

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

3 November 2011

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Agenda Item 16

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

3 November 2011

WRITTEN UPDATES

Agenda Item 6 10/01302/F

Land S of Bernard Close, Yarnton

- At the applicants request consideration has been given to the amendment to Condition 22 to reflect current industry standards re continuity of care. The following has been agreed
Amendment to Condition 22
That the development hereby approved shall be used solely for the purposes of extra care accommodation, defined for the purposes of this application as self-contained homes for older people and/or people with disabilities and which enables independent living by providing a range of 24 hour care/support facilities and for no other purposes whatsoever, including any other purpose in Class C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005.
- Members are advised that a draft Unilateral Undertaking has been submitted, has been checked by the Council's Legal Services and is back with the applicants for some minor amendments. It is hoped that if the Committee is minded to be approved the matter can be dealt with promptly.

Agenda Item 9 11/01356/F

Land SW of The Mead, Woodstock Rd, Yarnton

- The application description of development is to be reworded as:
"Change of use of land for use as a gypsy and traveller site involving the provision of 3 no. household pitches with a total of no more than 6 no. caravans of which no more than 3 no. shall be static caravans or mobile homes and the erection of 2 no. amenity buildings and associated hardstanding and parking areas".
- An amended drawing has been received repositioning one caravan away from the water course and a change to the entrance and access to the site comments in respect to this amended drawing have been received from **Oxfordshire County Council** as local highway authority who consider this revised drawing to be acceptable as the relevant dimensions and radii are now appropriate. The works will be subject to Section 184 notice of Highways Act 1980
- As yet no response has been received from the **Environment Agency** to the amended plans
- The Council's **Anti-Social Behaviour Manager** has commented as follows :
Relatively small scale but due consideration of the business activities should be made, which can have the potential to cause nuisance and it may be appropriate to consider planning conditions as to the extent and nature of

these operations.

One of the observations submitted by a member of the local community mentions the matter of noise and in particular that produced by the use of generators on the site. To date no formal complaints relating to excessive noise from this source have been received and it is assumed that should planning permission be granted a mains electricity supply would be established to serve the site.

- In respect to additional information, the applicant's agent has confirmed that the Price family are Welsh gypsies and have previously spent winter months on a private caravan site in Abingdon, but the owner is no longer allowing gypsies on the site. During the travelling season, they have travelled for work in the Swindon, Evesham and Cambridge areas, stopping on private sites owned by family or friends.
Alternative sites are disappearing in the Oxford area and they have now sought their own accommodation.
- An ecological survey has been commissioned the results of which have yet to be received.

Recommendation:

Approval subject to

- i) Departure procedure
- ii) The removal of the objection from the Environment Agency
- iii) The submission of an Ecological Survey and if protected species found then suitable and sufficient mitigation measures proposed
- iv) The applicants entering into an appropriate legal agreement with Cherwell District Council to secure financial contributions outlined in paragraph 5.51
- iv) The imposition of the following conditions.

1 – 8 as report

- 9. That within 3 months of the date of this decision, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the approved site layout plan and specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 10. That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the site layout plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government

advice contained in PPG13: Transport.

11. Upon receipt of the Ecology survey the following condition shall be used:

The development hereby permitted shall be carried out in accordance with the recommendations set out in Ecology Survey 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 NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

12. Environment Agency conditions once comments received

13. That this permission shall enure for the benefit of Lilly Price and her family (as detailed in the application) only, and of no other persons whatsoever, and shall not enure for the benefit of the land. Upon the applicant ceasing to occupy the land, it shall revert to its former use.

Reason - This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent in accordance with Policy GB1 of the adopted Cherwell Local Plan and PPG2: Greenbelts