

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

22/03438/DISC

Case Officer: Chris Wentworth

Recommendation: Approve

Applicant: Hayfield Homes Construction Limited

Proposal: Partial discharge of conditions 5 (access), 7 (parking), 11 (surface water and foul sewage drainage), 12 (surface water mitigation), 13 (ecological enhancement), 19 (Construction environmental management plan (CEMP) 23 (ground conditions assessment) of 19/00963/OUT (granted consent under appeal Ref: APP/C3105/W/20/3255419)

Expiry Date: 10 January 2023

Extension of Time:

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 (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 conditions 5 (Access), 7 (Car Parking), 11 (Drainage), 12 (Surface Water Mitigation), 13, (Ecological Enhancement) 19 (Construction Environmental Management Plan) and 23 (Ground Conditions Assessment) of planning reference 19/00963/OUT, which was granted under appeal reference APP/C3105/W/20/3255419.
- 2.2. Condition 5 relates to access arrangements and the applicant has provided the following information:
 - P21-2984_03 Rev_1 – Access, Movement and Parking Plan.
- 2.3. Condition 7 relates to parking and the applicant has provided the following information:
 - P21-2984_03 Rev_1 – Access, Movement and Parking Plan.

2.4. Condition 11 relates to site drainage and Condition 12 relates to surface water mitigation. The applicant has provided the following information:

- 22021-BGC-D/111/B – Plot Drainage Plan: 1 of 2;
- 22021-BGC-D/112/B – Plot Drainage Plan: 2 of 2;
- 22021-BGC-D/102/B – Proposed External Levels & Features Plan: 1 of 2;
- 22021-BGC-D/103 – Proposed External Levels & Features Plan: 2 of 2;
- 22021-BGC-D/PL01/B – Drainage Strategy Plan;
- 22021-BGC-D/161/B – Flood Exceedance Routing Plan: 1 of 2;
- 22021-BGC-D/162/B – Flood Exceedance Routing Plan: 2 of 2;
- 22021-BGC-D/301/A – Adoptable Highway Construction Detail Plan;
- 2021-BGC-D/311/A – Adoptable Drainage Construction Detail Plan;
- 22021-BGC-D/322/A – Plot Soakaway Construction Detail Plan;
- 22021-BGC-D/331/A – Adoptable Infiltration Basin: Cross Sections & Construction Details Plan;
- 22021-BGC-D/171/A – Surface Water Catchment Plan has been updated as attached, to highlight the areas of Urban creep allowance;
- September 2022 – Surface Water Network Calculations. Pipe numbering is illustrated within the calculations;
- Storm Water Drainage Maintenance Manual – Banners Gate Ltd – November 2022.

2.5. Condition 13 relates to ecological enhancements and the applicant has provided the following information:

- ACD Environmental – Ecological Enhancement Strategy HAY23648_EES_C

2.6. Condition 19 relates to the provision of a construction environmental management plan and the applicant has provided the following information:

- Construction & Environmental Management Plan – Version 1 Hayfield (18/04/23);
- Addendum to Construction & Environmental Management Plan (08/09/22).

2.7. Condition 23 relates to the provision of a grounds condition assessment and the applicant has provided the following information:

- Site Investigation Report – Report Reference: BC592 RE001 – 31st January 2022.

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

4.1 Cherwell District Council (Environmental Health) – Following response received:

- Condition 19 – CEMP – On the whole I am satisfied with the CEMP however I would like the hours of work on a Saturday altered to match with our published recommended hours for construction works, namely:
 - Monday to Friday - 7:30am to 6:00pm
 - Saturday - 8:00am to 12:30pm
 - Sunday - No noisy work
 - Public / Bank Holidays - No noisy work

Once this has been done, I am happy for the condition to be discharged.

- Condition 23 (Ground Conditions) – Having read the report provided I am satisfied that this condition can be discharged.

4.2 OCC LLFA – Following response received:

- Further to your email below could you please send a formal reconsultation via the planning team and provide all the latest drawings/reports.

4.3 OCC Highways – No objection.

4.4 Ecology – Following response received:

- With regard to the landscaping and layout - the general management and maintenance operations for the different habitats proposed are OK although may be a little hard to follow for contractors as some information is within the Ecological Enhancement Strategy and will need to be cross-referenced.

- There is no updated Biodiversity Impact Assessment following the proposed layout. I would recommend that this is carried out so we could be sure a net gain is being achieved with this layout and at what level. This would also help define the objective (in terms of condition of habitat aimed for) of the proposed management for any retained and created habitats which gives the baseline for the five-year review to assess whether this has been achieved or needs adjusting.
- As regards the enhancement aspect - there are significantly fewer bat/bird boxes than we would usually seek none of which appear to be proposed to be integrated into the dwellings. CDC seeks the equivalent of a minimum of one provision per dwelling (albeit these may be best clustered) and for these to be integrated into the fabric of the buildings wherever possible as this ensures their retention for the lifetime of the development. There are many designs which are easily integrated in this way.

4.5 Environment Agency – No comments to make.

4.6 Thames Water – No comments to make.

5. APPRAISAL

5.1 The application seeks to discharge a variety of planning conditions as outlined above in section 2 of this report.

5.2 OCC Highways were consulted on Conditions 5, 7 and 19 and they are happy with the details. Provided the developers carry out the development in accordance with the submitted details the conditions can be discharged.

5.3 Conditions 11 and 12 relate to site drainage and surface water mitigation measures. The majority of the documents were submitted as part of the approved outline and reserved matters applications. The only additional document provided within this current application is a Storm Water Drainage Maintenance Manual – Banners Gate Ltd – November 2022, which deals with surface water mitigation and ongoing maintenance. Such details have been provided for review but have not been commented upon by the LLFA. However, given the level of information already approved it is considered on balance appropriate to approve this supplementary document as it is to be read in conjunction with the already approved drainage documents.

5.4 Condition 13 relates to ecological enhancements. The LPA Ecologist has assessed the proposal and stated that with respect to the landscaping and layout, the general management and maintenance operations for the different habitats proposed are OK although may be a little hard to follow for contractors as some information is within the Ecological Enhancement Strategy and will need to be cross-referenced.

5.5 The Ecologist goes on to state that there is no updated Biodiversity Impact Assessment following the proposed layout. However, the applicant has confirmed that an updated Biodiversity Impact Assessment is to be separately dealt with under the associated reserved matters application.

5.6 The Ecologist also raised concern over the reduced level of bat/bird boxes proposed on site. However, the applicant has confirmed that the approved Extended Phase 1 Habitat Survey Report as part of the outline application identified the requirement to provide for the following, which is equivalent to providing habitat boxes to 53% of dwellings:

- 5 x integral Schwegler Sparrow Terraces;
- 16 x Schwegler Swift Nest boxes;
- Schwegler bird boxes on mature trees; and
- Schwegler bat boxes on mature trees.

5.7 The applicant goes on to state that an updated Ecological Enhancement Plan was submitted with the reserved matters application to provide for the equivalent of one bat or bird box on each dwelling, as requested, and in addition to those provided on existing trees within the site. In a few instances, habitat boxes have been clustered, to reflect the fact that some birds such as sparrows, like to nest in groups. On this basis, the authority raises no objection in this regard.

5.8 Conditions 19 and 23 relate to the Construction Environmental Management Plan (CEMP) and Ground Conditions Assessment, which have been submitted in support of the application. These documents have been reviewed by the Environmental Health Officer. There are no objections to the discharge of these conditions, other than to alter the hours of work on a Saturday in line with guidance. Such details have been amended by the applicant in an amended CEMP. Therefore, the conditions can both be discharged.

5.9 Overall, it is deemed that the information submitted in discharge of Conditions 5, 7, 11, 12, 13, 19 and 23 is acceptable and the Conditions can all be discharged.

6. RECOMMENDATION

That Planning Conditions 5, 7, 11, 12, 13, 19 and 23 of 19/00963/OUT all be discharged based upon the following:

Condition 5 and 7:

- P21-2984_03 Rev_1 – Access, Movement and Parking Plan

Condition 11 and 12:

- 22021-BGC-D/111/B – Plot Drainage Plan: 1 of 2
- 22021-BGC-D/112/B – Plot Drainage Plan: 2 of 2
- 22021-BGC-D/102/B – Proposed External Levels & Features Plan: 1 of 2
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- 22021-BGC-D/331/A – Adoptable Infiltration Basin: Cross Sections & Construction Details Plan
- 22021-BGC-D/171/A – Surface Water Catchment Plan as updated, to highlight the areas of Urban creep allowance

- September 2022 – Surface Water Network Calculations. Pipe numbering is illustrated within the calculations.
- Storm Water Drainage Maintenance Manual – Banners Gate Ltd – November 2022.

Condition 13:

- ACD Environmental – Ecological Enhancement Strategy HAY23648_EES_C

Condition 19:

- Construction & Environmental Management Plan – Hayfield Version 2 (18/04/23)
- Addendum to Construction & Environmental Management Plan (08/09/22).

Condition 23:

- Site Investigation Report – Report Reference: BC592 RE001 – 31st January 2022

Case Officer: Chris Wentworth

DATE: 18 April 2023

Checked By: Andy Bateson

DATE: 18th April 2023
