

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

10 December 2009

Page	Title
(Pages 1 - 7)	Written Update

If you need any further information about the meeting please contact Natasha Clark, Legal and Democratic Services, natasha.clark@cherwell-dc.gov.uk 01295 221589

Agenda Item 14

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

10 DECEMBER 2009

WRITTEN UPDATES

Agenda Item 4a 09/00570/F Banbury Flood Alleviation Scheme

Oxfordshire County Council - Rights of way officer- Raises no objection in principle, subject to further details to be submitted. Additional condition required to address these matters (see condition 17)

Substitute Condition no. 2 with:

Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the approved schedule of plans and documents attached.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.

Additional condition

New Condition no. 17

No development shall take place that affects any public right of way until full details of any enhancement, improvement, diversion or closure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the public rights of way network and to comply with Policy C4 of the South East Plan 2009.

Amended Recommendation:

Delegate authority to the Head of Development Control and Major Developments to grant Full Planning Permission subject to no new objections (issues not addressed within the officers report) in relation to the addendum to the Environmental Statement having been received from consulted parish councils by Thursday 17 December 2009.

Agenda Item 6 09/01246/F Land W of Manor Farm, Hardwick

The applicant's have made a number of representations by email and orally to both the Planning Officer and Highway's Authority.

The following is a summary of the main points raised:

Highways

A site meeting took place on 8th December between the applicants and Highway Authority. In order to overcome the proposed reasons for refusal the applicant is now suggesting a number of measures including:

- HGV's use the former public highway known as the Length (now declassified and subsumed into the Tusmore estate) that linked Stoke Lyne from its junction with the Hardwick Road to the A43. At its junction the turning radius, within the highway verge, will be widened to achieve a 12m radius; although ... this might need to be kerbed at this private junction with the highway, although the Estate feels it is neither necessary, nor desirable, given the low level and infrequent use as related to the grain lorry movements.
- At the right angle turn on the Hardwick Lane, adjacent to the entrance to Tusmore Park improved forward visibility to achieve a visibility distance of 35m. "This we feel can be achieved by the hedge being cut back rather than grubbed out or set back, and kept to a specified maximum height (to be agreed)."
- At five positions between the application site entrance and "The Length", local widening will be undertaken (to achieve passing places) within the verge and existing gateway entrances to achieve a 5½m carriageway width over a length of 15m, plus allowing for a 5m length of splay entry/exit to the local widening/passing place. This would be done in accord with a specification that has been agreed with the Highway Authority at the applicant's expense.
- "The mechanism for securing the above will be a matter for the District Council – though... using a "Grampian" planning condition I would have thought would be more than adequate in these circumstances. If, however, there is any justifiable reason why the commitment for the above work should be covered other than by way of planning condition, then this will be a matter discussed with the District Council in relation to a possible Section 106 Agreement."

Park Farm

Doubtless, subject to site specific survey and on a greenfield site (as there would not be room for such a building within the existing yard areas at Park Farm) the grain store building could be constructed next to Park Farm.

However, it is our opinion that the application site is the preferred location for a new grain store rather than at Park Farm for the following reasons;

- Central location to the arable cropped land.
- Improved agricultural efficiency and timeliness of operations.
- Long term sustainability.
- Park Farm is located on the very western extremity of the estate and is therefore not central to the current cropped arable area.
- The additional operational cost of greater travel distance to Park Farm; taking a long term view this would equate to an additional 20,000 kilometres for the inloading of grain to a Park Farm

location compared to the application site over a 30 year period.

There is “no advantage of the Park Farm site from sustainability and operational cost criteria and furthermore has been demonstrated, we are not aware that capital cost issues should be relevant in determining the proposed application site.”

It has been suggested... “that Park Farm is ideally located to receive harvested crops because it is located at “the hub of the local road network”. We disagree on the basis that the logistic benefits of Park Farm in our opinion are largely from an HGV link perspective i.e. the outloading of grain by lorries and direct access to the A43. The site cannot be ideally located for agricultural and operational purposes by nature of its position on the western extremity of the estate.”

Reasons for development at the Proposed Site

The Applicant’s primary reasons for selecting the application site and not promoting a proposal at Park Farm are:

- The application site is a far more sustainable location related to vehicle movements.
- Farm operational efficiency related to the surrounding areas of combinable crops grown.

Advice to the Council on the use of the various field blocks around the estate concludes that a replacement store at Park Farm would be just as efficient as the proposed site and that estate roads can be utilized to keep traffic off the public highway in a way the proposed site cannot. The applicant disagrees in most cases stating

- “that this would increase the distance travelled and time taken therefore increasing operational cost and reducing efficiency, ... makes an HGV point and appears to ignore the movement of agricultural vehicles;
- With regards the suggestion that grain from Block 6 could be transported via the Cottisford road or via internal roads and tracks to Park Farm, this would have no effect on the greater distance of inloading grain to Park Farm compared to the application site;
- The application grain store site would result in 60 grain trailer movements through Hardwick and Heath compared to 36 through the settlements for the current storage arrangements i.e. an increase had already been factored in to the movement reports. Furthermore, it is our opinion that it would not be possible to obviate tractor and trailer movements through Hardwick to Park Farm without using field headlands and which would not be possible in every year;
- It is suggested it would be preferable to use internal estate tracks and routes rather than public roads and that this would increase the speed of movement. We disagree with this point in general and which applies to other Blocks as the majority of the internal estate roads and

tracks have public rights of way implications; for example the main spine road from College Farm through to the junction of Lizard Ground and Fox Covert is a restricted bye-way (Buckingham Lane). In addition, all of the roads and tracks are narrow with very few passing places and it is therefore not possible to travel at high speed as has been suggested by Mr Rhodes. There would in our opinion be Health and Safety issues regarding an increased use of estate roads and tracks by tractors and grain trailers;

- It is suggested that the Council cannot accept the argument of longer travelling distance and which would cause inefficiencies in the harvesting of grain but it is our opinion that either using public roads or exclusively internal roads and tracks (or a combination of both) would not alter the journey time to the Park Farm site. We therefore cannot agree that by using estate roads and tracks to a greater extent would either reduce the travel distance or the inefficiency of harvesting grain.
- We disagree with the suggestion that the baling of straw would impact on timeliness to a greater extent than a delay to combining; straw is not baled in every season (as suggested) there is no fixed contract to supply Didcot and in a wet season straw would be chopped rather than baled.”

Reference is made to Fox Covert, where it emerged during the course of processing the application; the applications also store grain (45% in 2009). The argument is therefore that vehicles already use the highway network, including HGV's, and that Park Farm is not the sole site for storage on the estate.

In conclusion “It is our opinion that the proposed site is a preferred grain store location rather than at Park Farm (or elsewhere), for agricultural and operational reasons. It would be centrally located and on this basis would result a substantial reduction in travel distance and time taken for the inloading of grain by tractor and trailer, this would improve both the efficiency and timeliness of agricultural and field operations.”

Request to defer the application

The applicant's have written: “... we have previously requested deferral to the January Committee ... it really would seem in all interests for the application to be deferred ...”

Agenda item 7 9/01302/F Land adj. Applegate, Hook Norton

These late representations appeared on the written update for the last Committee , and are repeated here for convenience

- In response to the amended plans **Hook Norton Parish Council**

maintains its objection. The amended plans for the garage are no improvement for the visual aspect and not sympathetic to the neighbours point of view. The garage is on the highest part of the plot and the garage roof remains too high.

- In response to amended plans relating to the garage building 2 further letters/emails has been received from **neighbouring properties**.
 1. Opinions remain the same as previously reported and the proposed amendments do not overcome the concerns
 2. The reorientation of the garage block has a greater impact on the amenities of The Chestnuts
- The Council has been copied in on correspondence between **Natural England** and a neighbouring resident. The key elements of the email are set out below;
 1. In an earlier conversation between Natural England and CDC it was agreed that a bat survey was probably not required since the building does not appear to be suitable for housing bats
 2. From CDC's Ecologist's description of the building it seems unlikely that a consultant would find any more evidence of bat use or that bats would be affected by the demolition of the building
 3. The LPA needs to have 'reasonable likelihood' of the presence of species such as bats to request a survey, and in this case they have given this possibility due consideration
 4. Bats themselves and places used for breeding, resting and hibernating are protected by law, however, foraging and commuting habitat are not protected. From a legal point of view, there does not seem to be a risk to bats in this case.
- 2 emails were received by Officer's in Democratic Services, from neighbouring residents, the content of which is either already referred to in the Committee Report or is summarised below;
 1. Request that you bring my concerns over the proposal to the attention of individual members of the committee
 2. Should like to invite Members to visit the site before coming to a decision on the matter
- The **applicants** have made the following comments
 - This application stands on its own merits, the planning officer, recommends that the application be permitted.
 - Departments of Conservation, Arboriculture, Ecology, Environment, and Highways, have all supported the application, subject to conditions. Natural England are not concerned about the demolition of the annex, but do emphasise that the applicants must abide by the law regarding bat protection.
 - We are aware of our responsibilities regarding the law on protection of bats.

- The site, which is an area of permitted infill, borders the edge of the Conservation Area. It is secluded and does not have vehicular or pedestrian frontage. The area is described in the May 2007 Conservation Assessment, as being of 'no particular historic or visual importance.'
- The Annex occupies the site of the proposed dwelling, and already over looks Crooked Cottage and South Hill View properties.
- 8 properties - Applegate, Applegate Annex, Hyatt's Mead, South Hill View, Stone Wheel Cottage, Chestnuts, Norton Holt and East End Farm House, all over look the property of Crooked Cottage. Applegate is approached over a drive belonging to Crooked Cottage. All in all, it is difficult to describe Crooked Cottage property as very private. A garden and patio area does provide privacy for Crooked Cottage. The application does not affect this area.
- 6 submitted letters of support. Two are from neighbours whose properties adjoin the access to the proposed dwelling. Indeed, one of these properties will share a boundary with the proposed dwelling. The owners have no concerns.
- Policies from Hook Norton Conservation Area Assessment May 2007, and Guidance for Building in Harmony with Environment, have all been respected, together with County and Government policies.
- We have Applegate house deeds. The annex is referred to as an outbuilding, not a wash house. There is no significant historical interest attached to the property and it is not listed in the 2007 Appraisal, as an 'unlisted property which makes a significant impact on the Conservation Area of Hook Norton'

If Members are minded to approve the application Condition 8 should be amended to read 'that the means of vehicular access to and from the site shall be taken only from Austin's Way'.

Two further suggested conditions;

17. That full details of the enclosures to be provided along the boundaries of the site, including a boundary (with the exception of a pedestrian access) along the southern boundary of the site to prevent vehicular access, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and such means of enclosure, shall be erected prior to the first occupation of the dwelling. (RC12AA)
18. That the roof lights shown on the approved plans shall have a cill height of no less than 1.8m above internal floor height. (RC6A)

Agenda Item 8 09/01346/OUT Ambrosden Court, Ambrosden

22 more letters have been received from local residents objecting to this application. The only new material planning considerations raised are as follows:

1. The proposed new buildings would not be in keeping with the surrounding buildings and they would look out of place.
2. Positioning the 3 affordable dwellings away from the other houses appears discriminatory especially as these houses would suggest young families would be placed directly onto the main road which is extremely dangerous. Affordable housing should be sited within and as part of the development.

The Environment Agency: OBJECTS to the scheme and recommends the application be refused for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of PPS25. The FRA does not therefore, provide suitable basis for assessment to be made of the flood risks arising from the proposed development. The FRA fails to sufficiently consider the effect of a range of flooding events including extreme events on people and property.

This site is partially in Flood Zones 2 and 3 and the development is justified on the basis that the site is protected from flooding by a wall. We do not recognise this wall as a flood defence and therefore consider the site to be at risk from flooding, as indicated by the Environment Agency's flood map.

Further information regarding the Environment Agency's comments is detailed in their letter of 8 December.

Based on the advice received from the Environment Agency, the following reason for refusal is recommended to be added as a third reason for refusal of the application.

3. The application site partially lies within Flood Zones 2 and 3 and in the absence of an acceptable Flood Risk Assessment it fails to comply with the requirements set out in central Government Guidance as contained in Planning Policy Statement 25: Development and Flood Risk and is contrary to Policy NRM4 of the South East Plan 2009.