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URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

1 April 2010

Title
Written Update

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Agenda Item 15

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

1 April 2010

WRITTEN UPDATES

Agenda Item 6

09/01859/OUT Land OFF Wildmere Rd. Banbury

- The applicants have now provided an outline bird mitigation proposal in respect of the potential for the presence of identified protected species on the site (House Sparrow and Dunnock). It is recommended that implementation of the proposals is secured as a condition of any consent granted.
- OCC Highways have requested the submission of a final Travel Plan (when the final uses are identified as part of the Reserved Matters application).
- Consideration of the application was deferred at the meeting held on 18th February for a maximum of 2 cycles to enable negotiations between the applicant and OCC with regards to highway and transportation contributions to be concluded. Despite frequent chasing from the applicant and your officers OCC has not responded to queries seeking justification for the latest infrastructure payments. It is consequently recommended that this request be not agreed , and that the recommendation is amended to delete (i) on page 27

Recommended additional conditions:

11. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Bird Survey and Outline Mitigation Proposals for the development of Land near Brookhill Way, Banbury, by Baker Shepherd Gillespie, dated 22/3/10, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM 5 of the South East Plan and Policy C2 of the Adopted Cherwell Local Plan 1996.

12. A Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.

Agenda Item 7**10/0002/F****Little Bourton Service Station Site**

Letter received from applicant's agent making the following comments:-

I have seen the report you have prepared for committee in respect of the above application. There are 3 observations that I need to make on behalf of the applicant.

- The first relates to the engrossment of the Section 106 Agreement. The applicant assures me that he has signed the Section 106 Agreement and returned it to your legal department for engrossment. This was a condition of his funders' agreement for the finance to allow the commencement of work on the first section of the market housing (Plots 1 to 8). Fortuitously it has not yet been engrossed.
- The second point, relating to the first, is that construction is proceeding on the first phase of the development, whereas your report implies that development has only been implemented in respect of the affordable housing, which is, indeed completed and transferred to the RSL. This may not be of great concern to your committee's consideration of this application, but is significant in confirming that development is proceeding, which I would expect to be generally welcomed.
- The final point concerns the terms of the Section 106. Your report states that there is an increase of two dwellings. In fact the Agreement awaiting engrossment is for 16 dwellings, consisting of 15 houses and the flat associated with the shop. The Agreement sets up payments in 4 stages, each of 4 dwellings. The net increase is therefore of 1 dwelling as one of the new units is in place of, and offers similar family accommodation to, the flat in the original scheme. It would not seem reasonable, therefore, if this is not reflected in the Section 106 payment schedule as in fact the number of dwellings is now 17 rather than 16.

Agenda Item 8**10/00106/F****Bryan House, Chapel St. Bicester****and****10/00122/CAC**

1. The reports on both applications at Bryan House refer to PPG15 (and to a lesser extent PPG16) throughout. On 23 March 2010 the Government introduced a new planning guidance PPS5 'Planning for the Historic Environment' which supersedes the PPG guidance notes with immediate effect. Members are advised that, as these committee reports were sent to print before the new guidance was issued, all references to PPG15 and PPG16 contained in the decision notices will be amended to reflect the new guidance.

For general information on PPS5, Members are further advised that paragraph 20 of the accompanying practice guide states:

'Nothing in the PPS changes the existing legal framework for the designation of scheduled monuments, listed buildings, conservation areas, registered parks and gardens or protected wrecks. Existing law also sets out the basis on which scheduled monument consent, listed building consent, conservation area consent or licences to deal with protected wrecks may be required. Again, nothing in the

PPS changes those requirements and the interpretation of the words and phrases used.'

2. The Local Highway Authority does not wish to object to the application for planning permission subject to the following comments:

The site benefits from a highly sustainable location with a wide range of shops, services and public transport services accessible without car travel. Given the location of the site lower levels of car ownership and usage can be expected.

The level of parking proposed is appropriate and on-street parking controls discourage indiscriminate parking on the local highway network. The layout of the parking and manoeuvring areas are appropriate except for the 2 spaces fronting Chapel St at the South of the site, where on street parking bays (opposite) obstruct access. The off-street spaces or on-street bays will require relocation. I recommend a condition for amended plan of parking to be submitted prior to development.

Car trips to and from the site may increase; however, the increase would be small and not significant to the local highway network. The vehicular access points must provide appropriate visibility; whilst the plan demonstrates appropriate visibility of the carriageway boundary treatments may obstruct pedestrian visibility splays. A condition requiring 2m x 2m pedestrian visibility splays at all vehicular access points to Chapel St is recommended.

Any works in or immediately adjacent to the highway must be carried out in accordance with the Local Highway Authority specifications.

Given the previous use of the site and associated trip generation the LHA does not consider it expedient to request a financial contribution towards transport infrastructure or services; however, this does not prejudice any requests associated to future applications at this site.

3. OCC Drainage Engineer comments that no drainage layout has been provided for the properties and the car park, and looking at the soakage test results they consider that soakaways may not be the most appropriate solution and they suggest porous paving with overflow to the adjacent stream. This will need to be covered by a condition requiring the submission and approval of a drainage scheme.
4. At paragraph 5.8 of the report it was indicated that the issue of flood risk had yet to be resolved. The Environment Agency is yet to confirm the withdrawal of their objection, although they have confirmed that this is receiving priority attention.
5. The applicant has yesterday submitted a document questioning the level of Section 106 contributions sought by both the County Council and this Council, and has also expressed concerns about the viability of the project given possible exceptional expenditures in light of seeking to achieve high Code levels as an exemplar for the Eco-town. It will be necessary to consider this matter in detail and to have further negotiations with the County Council, the applicant and their advisers. The applicant has agreed to a deferral of the application to enable these discussions to be concluded.

It is recommended that the applications be DEFERRED to resolve the flood risk and Section 106 matters set out above.

Agenda Item10**10/00273/F****7 Colesbourne Rd. Bloxham**

A letter has been received from a nearby resident expressing concern about the siting of the extension relative to the adjacent property, effect upon the character of the streetscene, and about the design with lowered eaves and window cills not lining through with existing cills resulting in a “tacked-on and squeezed-in appearance”.

The HDCMD notes the comments but still considers that the scheme is acceptable with appropriate design which clearly demonstrates the subservience of this small extension.

Agenda Item 11**10/00290/CDC****Site of Former Spiceball Sports Centre**

Comments have now been received from

- Environment Agency considers that the proposal will offer a considerable increase in flood water storage and a resultant reduction in flood risk to the surrounding area. They raise no objections subject to **conditions**
- 5. That the development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment ref.no.ARJ/JJT/E3545 and the ground levels shall be maintained at the ambient levels achieved through the demolition of the existing building on the site as outlined in Section 1.1 of the FRA.(Reason: To prevent the increased risk of flooding and in order to comply with the Government advice contained in PPS25 and Policy NRM4 of the South East Plan)
- 6. If during development contamination not previously identified is found to be present at the site then no further development(unless otherwise agreed in writing by the LPA) shall be carried out until the developer has submitted and obtained written approval from the LPA for an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with. (Reason: The site is underlain by alluvial deposits (secondary A aquifer) and the site investigations in the area suggest that there is a sand lens within the Charmouth mudstone that is in hydraulic continuity with the River Cherwell. The former sports centre may have used oil fired boilers and any evidence of petroleum hydrocarbon contamination encountered within the made ground or alluvium on the site should be dealt with in the appropriate manner.)
- 7. No development shall take place until a scheme for the provision and management of compensatory habitat creation has been submitted to and agreed in writing by the LPA and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme. (Reason: Development that encroaches on the watercourse has a potentially severe impact on its ecological value.

Government policy on PPS9 states that where proposed development would cause significant adverse impacts on biodiversity interests which cannot be prevented or adequately mitigated against appropriate compensatory measures should be sought)

Plus standard informative

- The Council's Environmental protection Officer comments that

"The "Report on Potential Contaminated Land" submitted with the application for this development is consistent with our records regarding previous contaminative uses. Given the proposed use and the proposed capping layer across the whole site removing any pathway to underlying soils, the risk to human health is very low. I recommend applying unsuspected contamination informative ZZ. I note that the EA have also proposed a similar informative as a condition. This will be sufficient to deal with the risk to human health from unidentified contamination. A capping layer of at least 300 mm should be sufficient to negate the risk to human health unless gross contamination is present, however further human health risk assessment should be undertaken if any unsuspected contamination is encountered".

- The Head of Building Control and Engineering Services as applicant has written to inform the HDCMD that :-

"You will know that because the temporary car park is now expected to be in place for a much shorter period than was originally envisaged I am having to materially reduce the specification in order to ensure there is a continuing business case for it. Therefore, instead of tarmacadam circulation aisles the car park will be left wholly with a porous graded stone surface. Moreover, the car park will in effect become an overspill for the Spiceball North Car Park and access will be taken via a ramp within Spiceball North rather than through the former goods entrance of the former Sports Centre.

You have advised that this can be treated as a minor amendment to my application which continues to seek to establish the principle of a temporary car park on this site. I am happy for there to be a condition attached to any planning consent whereby access can only be taken in the way I have described through Spiceball North Car Park.

The residents of Chamberlaine Court have written to me expressing their objection to the former goods entrance being used as the car park access/exit point in view of the perceived volume of additional traffic this would generate outside the entrance to their flats. I attended a meeting there on 29 March at which I gave them an assurance that access would not now be taken in this way but rather through Spiceball North Car Park."

In the light of these comments it is necessary to

Revise condition 2

2. Notwithstanding the details shown on the submitted drawings the car parking areas and circulation space shall be constructed in accordance with the construction details set out in the HBCES memo dated 26.3.10

Additional condition proposed

8. Notwithstanding the details of access shown on the submitted plans access to the car park shall not be taken from the adjacent roadway, but shall instead be taken via the Spiceball North Car Park in accordance with a revised plan which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development (Reason: To overcome potential disturbance to nearby residential property)