

**Hempton Gate Land North Of Hempton Road And
West Of Wimborn Close Deddington**

22/02757/DISC

Case Officer: Michael Sackey

Recommendation: Approval

Applicant: Burrington Estates

Proposal: Discharge of Conditions 5 (finished floor levels), 10 (detailed surface water drainage scheme), 12 (Construction Traffic Management Plan), 13 (Construction Environmental Management Plan), 14 (sustainability details), 15 (biodiversity details), 16 (Landscape and Ecology Management Plan) and 21 (electric vehicle charging plan) of 20/02083/OUT

Expiry Date: 2 November 2022

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application relates to an agricultural field located to the west of Deddington to the north of the Hempton Road. The site contains an agricultural building located towards the south-east corner of the site, which is served by an access from Hempton Road. The site is relatively flat, but the land beyond the northern boundary of the site falls away into a wide valley. To the east of the site is Wimborn Close which consists of a mix of relatively modern two storey properties and has a landscaping belt adjacent to the site. The 2 metre high hedge exists to the west of the site beyond which lies further agricultural fields.
- 1.2. Deddington nursery and the recreation ground exist to the south of the site beyond Hempton Road.
- 1.3. Outline planning permission has been granted for up to 14 dwellings on the site (ref. 20/02083/OUT).

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. The application seeks approval for the details required by the conditions named in the description, finished floor levels, detailed surface water drainage scheme, Construction Traffic Management Plan, Construction Environmental Management Plan, sustainability details, biodiversity details, Landscape and Ecology Management Plan, water efficiency details and electric vehicle charging plan.
- 2.2. The application relates to the submission of the Construction Environmental Management Plan, received on (22.09.2022) at 14.16hrs reference "BE/HRDEDD/P2/CTEMP" requested by the Environmental Health Officer.
- 2.3. The application relates to the submission of the Construction Traffic Management Plan and a previously approved decision notice received on (23.09.2022) at 10.06hrs reference "BE/HRDEDD/00/CTMPb" and "21/00478/DISC" in response to the Environmental Health Officer's queries and recommendations.
- 2.4. The application relates to the submission of the Surface Water Catchment Plan, DRAINAGE LAYOUT, DETAILED DRAINAGE DESIGN REPORT FOR PLANNING PROPOSED RESIDENTIAL DEVELOPMENT HEMPTON ROAD – PHASE 2,

DEDDINGTON HEMPTON ROAD – PHASE2, DEDDINGTON (Revision A) and ATTENUATION BASIN SECTIONS received on (27.10.2022) at 10:38hrs reference “03.11 REVISION P3”, “03.01 REVISION P3”, “ES20.020 (Hempton Road – Phase 2, Deddington) Revision A” and “02.02 REVISION P1” in response to the Lead Local Flood Authority objections.

- 2.5. The application relates to the submission of an amended Electric vehicle (EV) charging plan received on (03.11.2022) at 15:26hrs reference “HEMP2-EV-01-A”. The amended electric vehicle charging plan was submitted in response to the recommendations of the Local Highways Officer for the EV charging infrastructure to be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy (OEVIS).
- 2.6. The application relates to the submission of an updated Landscape and Biodiversity Enhancement & Management Plan received on (30.11.2022) at 09:09hrs reference “9549M.LBEMP.Condition15.16 Discharge.vf2 (November 2022)”. The updated Landscape and Biodiversity Enhancement & Management Plan responds to the recommendations of the Ecology and Landscape Officers.
- 2.7. The application relates to the email and the submission of updated DETAILED DRAINAGE DESIGN REPORT FOR PLANNING PROPOSED RESIDENTIAL DEVELOPMENT HEMPTON ROAD – PHASE 2, DEDDINGTON HEMPTON ROAD – PHASE2, DEDDINGTON – ES20.020 (Revision B) received on (13.12.2022) at 16:31hrs. The email advises that drawing ES20.020-0902 is contained on page 261 of the attached report and with regards to the infiltration testing, the applicant’s agent will seek advice from our technical team and consultants.
- 2.8. The application relates to email received on (14.12.2022) at 16:54hrs from Mr Lee Griffin in response to the Lead Local Flood Authority objections. The email states that “The design as presented is strictly in accordance with the drainage strategy that was approved as part of the Outline Planning consent and our phase 1 scheme of 21 units has built in accordance with this. With regard to additional infiltration testing, we do not believe that this is necessary as the site investigation that has been undertaken for both phases 1 and 2 has identified very similar ground conditions across the site which are either reworked granular backfill in the former quarry area or virgin ground, which again is granular in nature in the areas outside of what was the former the quarry.

The Phase 2 scheme has been designed to utilise the infiltration basin that is sited in phase 1, and the car parking areas in phase 2 are as per phase 1 whereby only the parking spaces are permeable, the benefit to this is utilising infiltration and it also acts a treatment train as only the parking spaces are likely to receive oil or fuel spills.

The private drives are best not done in a permeable construction as the sub base construction of these needs to be more robust to withstand removal vehicles but ultimately they are designed to be able to withstand a fire appliance so it is on this basis that we would not propose the shared areas of the driveways to be permeable”.

- 2.9. The application relates to email received on (15.12.2022) at 15:52hrs from Mr Lee Griffin in response to the Lead Local Flood Authority on the details of how water quality will be managed during construction. The email states that “with regard to dealing with water quality during construction please see the attached plan (drawing ref no:- ES.20.020.09.02 Rev P3) which I have extracted from the document that Keir has sent to you, the onsite mitigation will comprise of a number of measures as per the following :- A silt fence to the side and rear of plots 31 – 35, this will be

maintained in situ until all building works on these plots have been completed, in addition to this all road gullies will be fitted with gully guard sacks and the new storm manhole to be constructed at the start of the run of the phase 2 drainage will be provided with a debris screen, and finally hay bales lined with Terrastop will be placed and staked around the headwall into the infiltration basin to act as a temporary silt forebay and this will be monitored and maintained until all the construction works have been completed”.

- 2.10. The application relates to the email received on (23.01.2023) at 10:36hrs from the applicants’ agent. The email requests for condition 19 relating to water efficiency details to be detached or removed from the current application and for the condition to be discharged later.
- 2.11. The assessment and determination of this application is based on the amended and updated plan received within the course of the application.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. **22/02570/REM** – Reserved Matters application to 20/02083/OUT for the approval of details of layout (internal access roads and footpaths), scale, appearance and landscaping relating to the erection of 14 dwellings including 5 affordable dwellings, together with the provision of parking, landscaping and other associated details
- 3.3. **22/02569/DISC** - Discharge of Conditions 6 (potential contaminative uses), 7 (comprehensive intrusive investigation), 8 (scheme of remediation) and 9 (verification report) of 20/02083/OUT – granted 17.11.2022

4. RESPONSE TO PUBLICITY

- 4.1 There is no requirement to publicise an application of this nature by letters to neighbours or by advertisement in the local newspaper.

5. RESPONSE TO CONSULTATION

- 5.1. Thames Water – Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.
- 5.2. Environmental Health (CDC) 21.09.2022 – no objections to the EV charging layout
- 5.3. Environmental Health (CDC) 21.09.2022 – (on CEMP) no objections provided the working hours in para 2.1.1 are amended so the Saturday hours are amended to match those on our webpage that it refers to, namely:

Sat: 08.00 to 12.30.

Once this [has] been completed then as said above I am happy for the condition to be discharged

- 5.4. Environmental Health (CDC) 23.09.2022 - I agree about consistency and as I am not aware of any complaints regarding Saturday working at this stage on phase 1 I am happy to allow it.

I will say though that should we receive complaints you may be at risk of enforcement action under COPA74 and EPA1990 on both sites to ensure the published hours are followed.

5.5. Environmental Health (CDC) 23.09.2022 – no objections.

5.6. Local Highway Authority (OCC) 05.10.2022 - Conditions 12 and 21 No objection,
Conditions 5, 10, 13, 14, 15, 16 and 19 No comment

Detailed comments:

The Construction Traffic Management Plan (Condition 12) is almost identical to the approved CTMP for Phase 1 and is therefore acceptable. One Electric Vehicle charging point is to be provided for each unit, in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy.

5.7. Local Highway Authority (OCC) 14.10.2022 – With regard to Condition 19, am I too late to change my recommendation to an objection?

EV charging infrastructure should also be provided to 25% (rounded up to two) unallocated visitor parking spaces, to be in accordance with the OEVIS.

5.8. Local Highway Authority (OCC) 03.11.2022 – This is fine by me, so no objection now to discharge of the condition.

5.9. Landscape Officer (CDC) 19.10.2022 - Golby and Luck's Landscape Plan (22/02570/REM) and Ecology Solutions' LBEMP appear to have been produced in isolation and therefore conflicting requirements are evident, resulting in confusion. A single LEMP is required to ensure the landscape/ecological contractor is certain of the maintenance procedures required.

The additional tree species, *Acer campestre* should be included in the report.

Our ecologist Charlotte Watkins will be able to comment on the ecological elements of the combined LEMP.

5.10. Landscape Officer (CDC) 30.11.2022 - Thank you for ensuring the root flare is positioned above the soil surface, as indicated on the tree pit detail drawing. I can now confirm that the Soft Landscape Proposals and the Landscape and Biodiversity Management Plan are acceptable, including the Hard Landscape Proposals.

5.11. Lead Local Flood Authority (OCC) 24.10.2022 -

Condition 10 states:

Notwithstanding the information submitted, no development shall commence unless and until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";

Clarification required on the use of SuDS within the Phases, for instance permeable paving could be used for the driveways.

- Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;

Provide surface water catchment plan, showing the extent of the impermeable areas and where it will be draining to. The plan should state the area and the area with 10% urban creep.

- A Flood Exceedance Conveyance Plan;

Discharged according to drawing 23933_01_230_03

- Comprehensive infiltration testing across the site to BRE DG 365;

Provide the location plan of the infiltration testing conducted on site.

- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;

Not provided.

- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;

Discharged according to: Technical note, March 2021, : 23933-01-TN-02 REV C

- Details of how water quality will be managed during construction

Not provided.

5.12. Lead Local Flood Authority (OCC) 11.11.2022 -

Condition 10 states:

Notwithstanding the information submitted, no development shall commence unless and until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";

Permeable paving has been added however, the drainage strategy does not show the private drainage around the plots. Permeable paving does not show incoming and outgoing pipe connections. At this stage all drawings are expected to be detailed and show cover level, invert levels and pipe gradients of all proposed drainage.

This application relates to phase 2, provide the application number for phase 1 and confirm whether this has been approved. If not, details of this phase will need to be provided.

- Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;

Catchment plan provided however it does not state the additional 10% urban creep on the plan. Please include this.

- A Flood Exceedance Conveyance Plan;

Discharged according to drawing 23933_01_230_03

- Comprehensive infiltration testing across the site to BRE DG 365;

The condition states infiltration testing across the site however, only the southern part has been tested. It's understood the basin will be in this part of the site however, if infiltration is feasible in the northern part then the permeable paving can benefit infiltrating into the ground. Please clarify.

- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;

Discharged according to: Private Drive, Construction details, 30.02, Rev P1

- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;

Discharged according to: Technical note, March 2021, : 23933-01-TN-02 REV C

- Details of how water quality will be managed during construction

Not provided. Appendix E contains the environmental site investigation, can't find Surface Water Management Plan Drg. No. ES20.020-0902

5.13. Lead Local Flood Authority (OCC) 07.12.2022 -

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
Discharged according to: DETAILED DRAINAGE DESIGN REPORT FOR PLANNING, REF ES20.020, 18th November 2022
- Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
Discharged according to: SW Network Model - Phase 2.MDX, 09/11/2022
- A Flood Exceedance Conveyance Plan;
Discharged according to drawing 23933_01_230_03
- Comprehensive infiltration testing across the site to BRE DG 365;
The condition states infiltration testing across the site however, only the southern part has been tested. It's understood the basin will be in this part of the site however, if infiltration is feasible in the northern part then the permeable paving can benefit infiltrating into the ground. Please clarify.
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
Discharged according to: Private Drive, Construction details, 30.02, Rev P1
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
Discharged according to: Technical note, March 2021, : 23933-01-TN-02 REV C
- Details of how water quality will be managed during construction
DRG No, ES20.020-0902, can't be found

5.14. Lead Local Flood Authority (OCC) 15.12.2022 -

I'm happy to discharge the conditions. The only item remaining is the "Details of how water quality will be managed during construction", could you please provide this in order to discharge the above app.

5.15. Lead Local Flood Authority (OCC) 29.12.2022 -

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
Discharged according to: DETAILED DRAINAGE DESIGN REPORT FOR PLANNING, REF ES20.020, 18th November 2022
- Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
Discharged according to: SW Network Model - Phase 2.MDX, 09/11/2022
- A Flood Exceedance Conveyance Plan;
Discharged according to drawing 23933_01_230_03
- Comprehensive infiltration testing across the site to BRE DG 365;
Discharged
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
Discharged according to: Private Drive, Construction details, 30.02, Rev P1

- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
Discharged according to: Technical note, March 2021, : 23933-01-TN-02 REV C
- Details of how water quality will be managed during construction
Discharged according to : DRG No, ES20.020-0902

5.16. Ecology (CDC)

With regard to the above discharge of conditions application, the applicant has combined condition 15 and 16 within an LBEMP.

Condition 16 is for a Landscape and Ecological Management Plan. Condition 15 requires that a net gain is shown. The wording for condition 15 includes a note that a Biodiversity Impact Assessment is carried out to show how a net gain will be achieved:

No Biodiversity Impact Assessment has been submitted (a metric has not been applied here) and therefore a measurable net gain for biodiversity has not been demonstrated. There is likely to be an overall net loss in habitats, particularly as some of the planting is within private gardens and therefore outside the control of any landscaping contractors and the rest is in small strips and so unlikely to reach beyond a poor condition.

The document contains some points which are too vague or are inaccurate. 3.15 - 'Where possible verges will be managed for wildflowers' - it should be clear at this stage whether they will or won't be and which ones will be - the term of 'where possible' will be difficult for contractors to interpret. 3.28 - 'management will be reviewed by an ecologist as appropriate' - who will decide when this is appropriate? 3.22 - 'new areas of species rich meadow grassland will be provided within margins of retained hedgerow along the sites Northern boundary' - the Northern boundary does not, as I understand, have a hedgerow as this is to be newly created not retained. The text should make it clear for contractors establishing habitats and those reviewing the management what is intended on site.

Condition 15 calls for enhancements integrated into the buildings. Integration is important as it ensures the retention of the opportunity for wildlife for the duration of the development. In general CDC seeks the equivalent of a minimum of one provision for bats or birds per dwelling integrated into the fabric of the buildings (albeit these may be best clustered). Only five seem to be proposed here and the bird boxes listed are not integrated ones. The text suggests there will be two integrated bat boxes but the types listed on the plan are not integrated bat bricks. In short significantly more integrated bat and bird provisions are required here. I would recommend that at least some of these are swift bricks as these are used by other species also.

I think the document needs to go further therefore before it fulfils the conditions.

- 5.17. Ecology (CDC) 06.12.2022 - I am happy for conditions 15 and 16 to be discharged on the basis of this updated LBEMP (November 2022). It addresses my previous comments and reflects my conversations with the developers' ecologists.

6. APPRAISAL

- 6.1. Condition 5 states that *"No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning*

Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels”.

- 6.2. The submitted details are shown in drawing reference “02.03 Revision P3”. The submitted plan of the proposed ground levels and finished floor levels is considered acceptable.
- 6.3. Condition 10 states that *“Notwithstanding the information submitted, development shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include: A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”; Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change; A Flood Exceedance Conveyance Plan; Comprehensive infiltration testing across the site to BRE DG 365; Detailed design drainage layout drawings of the SuDS proposals including cross-section details; Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; Details of how water quality will be managed during construction”.*
- 6.4. The submitted details are shown in drawing reference “DETAILED DRAINAGE DESIGN REPORT FOR PLANNING PROPOSED RESIDENTIAL DEVELOPMENT HEMPTON ROAD – PHASE 2, DEDDINGTON HEMPTON ROAD – PHASE2, DEDDINGTON – ES20.020 (Revision B)”, “03.00 Revision P10”, “SW Network Model - Phase 2.MDX, 09/11/2022”, “23933_01_230_03”, “Private Drive, Construction details, 30.02, Rev P1”, “Technical note, March 2021, : 23933-01-TN-02 REV C” and “ES20.020-0902”. Having regards to the Lead Local Flood Authority Officer’s comments the submitted plans and details of the detailed surface water drainage scheme for the site are considered acceptable.
- 6.5. Condition 12 states that *“Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP”.*
- 6.6. The submitted details are shown in document reference “BE/HRDEDD/00/CTMPb”. Having regards to comments of the local highway authority, the submitted details for the Construction Traffic Management Plan (CTMP) is considered acceptable.
- 6.7. Condition 13 states that *“No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum: The parking of vehicles of site operatives and visitors; The routing of HGVs to and from the site; Storage of plant and materials used in constructing the development; Wheel washing facilities/road sweeping; Measures to control the emission of dust and dirt during construction; Delivery and construction working hours; The approved CEMP shall be adhered to throughout the construction period for the development”.*
- 6.8. The submitted details are shown in document reference “BE/HRDEDD/P2/CTEMP” and “BE/HRDEDD/00/CTMPb”. Having regards to comments of the Environmental Health Officer, the submitted details for the Construction Environmental Management Plan (CEMP) is considered acceptable.

- 6.9. Condition 14 states that *“Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) 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 details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures”*.
- 6.10. The submitted details are shown in document reference “Energy Strategy Statement (Burrington Estates) Hempton Road - Phase 2 (August 2022)”. The submitted details for the energy performance of the development is considered acceptable.
- 6.11. Condition 15 states that *“Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details”*.
- 6.12. The amended document titled “9549M.LBEMP.Condition15.16 Discharge.vf (November 2022)” was submitted during the course of the application. Having regards to the comments of the Ecology and Landscape officers, the submitted details are considered acceptable.
- 6.13. Condition 16 states that *“Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP”*.
- 6.14. The amended document titled “9549M.LBEMP.Condition15.16 Discharge.vf (November 2022)” was submitted during the course of the application. Having regards to the comments of the Ecology and Landscape officers, the submitted details are considered acceptable.
- 6.15. Condition 21 states: *“Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation”*
- 6.16. The amended document titled “HEMP2-EV-01-A” has been provided. Having regards to the comments of the Highways officer the submitted details are considered acceptable.

7. Conclusion

The Local Planning Authority considers that the details submitted pursuant to Conditions 5, 10, 12, 13, 14, 15, 16 and 21 of 20/02083/OUT are acceptable, and as such it is recommended that the said Condition is discharged.

8. RECOMMENDATION

That Planning Condition 20 of 20/02778/REM be discharged based upon the

following:

Condition 5

Drawing ref "02.03 Revision P3"

Condition 10

Document titled "DETAILED DRAINAGE DESIGN REPORT FOR PLANNING PROPOSED RESIDENTIAL DEVELOPMENT HEMPTON ROAD – PHASE 2, DEDDINGTON HEMPTON ROAD – PHASE2, DEDDINGTON – ES20.020 (Revision B)", "03.00 Revision P10", "SW Network Model - Phase 2.MDX, 09/11/2022", "23933_01_230_03", "Private Drive, Construction details, 30.02, Rev P1", "Technical note, March 2021, : 23933-01-TN-02 REV C" and drawing ref. "ES20.020-0902"

Condition 12

Document titled "BE/HRDEDD/00/CTMPb".

Condition 13

Document titled "BE/HRDEDD/P2/CTEMP" and "BE/HRDEDD/00/CTMPb"

Condition 14

Document titled "Energy Strategy Statement (Burrington Estates) Hempton Road - Phase 2 (August 2022)"

Condition 15

Document titled "9549M.LBEMP.Condition15.16 Discharge.vf (November 2022)"

Condition 16

Document titled "9549M.LBEMP.Condition15.16 Discharge.vf (November 2022)"

Condition 21

Drawing ref "HEMP2-EV-01-A"

Case Officer: Michael Sackey

DATE: 5 January 2023

Checked By: Nathanael Stock

DATE: 23.01.2023
