Bicester Eco Town Exemplar Site **17/00569/DISC**
Banbury Road
Bicester

Case Officer: Caroline Ford **Recommendation:** Approval

Applicant: Crest Nicholson Regeneration

Proposal: Discharge of Conditions 75 (scheme for the protection of retained trees), 78 (supervision for the arboricultural protection measures), 81 (ecology mitigation), 82 (bat, bird, owl and invertebrate boxes location) and 83 (ecological construction method statement) of 10/01780/HYBRID

Expiry Date: 5 February 2018

1. APPLICATION SITE AND LOCALITY

1.1. This application to discharge planning conditions related to phases 3 and 4 of the Exemplar development at NW Bicester. The site was granted planning permission (10/01780/HYBRID) for 393 dwellings, a primary school, commercial and retail units. The exemplar site forms part of the allocated site via Policy Bicester 1 and it is located to the north of the town.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks to discharge the planning conditions mentioned above for residential phases 3 and 4. The conditions are explained in more detail as well as the acceptability of the information submitted in the appraisal section below. Two conditions have been removed from this pack – conditions 26 and 53 due to outstanding matters and therefore in order to proceed with discharging the above mentioned conditions these two conditions have been removed and will be resubmitted. The appraisal section therefore does not consider these conditions further.

3. RELEVANT PLANNING HISTORY

3.1. As referred to above, the most relevant planning history relates to the permission granted for the whole of the Exemplar site 10/01780/HYBRID. Since this approval, there have been numerous applications to discharge planning conditions from the permission in relation to phases 1 and 2. Information to discharge planning conditions pursuant to phases 3 and 4 are now being submitted prior to work commencing on those phases.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. This application has not been publicised given it relates to the discharge of planning conditions only.

6. RESPONSE TO CONSULTATION

6.1. A number of focussed consultations were undertaken with relevant consultees to the information submitted as follows:

6.2. OCC Highways – In respect to condition 26 (street lighting), OCC Highways considered the information insufficient to recommend this condition be discharged. Following the submission of some additional information, OCC Highways continued to recommend that there was insufficient information. In response, condition 26 has been removed from this pack.

6.3. CDC Arboricultural – No comments received.

6.4. CDC Landscape – No comments required.

6.5. CDC Ecology –

- Condition 83 – The construction environmental management plan submitted has been supported by updated survey of the site and includes details of appropriate species and habitat safeguards to take place prior to any site clearance work commencing. There is one tree with bat roosting potential on the southern boundary hedgerow of phase 4 which is in close proximity to a section of hedgerow proposed to be removed. It states in the CEMP that this tree will be retained and protected so providing this is the case and there is no light spill then there is no expected impact on a bat roost. The condition can be discharged in line with the details submitted.

- Condition 81 – updated survey work on site has been undertaken for badger, reptile and roosting bats and details are included within the ecology pre-construction survey and mitigation scheme report. The condition can be discharged in line with the report submitted.

- Condition 82 – the faunal enhancement scheme proposes a number of bat, bird and invertebrate boxes within phases 3 and 4 and these are additional to those previously agreed. Some queries were raised with regard to the position of a number of boxes.

  The queries were raised with the applicant's agent and their response was that the proposal followed the way that boxes have been accommodated on phases 1 and 2. In response, the Ecologist advised that whilst what is proposed can be accepted, the recommendation was for integrated boxes.

- Condition 26 – comments were received in relation to the proposed lighting scheme and how this sits with the biodiversity strategy.

7. APPRAISAL

Condition 75

7.1 Condition 75 requires a scheme for the protection of the retained trees on a phased basis to be submitted and agreed. The scheme must include a number of specified matters.

7.2 An arboricultural method statement has been submitted. No response has been received from the Council's Arboricultural Officer. I reviewed the AMS and noted that the document mentioned the need to partially remove a number of groups of trees, but no further details were provided as to what this involves or where this removal was proposed. I also highlighted a number of legal agreement requirements around the use of open space/ play space for site compounds and requirements around the fencing of allotment space as required by a separate planning condition.

7.3 An amended AMS was submitted in response to my comments. This highlighted where tree removal is proposed and having reviewed this, I am satisfied that the proposals are generally required to accommodate the proposed development (i.e. the described tree removal includes where points of access are required to be provided through to the phases of development so would have been anticipated). The document states that service runs are unavailable currently, however it has been confirmed that all underground service and drainage routes will be outside of the RPAs of trees and that therefore no excavation is required within RPAs. Otherwise and notwithstanding the two comments below, and in the absence of technical advice, I consider that the AMS seems sound in its recommendations and covers the necessary points required by condition 75.

7.4 The AMS states that land levels will be raised by around 500mm with batter downs to existing levels and this has been queried in regard to planning condition 53 and levels. It is recommended that the wording approving condition 75 states that this does not imply approval for any matters relating to land levels. In addition, the tree protection plan indicates a site compound and material storage area on an area of open space – this does not accord with the S106 requirements so it is also recommended that wording be added to state that the approval of the tree protection plans does not imply approval for the positioning of site compound and material storage areas. It is unfortunate that the tree protection plan does not demonstrate fencing of allotments, however this remains required via condition 74 as a compliance only requirement.

Condition 78

7.5 Condition 78 requires a scheme for the supervision for the arboricultural protection measures to be approved and which must include a number of specified matters.

7.6 The submitted AMS also covers the scheme of supervision as required by planning condition 78. Whilst no response has been received from the Council's Arboriculture team, I have reviewed the information provided and consider it to be generally acceptable. As such, the information meets the requirements of planning condition 78 in my view.

Condition 81

7.7 Condition 81 requires the area subject to the phase to be checked by a suitably qualified ecologist to ensure that there is no presence of protected species that have moved on to the site since previous surveys have taken place.

7.8 An Ecology pre-construction survey and mitigation scheme has been submitted and has been reviewed by the Council's Ecologist. Based upon the report submitted, the Ecologist has advised that she can recommend the condition be discharged. I have no reason to disagree with this conclusion and therefore consider that the information meets the requirements of planning condition 81.

Condition 82

7.9 Condition 82 requires details of a scheme for the location of bat, bird, owl and invertebrate boxes in each phase of the development to be agreed.

7.10 A faunal enhancement scheme has been submitted pursuant to the requirements of this condition. As reported above, the Ecologist raised some comments as to where boxes should be positioned (i.e. preferably integrated boxes rather than externally positioned boxes). Upon the applicant advising that they are following the accepted positions and types previously approved for the Exemplar development (including on phases 3 and 4 and as installed on phases 1 and 2), the Ecologist agreed that the proposals could be accepted but continued to express a preference for integrated

features. I think that as the proposal follows the previously approved details and approach (but proposes additional numbers of enhancement features), it is reasonable to accept the details provided within the Faunal Enhancement scheme in this case. As such, I consider the proposals meet the requirements of planning condition 82.

Condition 83

7.11 Condition 83 requires an Ecological Construction Method Statement which should address potential impacts of development on biodiversity, including the protection of badger set, badger habitat and bat roosts to ensure no net loss and ensure the net biodiversity gain identified is delivered.

7.12 A Construction Environmental Management Plan has been submitted to satisfy the requirements of this condition. The document has been reviewed by the Council's Ecologist and she is satisfied within the information contained therein. On this basis and having reviewed the information, I agree with the conclusion reached and consider that the requirements of condition 83 have been met in respect of phases 3 and 4.

7.13 Given the assessment as set out above pursuant to the conditions within this discharge of condition pack, it is recommended that the conditions be discharged as below.

8. RECOMMENDATION

That the conditions applied for be discharged in accordance with the following plans and documents:

Condition 75

The scheme for the protection of retained trees within phases 3 and 4 as set out within Arboricultural Method Statement prepared by SJA Trees dated February 2018 – document number SJA ams 17313-01a incorporating Tree Survey Schedule (SJA tss 17313-01) and Tree Protection Plan (SJA TPP 17313-01a).

For the avoidance of doubt, the approved documents are considered acceptable for the purpose of condition 75 only and there is no implied approval for site levels or for the positioning of site compounds/ materials storage, which are controlled by separate planning conditions or legal obligations.

Condition 78

The scheme of supervision for arboricultural protection measures for phases 3 and 4 as set out within Arboricultural Method Statement prepared by SJA Trees dated February 2018 – document number SJA ams 17313-01a incorporating Tree Survey Schedule (SJA tss 17313-01) and Tree Protection Plan (SJA TPP 17313-01a).

For the avoidance of doubt, the approved documents are considered acceptable for the purpose of condition 78 only and there is no implied approval for site levels or for the positioning of site compounds/ materials storage, which are controlled by separate planning conditions or legal obligations.

Condition 81

The details of the pre-construction ecology survey for phases 3 and 4 as set out within document titled 'Ecology Pre-Construction Survey and Mitigation Scheme' and its appendices prepared by Aspect Ecology dated November 2017.

Condition 82

The scheme for the location of bat, bird, owl and invertebrate boxes within phases 3 and 4 as set out within document titled 'Faunal Enhancement Scheme' and its appendices prepared by Aspect Ecology dated November 2017.

Condition 83
The submitted Construction Environmental Management Plan (Ecological Protection) and its appendices prepared by Aspect Ecology dated November 2017 for phases 3 and 4.

Case Officer: Caroline Ford DATE: 06/04/2018

Checked By: DATE: