development hereby proposed. The red edged site boundary has been extended around both Banbury 4 and Banbury 12 but planning permission has not been expressly sought for either the secondary school or relocated football club.
- 9.60. The area of land retained for the purposes of providing a football club is 2.81ha and is the primary focus of Policy Banbury 12. The intention behind Policy Banbury 12 is the relocation of Banbury United, who currently have a ground within the centre of Banbury, on the Policy Banbury 1 site which is allocated for redevelopment in the CLP 2031 Part 1. It is therefore relevant to consider the existing facility and whether a similar development could be accommodated and secured on the reserve site.
- 9.61. The existing football ground within Banbury centre measures around 1ha in area. The site which is to be secured measures 2.81ha. Whilst it is noted that the reserve site on Banbury 12 is considerably larger than the existing facility, given the alternate locations and need for parking to support the football club on Banbury 12, it is reasonable that the site is larger. However, Officers still consider, even with additional land for parking, the site being secured for the football club would be larger than the existing facility on Banbury 1, giving options for flexibility in design when proposals for this element come forwards.



- 9.62. Officers have been seeking to secure the transfer of Banbury United Football via planning mechanisms. However, the land owners of Banbury 12 have separately approached the Council and commenced negotiations to secure an Option for the Council to acquire a lease for use of the land for a football club. This negotiation is being processed separately from the planning process. Should this current negotiation (or similar) prove successful in securing an appropriate and robust means of facilitating the relocation of the Banbury United Football Club, it may obviate the need for a planning mechanism being required to achieve the same outcome. Even if this is achieved outside the formal planning application process, it would be a material consideration for the Council in assessing the merits of this proposal. It is therefore recommended that delegated authority is provided to the Assistant Director, Planning and Development, to proceed to issue a permission only when they are satisfied such mechanisms are in place to ensure compliance with Policy Banbury 12. The reasonable likelihood at this time is that this will be achieved via the ongoing Option negotiations. However, the delegated authority being sought is not tied to this and seeks authority to allow officers to secure the transfer of Banbury United Football Club by any appropriate mechanism (planning or otherwise). The limitation is that this must be in place before any planning permission is granted.
- 9.63. In terms of the secondary school site, responses from OCC Education Officers have confirmed that the land for the secondary school of 4.88ha and the safeguarded land for future expansion of 1.92ha is sufficient to meet the requirements for a new Secondary School. It is envisaged that this site would be delivered later within the plan period and the s106 Deed will make appropriate provision for the secondary school site land transfer.
- 9.64. The Authority is satisfied that an appropriate site layout can be achieved for the Policy Banbury 12 site which delivers the allocation and also provides an acceptable residential development of approximately 125 residential properties. A similar design approach to density is proposed and would be consistent with the development on Banbury 4 and within the local context.
- 9.65. The indicative layout plan shows that equipped play facilities can be positioned within the development with areas of open space and public open space corridors have been created around the development edges. Sports pitch provision is to be provided adjacent to the land reserved for the football club.
- 9.66. The Thames Valley Police Crime Prevention Design Advisor has raised a number of comments regarding potential issues that could result from the information provided to date. As the application is at the outline stage and the material submitted is indicative only, it is appropriate for these comments to be considered in detail as part of the consideration of a reserved matters scheme.

#### Conclusion

- 9.67. On the basis of the above assessments, Officers consider that the information submitted to date provides a satisfactory basis against which future detailed design proposals can be assessed against at reserved matters stage. This will ensure that the proposed development complies with the high-quality design aspirations for the

site as set out within Policies Banbury 4, Banbury 12 and ESD15 of the CLP 2031 Part 1.

### Heritage Impact

#### Policy Context

- 9.68. There are no designated Listed Buildings in proximity of the site that would warrant full assessment. The closest Listed Buildings are located close to 1km away to the west of the site, along Weeping Cross. The Bodicote Conservation is also a similar in distance and location to the west of the site, approximately 1km. There is an area of archaeological alert to the south of the site, identified as a Neolithic crop mark. There are no other areas of local or designated heritage significance which the proposed development is considered to impact upon.
- 9.69. Paragraph 193 of the NPPF states that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’. The NPPF also states that where a development proposal leads to harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal.
- 9.70. Paragraph 193 of the NPPF states that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’. The NPPF also states that where a development proposal leads to harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal.
- 9.71. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance designated heritage assets and ensure that new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

#### Assessment

- 9.72. With regard to the setting of designated Heritage Assets, the Bodicote Conservation Area and Listed Buildings are some distance from the site and therefore this separation distance, as well as the existing residential development in between, means that there would be very limited impact upon the setting of this heritage asset. Any limited impact would be outweighed by the public benefit of providing residential development in a sustainable location.
- 9.73. The Archaeological survey and trenching evaluation recorded a range of archaeological features on the site. The evaluation identified some potentially significant archaeological deposits within the southern part of the site adjacent to the Oxford Road.

- 9.74. Oxfordshire County Council's Archaeological Officer has assessed the proposal and the archaeological report, raising no objections to the development subject to the use of recommended conditions. The Officer notes that the area archaeological potential would need to be preserved which the proposal achieves by locating the playing fields and parking area in this area. In addition, a method statement setting out construction methods will also be required by condition.

#### Conclusion

- 9.75. On the basis of the above assessment, it is considered that sufficient safeguards are in place to ensure that archaeological interests on the site itself can be sufficiently safeguarded. This is by further investigation work and appropriate construction methods post decision. On this basis, it is considered that the development would not cause harm to archaeological remains as preservation would be ensured.
- 9.76. With regard to the setting of designated heritage assets, Officers consider that on the basis that the scheme is situated at a substantial distance from the assets and that the archaeological assets would be preserved, that there would be very limited, if any, harm and that the proposal is therefore acceptable. Officers agree that any harm would be minor and that this would be outweighed by the significant economic public benefits associated within the proposed development.

9.77. On this basis, the application is considered to accord with Policies Banbury 4, Banbury 12 and ESD15 of the CLP 2031 Part 1 and the NPPF.

#### 9.78. Residential Amenity

##### *Policy Context*

- 9.79. Policy ESD15 of the CLP 2031 Part 1 refers to the need for the amenity of both existing and future development to be considered including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space. The National Planning Policy Framework also refers to the creation of places with a high standard of amenity for existing and future users that are safe, inclusive accessible and which promote health and well-being.

##### *Assessment*

- 9.80. Part of the development is situated adjacent to the existing residential properties within Longford Park. Where properties within Longford Park are situated along the shared boundary with Banbury 4, these properties tend to front the highway. In addition, some properties have rear gardens which back on to the site.
- 9.81. Given the existing arrangements, and as shown on the indicative layout, it is possible to create a development that would not cause harm to the amenity of both existing and future residents along the shared boundary. As the application is at outline stage, full details of the layout would be provided and assessed as part of a reserved matters application.
- 9.82. The development itself will require care to be taken in its design to ensure that the amenity of residential units on site can be accommodated without causing harmful amenity impacts. This would form part of a reserved matters application and is

likely to need careful consideration of detailed matters such as window positioning and detailing given the proximity of the buildings to each other as indicatively shown. Officers are content that a future design can be achieved to protect residential amenity.

- 9.83. Issues of impact upon residential amenity by way of environmental nuisance matters are addressed later in this report. Nevertheless, with regard to the compatibility of adjoining land uses the existing sports facility (Bannatyne's and Banbury Rugby Club) is situated to the west of the residential development.
- 9.84. The facility is located in relatively close proximity to existing residential development along the Oxford Road and College Farm House. The Sports Facility is a compatible use with residential development. Other adjacent uses include the residential properties of Longford Park and agricultural fields.

#### *Conclusion*

- 9.85. Based on the above assessment, it is considered that a satisfactory arrangement can be achieved at reserved matters stage to ensure the amenity of existing and proposed residential occupiers are protected. This includes ensuring that they are not impacted by environmental nuisance matters, are compatible with surrounding land uses and they can achieve acceptable levels of privacy, outlook, light, and sufficient outdoor space to enable healthy development. On this basis, the proposal is considered to comply with Policy ESD15 of the CLP 2031 Part 1 and guidance contained within the NPPF.

#### Ecology Impact

##### *Legislative context*

- 9.86. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.87. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

##### *Policy Context*

- 9.88. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.89. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.90. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 9.91. In doing so, they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.92. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.93. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.94. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.95. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.96. The application is supported by an Ecological Appraisal, Arboricultural Assessment and confidential Badger Report. The report provides
- 9.97. There is only one statutory site with relative proximity to the site, Adderbury Lakes LNR around 1.6km to the south. There are no non-statutory designations within close proximity to the site or likely to be significantly affected by the proposals.

- 9.98. The site comprises of a series of managed arable fields with some grassland/poor grassland species. There is a small copse woodland just outside of the site to the north east, with the field boundaries formed of hedgerows, some treelines, farm roads or post and rail fences.
- 9.99. The arable areas and were found to have a low diversity of species and lack of other features, was considered to have a negligible nature conservation value. The hedgerows forming the field boundaries, were found to be dominated by native species and considered to be of local nature conservation value.
- 9.100. Protected species were found to be present on site such as habitats for badgers, bats and breeding birds. These were found to be of either local or site nature conservation area.
- 9.101. The Ecological Appraisal outlines that following a review of the ecological baseline and the potential effects arising as a result of the development, it is possible to mitigate the potential impacts through design, layout and construction methods. As a result. the majority of Valued Ecological Receptors identified can be avoided through sensitive design.
- 9.102. Natural England have confirmed they consider that the proposed development would not have significant adverse impact on designated sites or protected landscapes.
- 9.103. Full details of the ecological mitigation would be required at reserved matters stage and would be secured by way of condition.

#### *Conclusion*

- 9.104. Officers are satisfied on the basis of the advice from the Council's Ecologist and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species habitats under the Conservation of Habitats and Species Regulations 2017, have been met and discharged.

#### Flood Risk and Drainage

##### *Policy Context*

- 9.105. The NPPF states at Paragraph 163 that *when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.106. Policy Banbury 4 of the CLP 2031 Part 1 requires that a full surface water management framework and the use of SuDS including infiltration and attenuation techniques where appropriate.
- 9.107. Policy ESD6 refers to Sustainable Flood Risk Management and sets out that flood risk will be managed and reduced with vulnerable development to be located in

areas with lower risk of flooding. Policy ESD7 sets out that all development will be required to use sustainable drainage systems for the management of surface water flooding.

#### *Assessment*

- 9.108. The site is located within Flood Zone 1 and within an area at the lowest risk of flooding.
- 9.109. The application has been supported by a Flood Risk Assessment, which considered the potential effects of both the construction and operational aspects of the development.
- 9.110. The information demonstrates that the site has some risk from surface water flooding, but that this risk is low and that a suitable drainage scheme can be achieved.
- 9.111. Whilst a full drainage scheme is not included as the application is an Outline stage, details of the mitigation that would be included as part of a reserved matters application have been included. The FRA outlines a proposed storm water management system, with SuDS management train, incorporating source control measures and infiltration drainage systems. The SuDS scheme will incorporate permeable paving and an infiltration basin. These will be incorporated into the Green Infrastructure framework, forming both a drainage and ecological function.
- 9.112. The development would be implemented with an adoptable foul drainage network with potential upgrading to the existing infrastructure network where necessary.
- 9.113. The OCC Local Lead Flood Authority have confirmed they have no objection to the proposed development subject to the recommended conditions securing detailed drainage and water management information.

#### *Conclusion*

- 9.114. On the basis of the above information, Officers consider that a suitable drainage system for both foul and surface water drainage can be achieved to ensure the risk of flooding on and off site is minimised.

#### Environmental Matters

##### *Policy Context*

- 9.115. Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution including traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.

#### *Assessment*

- 9.116. The Environmental Protection Team have recommended a series of planning conditions be imposed. With regard to noise, a condition securing a Construction Environment Management Plan is recommended and a recommendation that the noise measures provided as mitigation within the Noise Report are implemented to achieve an acceptable noise climate.
- 9.117. The Council's standard contaminated land conditions are recommended to be imposed on any permission. Whilst there is limited scope for the site to be contaminated, it is considered that as sensitive residential uses are now proposed on the site, it is reasonable and necessary to require the standard conditions.
- 9.118. With regards to air quality, the Council's Environmental Protection Officer does not raise any concerns in this respect and recommends a condition supporting the installation of a ducting system for electrical charging infrastructure to serve each dwelling.
- 9.119. In respect of odour, Environmental Protection have received occasional odour complaints from the Thames Water rising sewage pipes that cross the site.
- 9.120. The Officer recommends that consideration is had during the detailed planning stage to divert the pipes and locate the vents such as not to cause odour nuisance to future residents.
- 9.121. In respect of lighting the Officer notes that floodlighting is not included as part of the application. Should any floodlighting be required, an application should be provided with full details of the proposed lighting and a Light Impact Assessment.

#### *Conclusion*

- 9.122. Given the above assessment, it is considered that environmental risks can be adequately dealt with via the imposition of conditions. This will ensure compliance with Policies ENV1 and ENV2, ensuring the amenities of the residential properties are not unduly affected by environmental pollution.

#### Energy Efficiency and Sustainability

- 9.123. Policy Banbury 4 of the CLP 2031 Part 1 expects development on the allocation to demonstrate climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD 1-5. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.124. Policy ESD3 of the CLP 2031 Part 1 requires all new residential development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day.



### *Assessment*

- 9.125. The application is accompanied by a Climate Change Statement which highlights the potential sustainable design measures for the reduction of CO2 emissions and energy demand for the proposed development that could be considered further at the detailed design stage. The appraisal considers passive design measures that could be taken, how system efficiency measures could be incorporated, how water conservation could be undertaken and what renewable energy technology and low carbon heating/ cooling sources could be incorporated.

### *Conclusion*

- 9.126. Subject to the imposition of a condition to ensure that measures are taken forward for further consideration during detailed design and incorporated where feasible at reserved matters stage, Officers are satisfied that the proposed development will be able to be designed to achieve the requirements of Policies ESD1-5 of the CLP 2031 Part 1.

### Planning Obligations

- 9.127. A s106 legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing in accordance with Policy BSC3. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development;

- 9.128. Having regard to the consultation responses received, the CLP 2031 Part 1 and the Council's SPD for Developer Contributions (2018), the following matters have been put to the applicant for inclusion in a s106 agreement:

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent, 30% comprising social rent and shared ownership;
- Play spaces to include a MUGA, NEAP and 2 LAP/LEAPS with commuted sums for ongoing management and maintenance;
- Open space of around 5.98 hectares with either a transfer to the Council and commuted sum for ongoing maintenance or the developer to use a management company for ongoing maintenance without transfer;
- Allotment site with pathways to and within the site;
- Outdoor sports provision to include the sports pitches and community pavilion/changing rooms constructed to Sport England Standards, adequate car parking;

- Indoor sports contribution of £688,831.11 (index linked) towards improvements at the Spiceball Leisure Centre and/or the development of a new indoor tennis centre at Banbury;
- Community development worker contribution of £65,941.26 to facilitate the integration of the new community to the application site with the existing community in the local area;
- Community development fund contribution of £400 towards supporting the activities of the Community Development Worker;
- Waste and recycling contribution of £111 per dwelling towards the provision of waste receptacles plus the provision of land for and the provision of a recycling bank;
- Cemetery contributions of £xx (tbc) per dwelling;
- Strategic Transport contributions of £121,476 towards BAN1 Hennef Way improvements;
- Strategic Transport contribution of £215,537.12 towards Ban 2 Tramway Road improvements;
- Bridge Street junction improvement contributions of £150,750 towards improvements to the public transport access at this junction;
- Oxford Road Cycleway contributions of £47,466 towards the provision of a shared use cycleway between the southern site access and Cotefield Drive. This is sought as part of the contribution towards the funding of the secondary school;
- Oxford Canal Pedestrian and Cycle Route contribution of £610,000 towards BAN 4 scheme, to provide a high-quality walking and cycling route along the Oxford Canal towards the town centre and employment areas;
- Public Transport Service contributions of £770,000 towards the cost of pump-priming a public transport service;
- Traffic Regulation Order (if not dealt with under s.278/s.38 agreement of £6,380 towards extending the 40mph speed restriction beyond the southern access and to enable on-street parking restrictions along the bus route within Longford Park;
- Travel Plan Monitoring contribution of £2,346 to enable the Residential travel Plan to be monitored for 5years following occupation;
- Public Rights of Way contribution of £90,000 towards the enhancement of the Public Rights of Way network in the vicinity of the development;
- Nursery and Primary Education contributions of £2,776,896 towards the expansion of primary and nursery capacity serving the site;
- Secondary Education contributions of £6,050,576 towards a new secondary school in Banbury;
- SEN contributions of £411,345 towards the expansion of SEN capacity serving the site;

- Land reservation of 4.88ha to supply a 600-place secondary school, to be provided at no cost to the County Council;
- Land option of 1.89ha for a potential future expansion to accept a further 2 forms of entry if required; and
- Monitoring Fees for both Cherwell District Council and Oxfordshire County Council to be agreed whilst drafting the s106.

9.129. The applicant has raised concerns regarding the compliance of a number of the requested contributions against the CIL Regulation Tests. The application has also provided information to demonstrate that the request for Extra Care Housing on this site is not viable as an interested registered provider could not be found for the site, despite direct contact with recommended registered providers from the CDC Housing Officer.

9.130. In addition, there has been on-going correspondence with the OCCG in respect of the primary healthcare contribution sought. Unfortunately, the OCCG have not identified a specific project that the contribution is sought towards and as such, the request fails to meet the legislative requirements for securing contributions. Therefore, this contribution cannot be sought.

9.131. The above list of obligations and contributions has been agreed with the applicant except for the contribution towards of £610,000 towards the upgrading of the Oxford Canal Towpath to create a pedestrian and cycle route link between the site and town centre. An update will be provided to the Committee on this outstanding s106 matter.

9.132. In addition to the above, the Council's Developer Contributions SPD seeks to secure construction apprenticeships, skills and training. It has been agreed with the application that this can be secured through a planning condition addition attached to a consent.

9.133. Similarly, the provision of public art within the site will also be secured by condition. Members will note that a final list of conditions has not been presented within the report, however, these will be provided in the written updates prior to the Committee. A list setting out the headline matters is provided below.

9.134. Any variation to the above list of Heads of Terms will be presented to Members prior to the completion of a s106 agreement and issuing of a decision notice.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for Planning Permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

10.2. The application site comprises of the allocated sites Banbury 4 and Banbury 12 of the CLP 2031 Part 1 and some allocated land for access and balancing pond. The current application proposes up to 825 dwellings across Banbury 4 and partially on Banbury 12. The proposal is inclusive of the land required to secure the football club relocation and secondary school. The s106 agreement will make suitable

provision for the secondary school. A suitable mechanism to secure the land required for the relocation of the football club will be secured prior to the grant of any planning permission.

- 10.3. The application also includes the provision of both formal and informal green infrastructure, with playing fields, a changing facility and allotments included. To the east of the site, just outside of the allocated Banbury 4 site, a balancing pond is proposed. The new site access from the A4260 Oxford Road will also require some additional land outside of the site allocation of Banbury 12 for the provision of acceptable visibility splays.
- 10.4. The proposal represents a departure from the Development Plan in respect of the additional residential dwellings sought on Banbury 4 and the provision of approximately 125 residential dwellings on Banbury 12. Provided that the land can be secured for the football club and secondary school, the Authority is satisfied that the provision of residential development on Banbury 12 would not preclude the football club transfer or the secondary school coming forwards. Therefore, the requirement of Banbury 12 would be met. In terms of the additional residential properties sought, these would contribute to the supply of housing within the district which is currently below the 5-year housing land supply threshold and would be in a sustainable location.
- 10.5. For these reasons and noting the guidance in the NPPF on the need for planning policies and decisions to be flexible to respond to changes in business and employment needs and demand for land, Officers consider the proposal to be acceptable and to outweigh the Policy conflict caused by a departure to the Development Plan in principle.
- 10.6. The proposal provides for suitable means of access and contributes to improving access by sustainable modes (with the final details still being discussed) such that the application can allow for a high degree of connectivity enabling residents to safely access the wider town.
- 10.7. The report considers all material considerations and finds that the proposal can be suitable accommodated subject to the satisfaction of planning conditions to ensure the site constraints are suitable considered and the s106 contributions and obligations set out above.
- 10.8. For the above reasons and as set out within the appraisal, Officers consider that the planning balance lies in favour of approving the application. It is therefore recommended that Members resolve to support the application.

## **11. RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:**

- (i) THE PRIOR PROVISION OF A SUITABLE MECHANISM TO SECURE THE LAND REQUIRED FOR THE RELOCATION OF BANBURY UNITED FOOTBALL CLUB WHICH SECURES, TO THE SATISFACTION OF THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT,**

**COMPLIANCE WITH POLICY BANBURY 12;**

- (ii) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- (iii) THE PRIOR COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

**S106 Heads of Terms:**

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent, 30% comprising social rent and shared ownership;
- Play spaces to include a MUGA, NEAP and 2 LAP/LEAPS with commuted sums for ongoing management and maintenance;
- Open space of around 5.98 hectares with either a transfer to the Council and commuted sum for ongoing maintenance or the developer to use a management company for ongoing maintenance without transfer;
- Allotment site with pathways to and within the site;
- Outdoor sports provision to include the sports pitches and community pavilion/changing rooms constructed to Sport England Standards, & adequate car parking;
- Indoor sports contribution of £688,831.11 (index linked) towards improvements at the Spiceball Leisure Centre and/or the development of a new indoor tennis centre at Banbury;
- Community development worker contribution of £65,941.26 to facilitate the integration of the new community to the application site with the existing community in the local area;
- Community development fund contribution of £400 towards supporting the activities of the Community Development Worker;
- Waste and recycling contribution of £111 per dwelling towards the provision of waste receptacles plus the provision of land for and the provision of a recycling bank;
- Cemetery contributions of £xx (tbc) per dwelling;
- Strategic Transport contributions of £121,476 towards BAN1 Hennef Way improvements;
- Strategic Transport contribution of £215,537.12 towards Ban 2 Tramway Road improvements;
- Bridge Street junction improvement contributions of £150,750 towards improvements to the public transport access at this junction;
- Oxford Road Cycleway contributions of £47,466 towards the provision of a shared use cycleway between the southern site access and Cotefield Drive.

This is sought as part of the contribution towards the funding of the secondary school;

- Oxford Canal Pedestrian and Cycle Route contribution of £610,000 towards BAN 4 scheme, to provide a high-quality walking and cycling route along the Oxford Canal towards the town centre and employment areas;
- Public Transport Service contributions of £770,000 towards the cost of pump-priming a public transport service;
- Traffic Regulation Order (if not dealt with under s.278/s.38 agreement of £6,380 towards extending the 40mph speed restriction beyond the southern access and to enable on-street parking restrictions along the bus route within Longford Park;
- Travel Plan Monitoring contribution of £2,346 to enable the Residential travel Plan to be monitored for 5byears following occupation;
- Public Rights of Way contribution of £90,000 towards the enhancement of the Public Rights of Way network in the vicinity of the development;
- Nursery and Primary Education contributions of £2,776,896 towards the expansion of primary and nursery capacity serving the site;
- Secondary Education contributions of £6,050,576 towards a new secondary school in Banbury;
- SEN contributions of £411,345 towards the expansion of SEN capacity serving the site;
- Land reservation of 4.88ha to supply a 600-place secondary school, to be provided at no cost to the County Council;
- Land option of 1.89ha for a potential future expansion to accept a further 2 forms of entry if required; and
- Monitoring Fees for both Cherwell District Council and Oxfordshire County Council to be agreed whilst drafting the s106.

### **Planning Conditions:**

#### **Time Limits and General Implementation Conditions**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local

Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: 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 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s), the development shall be carried out strictly in accordance with the following plans and documents:

Site Location Plan 6392-P-08 Rev I dated 22 March 2021

Parameters Plan 6394-P-01 REV AW dated 22 March 2021

Oxford Road Corridor Improvements Sheet 1 of 2, 16052-01-106 Rev C

Oxford Road Corridor Improvements Sheet 2 of 2 16052-01-107 Rev B

Proposed Southern Access, 16052-01-124 Rev B

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

5. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) 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 as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Except to allow for the creation of means of access with associated vision splays hereby approved, the existing hedgerows along the boundaries of the site shall be retained and properly maintained from the date of this planning permission (unless

otherwise approved as part of the approval of reserved matters submitted in requirement of Condition 2), and if any hedgerow plant/tree dies within five years from the completion of the development it 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 Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. All planting, 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 shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All applications for approval of reserved matters relating to an approved phase shall be accompanied by details of the existing ground levels together with proposed finished floor levels of all buildings within that phase. Development in that phase shall thereafter be undertaken in accordance with the ground/floor levels approved as part of the grant of reserved matters approval.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. All applications for approval of reserved matters relating to an approved phase shall



be accompanied by details of the proposed ecological enhancement measures to be incorporated within that phase in line with the recommendations at paragraph 18 of the Ecology Briefing Note prepared by Ecology Solutions Limited. All proposed ecological enhancement measures shall thereafter be installed in accordance with the details approved as part of the grant of reserved matters approval.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and to enhance ecological opportunities at the site in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. All applications for approval of reserved matters relating to an approved phase shall be accompanied by an Energy Statement that demonstrates which sustainable design measures, including the provision of on-site renewable energy technologies, will be incorporated into that phase. The sustainable design measures shall thereafter be fully incorporated into the development of each phase and no occupation of development within the relevant phase shall take place until the approved sustainable design measures have been provided and, for on-site renewable energy provision, until such measures are fully installed and operational.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power (except any approved renewable energy infrastructure) and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Construction related vehicle are to be prohibited from accessing the development site via the existing Longford Park Phase 1 residential development. All construction related traffic is to access the development site via a temporary construction haul road to the south of the development site.

Reason: In the interest of highway safety.

14. All applications for reserved matters approval relating to a phase (as approved under a phasing condition) shall include details of the alignment and specification of any and all new and / or enhanced footpaths, bridleways and cycle tracks to be provided within / through that phase together with a timetable for their provision / completion. These routes shall be in accordance with an approved access parameter plan, masterplan and design code. Thereafter and

prior to first occupation of that phase, the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework and

15. No development shall take place within 10m of an existing Public Right of Way until the affected Public Right of Way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the Local Planning (or Highway) Authority to be diverted or extinguished. Thereafter, the Public Right of Way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the Local Planning Authority.

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

16. No works shall be undertaken that results in the temporary or permanent need to divert an existing Public Right of Way that runs through the site until details of a satisfactory alternative route have first been submitted to and approved in writing by the Local Planning Authority. The existing Public Right of Way shall not be stopped up or obstructed in any way (save for any temporary arrangement that has the prior written agreement of the local planning authority), until the new diverted route has been provided in accordance with the approved details and is fully available for public use.

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

#### **Pre-Commencement Conditions**

17. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority identifying the phases by which development will take place. Thereafter the development shall be carried out in accordance with the approved phasing plan and applications for approval of reserved matters shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) to which they relate.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies ESD15, Banbury 4 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

18. No development shall take place on any phase, including any works of demolition

until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall be appropriately titled (site and planning permission number) and shall provide for at a minimum:

- The parking of vehicles of site operatives and visitors;
- The routing of HGVs to and from the site;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours;
- Spoil locations;
- Water management;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

19. No development shall take place on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
  - b) Risk assessment of potentially damaging construction activities;
  - c) Identification of 'Biodiversity Protection Zones';
  - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - e) The location and timing of sensitive works to avoid harm to biodiversity features;
  - f) The times during construction when specialist ecologists need to be present on site to oversee works;
  - g) Responsible persons and lines of communication;

- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

20. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

21. No development shall take place on any phase until an Arboricultural Method Statement for that phase, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions to include a plan identifying which trees are to be retained and details of how they will be protected, is submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS and any tree protection measures shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

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 built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

22. No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

23. No development shall take place until a Detailed Design, Surface Water Management Strategy, Drainage Strategy (including calculations, ground levels and plans), associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods and details of the phasing of its provision has been submitted to and approved in writing by the Local Planning Authority.
- 10327 Technical Note 05 Technical Note: Outline Drainage Strategy, 17th June 2020
  - Technical Note: Response to Oxfordshire County Council's (Drainage) Comments dated 12th May 2020 for Application 19/01047/OUT-2, 22nd May 2020

The scheme shall include:

- Details of how the drainage scheme has been designed to incorporate SuDS techniques to manage water quantity and maintain water quality as set out in the FRA, and in accordance with adopted policy and best practice guidance including the SuDS Manual C753;
- Detailed drainage plan showing the location of the proposed SuDS features;
- Detailed cross sections and construction details of the proposed SuDS measures;
- Details of how the scheme shall be maintained and managed after completion;
- Details of how water quality shall be maintained during and after construction;
- Detailed drainage calculations, using FEH methodology, for all rainfall events up to and including the 1 in 100 year plus climate change event to demonstrate that all SuDS features can cater for the critical storm event for its lifetime;
- The submission of evidence relating to accepted outfalls from the site, particularly from any third-party network owners;
- Sequencing for implementation; and
- The scheme shall be implemented in accordance with the approved details and timetable.

The approved Sustainable Drainage System shall be implemented in accordance with the approved Detailed Design and prior to the first occupation of the development in that phase. The Sustainable Drainage Scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

24. No phase of the development shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out 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 has been 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 that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

25. If a potential risk from contamination is identified as a result of the work carried out under condition 28, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

26. If contamination is found by undertaking the work carried out under condition 29, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

27. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays and vehicle tracking shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

28. Prior to the commencement of each phase of the development hereby approved, full specification details of the site's roads, turning areas and car parking to serve that part of the development, which shall include construction, layout, surfacing, lighting drainage and the location and layout of car parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of each phase of the development, the site roads and turning areas for that phase shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority,

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

29. Prior to any demolition and the commencement of the development 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 of archaeological matters within the site in accordance with the NPPF (2019).

30. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), 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. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

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 the NPPF (2019).

31. Prior to the commencement of any development, drainage or any other works, including the removal of top soil, a detailed method statement for the preservation and protection of the Neolithic Cursus and Roman Temple/Shrine

during the construction of the playing fields, 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 method statement.

Reason: To ensure that the archaeological features identified within the area of the proposed playing fields are preserved in situ and not impacted by any drainage or landscaping works associated with the construction of the playing fields.

32. A design code and masterplan must be submitted to, and agreed by, the Local Planning Authority prior to the commencement of any phase of the development.

This is required to ensure the satisfactory delivery of the following:

- The street form, street frontage and hierarchy for all types of street / road including details of street design and surfacing;
- The approach to car and cycle parking across all areas of the site;
- The treatment of all retained public rights of way;
- locations of existing, enhanced and new footpath / bridleway / cycle links including pedestrian and cycle connections with Longford Park Phase 1; and
- The alignment of the spine road and general location of bus stops/crossing points on it as well as the alignment of principal estate roads.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

**Conditions requiring approval or compliance before specific construction works take place**

33. No development above slab level on any building proposed to contain residential units shall take place until a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall achieve internal levels that shall not normally exceed 30dB LAeq (8 hour) and 45dB L<sub>AmaxF</sub> in all sleeping areas between 2300 hours and 0700 hours. An internal level of 40dB LAeq 1 hour shall be achieved in all other areas of the building. An external level of 55dB LAeq (16 hours) shall be achieved in garden areas and balconies unless a higher level has been demonstrated as being acceptable through noise modelling. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

34. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all



supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

### **Conditions requiring approval or compliance before occupation**

35. No part of the development shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: Network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. In order to comply with Policy ESD8 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

36. If remedial works have been identified in condition 30, the relevant part of the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 30. 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

37. Prior to the first occupation of the development hereby approved, a Residential Travel Plan, prepared in accordance with Oxfordshire County Council's approved Travel Plan guidance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

38. Prior to first occupation 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 ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

39. The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

Reason: To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with Government guidance within the National Planning Policy Framework.

40. Details of external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed prior to the first occupation of the development and operated in accordance with the approved details at all times thereafter.

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

41. No development shall be occupied until a scheme for the commissioning and provision of public art to be accommodated within the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details prior to the occupation of 300 residential units.

Reason: To create an attractive and distinctive development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

42. The dwelling(s) hereby approved shall not be occupied until bins for the purposes of refuse, food waste, recycling and green waste have been provided for use by each of the approved dwellings, in accordance with the Council's current bin specifications and requirements.

Reason: To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policy INF1 of the Cherwell Local Plan 2011 - 2031.

43. The development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

44. Prior to occupation, a record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010.