

**OS Parcel 9100 Adjoining And East Of Last  
House Adjoining And North Of Berry Hill Road  
Adderbury**

**22/03437/DISC**

**Case Officer:** Chris Wentworth

**Recommendation:** Approve

**Applicant:** Miss Katie Christou

**Proposal:** Discharge of Conditions 14 (arboricultural protection), 17 (landscaping), 18 (landscape management) and 20 (air quality assessment) of 19/00963/OUT (granted consent under appeal Ref: APP/C3105/W/20/3255419)

**Expiry Date:** 21 April 2023

**Extension of Time:** 21 April 2023

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**1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

- 1.1. The application site lies to the south of the village of Adderbury, on the north side of Berry Hill Road, close to the A4095 but separated from it by a field and a public right of way (PROW). The land extends to 4ha in area and is currently agricultural land surrounded by field hedgerows and trees, although it was recently granted consent at appeal (September 2021) to be developed for 40 homes with access and landscaped public open space (see planning history below).
- 1.2. To the east edge of the site was a stable and haybarn and a large part of the land (northern and eastern portions) was used for associated equestrian purposes. To the south and east of the site are agricultural fields, to the west is residential development in the form of a ribbon of detached houses set back from Berry Hill Road and to the north is further agricultural land that slopes down to the north, with a sewerage treatment works close to the northern boundary of the site, just beyond another PROW.

**2. CONDITIONS PROPOSED TO BE DISCHARGED**

- 2.1. The application seeks to discharge condition 14 (arboricultural protection), 17 (landscaping), 18 (landscape management) and 20 (air quality).
- 2.2. In relation to Condition 14, the applicant has submitted the following information: Tree Protection Plan (HAY23648-03 Rev A); and Arboricultural Method Statement Rev A.
- 2.3. Condition 17 and 18 relate to landscaping and landscape management. The applicant has provided the following information: Landscape Proposals Sheet 1 of 3 (HAY23648 11 1 Rev A); Landscape Proposals Sheet 2 of 3 (HAY23648 11 2 Rev A); Landscape Proposals Sheet 3 of 3 (HAY23648 11 3 Rev D); Soft Landscape Specification Rev A; and Soft Landscape Management and Maintenance Plan (HAY23648 Man Rev C). The site layout has been amended to include the additional tree planting now proposed - plan P21 2984 01 Rev Y.
- 2.4. In respect to Condition 20 relating to Air Quality, the applicant has provided the following information: Air Quality Assessment.

- 2.5. It is noted that, except for the landscape proposals shown on Sheet 3 of 3 and correspondingly reflected in the updated layout plan, all other drawings submitted are the same as those submitted and approved with the Reserved Matters application.

### 3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
02/01009/F	Erection of stable and hay barn and a manège and track to existing access	Application permitted
05/01468/F	1 no. bungalow with associated access and re-site existing stables	Application refused
06/00712/OUT	OUTLINE application for 5 No. detached dwellings, two terraces of 6 No. dwellings for affordable housing. New access, screened parking and amenity area	Application Refused Appeal Dismissed
17/02394/OUT	Outline planning permission for up to 55 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road	Application Refused Appeal Withdrawn
19/00963/OUT	Outline planning permission for up to 40 dwellings with vehicular access off Berry Hill Road  Appealed under APP/C3105/W/20/3255419	Application Refused  Appeal Allowed
22/00959/REM	Reserved matters application pursuant to outline planning permission 19/00963/OUT to discharge all remaining reserved matters (appearance, landscaping, layout and scale)	Application Permitted

### 4. RESPONSE TO CONSULTATION

- 5.1. Cherwell District Council's Arboriculturist – The tree protection plan is fine. The proposed tree planting looks to me to be pretty boring. The majority of the proposed planting is native but not entirely. It would be good to see more large specimens being planted and also the inclusion of some more exotic trees. As well as at least some non-deciduous species.
- 5.2. Cherwell District Council's Landscape Officer – Following additional information, I am pleased to confirm my acceptance of the LAP details.

The Soft Landscape Management and Maintenance Plan is now fully acceptable.

- 5.3. Cherwell District Council's Environmental Health Officer – Having read the AQ report provided, I am satisfied with its findings and proposed mitigation and am therefore happy that condition 20 can be discharged.

## **5. APPRAISAL**

- 6.1. The application seeks to discharge four conditions, arboricultural protection, landscaping, landscape management and air quality.
- 6.2. The Council's Arboriculturist was consulted about Condition 14, and they is generally happy with the details. Provided the developers carry out the development in accordance with the submitted details, the condition can be discharged.
- 6.3. Conditions 17 and 18 relate to landscaping and landscape management. The Landscape Officer was consulted and following the submission of amended details, the proposals were deemed acceptable. The details are therefore considered to be acceptable and provided the agreed works are carried out, the conditions can be discharged. Trees have also been included within the garden areas to reduce overlooking to the neighbouring properties to the west.
- 6.4. Condition 20 relates to air quality. An Air Quality Assessment has been submitted in support of the application, which has been reviewed by the Environmental Health Officer who commented that there were no objections to the discharge of the planning condition.
- 6.5. Accordingly, it is concluded that all four conditions can be discharged.

## **6. RECOMMENDATION**

That Planning Conditions 14, 17, 18 and 20 of 19/00963/OUT be discharged based upon the following:

### Condition 14:

Tree Protection Plan HAY23648-03 Rev A  
Arboricultural Method Statement Rev A

### Condition 17:

Landscape Proposals Sheet 1 of 3 (HAY23648 11 1 Rev A)  
Landscape Proposals Sheet 2 of 3 (HAY23648 11 2 Rev A)  
Landscape Proposals Sheet 3 of 3 (HAY23648 11 3 Rev D)  
Soft Landscape Specification Rev A  
Site Layout Plan (P21 2984 01 Rev Y)

### Condition 18:

Soft Landscape Management and Maintenance Plan (HAY23648 Man Rev C)

### Condition 20:

Air Quality Assessment (27085-04-AQA-01 Rev A)

Case Officer: Chris Wentworth

DATE: 13 April 2023

Checked By: Andy Bateson

DATE: 14<sup>th</sup> April 2023

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