

Case Officer: Chris Wentworth

Recommendation: Approve

Applicant: Orbit Homes (2022) Ltd

Proposal: Discharge of Conditions 5 (ground levels and finished floor levels), 12 (Construction Traffic Management Plan), 13 (Travel Information Pack), 17 (Sustainability/Energy Statement) of 21/03644/OUT

Expiry Date: 30 January 2024

Extension of Time: 8th February 2024

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The original outline approval (21/03644/OUT) was granted consent for the erection of up to 49 no. dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue.
- 1.2. The site comprises 3.11 hectares. Arable farmland lies to the northwest, west and south of the site. Residential development lies to the north (Thornbury Rise) and a residential development to the east of the site was granted planning permission at appeal (reference 20/01643/OUT). A public right of way crosses the site along the northern boundary (120/24/10). Broughton Road bounds the southernmost part of the site.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. Discharge of Conditions 5 (ground levels and finished floor levels), 12 (Construction Traffic Management Plan), 13 (Travel Information Pack) and 17 (Sustainability/Energy Statement) of 21/03644/OUT.

3. RELEVANT PLANNING HISTORY

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

23/02713/DISC – Discharge of Conditions 6 (contamination), 10 (surface water drainage scheme), 11 (means of access (Phase I v Phase II), 15 (northern footpath link), 16 (Construction Environmental Management Plan), and 21 (External Lighting Strategy) of 21/03644/OUT.

21/03644/OUT – The erection of up to 49 no. dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue.

23/00667/REM – Reserved matters application, pursuant to the outline planning permission granted under reference 21/03644/OUT for the erection of up to 49 dwellings.

4. RESPONSE TO CONSULTATION

- 4.1 *CDC Environmental Health* – No objection to discharge of condition 17.

4.2 *OCC Highways* – Following comments received:

- Condition 12 – Objection – The following point must be addressed before the condition can be discharged:
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours. Deliveries must avoid the times of 07:30-09:00 15:00-16:00 and 16:30-18:00.

The applicant has subsequently provided necessary details to address this point.

- Condition 13 – Objection
 - Information about cycle parking provision within residential boundaries must be included.
 - Any community transport schemes which would benefit residents must be added.
 - The last page refers to 'TPC details' on page 2, These have not been included within the document.
 - Is the developer/ applicant providing any incentives to encourage residents to trial a sustainable, active mode? If so, how do residents' access these?

The applicant has subsequently provided details to address these points.

4.3 *OCC Arboriculture* – Objection on following points:

Condition 12 (Construction Traffic Management Plan) and Condition 16 (Construction Environmental Management Plan) from an arboricultural perspective:

- In relation to Section 1.12 (Enabling Works Prior to Commencement) of the submitted Construction Traffic & Environmental Management Plan, the tree, hedge, root protection plan (point 6) should be implemented prior to the commencement of all other works and before any machinery or materials enter the site. This is essential to ensure that all retained trees are satisfactory protected, in accordance with BS 5837:2012. An Arboricultural Method
- Statement and Tree Protection Plan setting out all tree protection measures will be required to be agreed before works commence.
- The location of the tree protection fencing shown on the Proposed Layout and Logistics of Build Figure 2: Extract Site Compound and site Traffic Management Plan found on page 6 and the Construction Traffic & Environmental Management Plan on page 15, is not acceptable from an arboricultural perspective and is contrary to BS 5837:2012. It does not protect the RPAs of trees to be retained and would lead to adverse impacts to trees to be retained. As set out above, an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012, to be completed by an arboriculturist, is required.

4.4 *CDC Drainage* – Refer to OCC LLFA for comment.

4.5 *OCC LLFA* – No objection.

5. APPRAISAL

- 5.1. Condition 5 seeks to discharge ground and finished floor level details associated with outline planning permission reference 21/03644/OUT.
- 5.2. The applicant has submitted an external levels plan that surveys the entire site and looks at finished ground levels externally along with finished floor levels for each dwelling.
- 5.3. It is considered that such information has been provided for the LPA to adequately assess the proposal within the limits of the condition wording and the LPA is content to recommend approval.
- 5.4. Condition 12 seeks to discharge the Construction Traffic Management Plan associated with planning permission reference 21/03644/OUT.
- 5.5. The applicant has submitted a Construction Traffic Management Plan (CTMP) which sets out the commitments and measures to be implemented by Orbit Homes during the construction stage of the development to minimise or eliminate any adverse impacts on the environment, the local highway network, and neighbouring residents.
- 5.6. OCC as County Highway Authority assessed the original submitted document and requested that details of times for construction traffic and delivery vehicles, must be outside network peak and school peak hours. Deliveries must avoid the times of 07:30-09:00 15:00-16:00 and 16:30-18:00.
- 5.7. The applicant has subsequently submitted an updated CTMP to address this query and mirrors the hours specified in the phase 1 development site (to which this site is accessed through).
- 5.8. The CDC Arboricultural Officer states that the tree, hedge, root protection plan (point 6) should be implemented prior to the commencement of all other works and before any machinery or materials enter the site. There is such a commitment made within the submitted report and the applicant has indicated that this would be actioned accordingly.
- 5.9. The Officer goes on to state that the location of the tree protection fencing shown on the Proposed Layout and Logistics of Build Figure 2, are not acceptable from an arboricultural perspective and is contrary to BS 5837:2012 as it does not protect the RPAs of trees to be retained and would lead to adverse impacts to trees to be retained. The applicant has indicated that this will be addressed but that the location of the fencing is restricted by the boundary and the developable area therefore while some improvement might be possible, this is not likely to be significant.
- 5.10. As such, it is considered that on balance such information has been provided for the LPA to adequately assess the proposal within the limits of the condition wording and the LPA is content to recommend approval.
- 5.11. Condition 13 seeks to discharge the Travel Information Pack associated with outline planning permission reference 21/03644/OUT.
- 5.12. The applicant has submitted and amended Travel Information Pack, reference Issue 02 February 2024 Produced by MECS, which outlines sustainable travel opportunities such as walking, cycling, public transport and car sharing in the area surrounding new homes, as well as identifying the various local facilities in the local area.

- 5.13. OCC as County Highway Authority assessed the original submission and stated that information about cycle parking provision within residential boundaries must be included; that any community transport schemes which would benefit residents must be added; that the last page refers to 'TPC details' on page 2, which have not been included within the document and querying as to whether the developer/ applicant is providing any incentives to encourage residents to trial a sustainable, active mode and if so, how do residents' access these?
- 5.14. The applicant has subsequently submitted and updated the Travel Information Pack (Issue 02 – February 2024) which states that it has addressed all these points and as such, it is considered that such information has been provided for the LPA to adequately assess the proposal within the limits of the condition wording and the LPA is content to recommend approval.
- 5.15. Condition 17 seeks to discharge the Sustainability/Energy Statement associated with outline planning permission reference 21/03644/OUT.
- 5.16. The applicant has submitted a Sustainability Statement, reference 23173 prepared by Low Carbon Box dated August 2023, which outlines the energy efficiency measures undertaken in the approved development.
- 5.17. The document states that the dwellings have been designed to maximise the 'Fabric First' approach, using the geometry of the building design, combined with strategically placed glazing, orientated to maximise passive solar gains and that a highly insulated building envelope provides improvements of up to 56% better than standard Building Regulation values.
- 5.18. The document goes on to state that the total predicted CO2 emissions to comply with Part L1A 2013 of the Building Regulations are 26,775kg CO2/year and to install 80.20kWp photovoltaic array between the roofs of each dwelling (excluding the mid-terrace units) to generate renewable electricity. On this basis the annual carbon emissions are predicted to be reduced by 56%%, saving annual carbon emissions of 15.07 Tonnes CO2/year. Furthermore, internal water use will be equal to or less than 110 litres/person/day.
- 5.19. As such, it is considered that such information has been provided for the LPA to adequately assess the proposal within the limits of the condition wording and the LPA is content to recommend approval.

6. RECOMMENDATION

That Planning Conditions of 21/03644/OUT be discharged based upon the following:

Condition 5:

Drawing 27526_02_040_01 - External Levels.

Condition 12:

Construction Traffic & Environmental Management Plan
OS Parcel 6372 South East of Milestone Farm
Balmoral Avenue, Bretch Hill Banbury (Phase 2)
Outline Planning Permission: 21/03644/OUT – Rev B January 2024.

Condition 13

Balmoral Avenue Phase 2, Banbury
Resident's Travel Information Pack
ISSUE 02 • February 2024
Produced by M-EC.

Condition 17:

47 x new dwellings Land at Bretch Hill, Balmoral Avenue, Banbury Phase 2
SUSTAINABILITY STATEMENT TO DISCHARGE PLANNING CONDITIONS 18 &
19 OF PLANNING APPROVAL REFERENCE APP/C3105/W/21/3271094
22nd August 2023
Ref: 23173
Compiled by Robert Atherton – Low Carbon Box.

Case Officer: Chris Wentworth

DATE: 5th February 2024

Checked By: Andy Bateson

DATE: 8th February 2024
