

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**18 April 2013**

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# Agenda Item 16

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

18 April 2013

### WRITTEN UPDATES

#### Agenda Item 7

13/00004/OUT

Land N Station Rd,  
Bletchington

- There are a couple of amendments to the report that need to be highlighted. It is the applicant's intention to open the school in time for the 2014/15 academic year. This is a year earlier than stated in paragraph 1.10. In the table below paragraph 1.13 the total should read 58 not 48.
- S106 discussions have been on-going since the report was written. OCC has verbally agreed to waive any primary or secondary education costs. Officers are still awaiting confirmation that OCC are prepared to limit the contributions they are seeking to improvements to the road infrastructure and costs relating to the diversion of the footpath should this be necessary.

Officers have been in talks with colleagues in landscape services and recreation and health as regards contributions for maintaining open spaces and the provision of a combined LAP and LEAP. They are not seeking contributions for off site indoor and outdoor sport.

Once a figure for the maintenance of the open space is agreed, discussions will need to take place between the applicant and the Parish Council to see who will take responsibility for on-going maintenance.

As well as the above, the applicant has agreed to make appropriate contributions to health care and refuse and recycling and will provide the required number of fire hydrants.

#### Agenda Item 8

13/00024/F

20 Horton View, Banbury

- Letter received from local resident in reply to applicants letter printed in the agenda

*We would like to comment on some of the points raised under their following paragraph headings. We feel we have a good perception of our locality having been Horton View residents for the past 30 years:*

#### **'Parking'**

*The Twinkle boutique seemed to be under-used and most customers seemed to arrive on foot. Oxford Mobility seemed to have restricted hours as whenever we passed by there seemed to be no activity. We rarely saw vehicles parked outside after 7:30 am. The frequency of deliveries by articulated lorries was very rare, possibly once per month and certainly not on a daily basis.*

#### **'The Sports Ground'**

*The Tennis club is used all year round, often by schoolchildren (officially or*

unofficially) during the normal school day. In winter it appears to be used at various times during the day and by floodlights after dark. The idea of gates to the Sports Ground would be impractical as access would have to be given to the delivery of ale etc, to refuse collectors, grounds maintenance vehicles and other service providers.

**'School Traffic and Footfall'**

Students from both schools use Horton View in large numbers – both on foot and by parents parking a good 10 minutes before students come out and chaos looms for approx 30 minutes. BGN students not only have access via Addison Road but also into Springfield Avenue. We also feel as residents that Horton View is used as a 'rat-run'

**'Other Traffic Issues mentioned'**

The hospital does have its own car park but we know for a fact that employees find site parking charges and lack of space a big issue and therefore park in Horton View, as do hospital visitors. It is often highlighted in the Banbury Guardian about other streets being used as car parks for business employees. Sainsbury's have introduced a 2 hour limit to parking there.

**'The Bus Route'**

J M Humphris and the Co-operative funeral directors both have much larger premises with associated ground.

**'The Post Office'**

The Post Office is well used, as is the nature of the business, but customers only park for short periods of time.

**Agenda Item 9**                      **13/00097/F**                      **Rosemary, Main St. Fringford**

- Letter from applicants requesting further deferral

*We request a further deferment. Since the last Committee Meeting we have made every effort to gain the necessary information required to establish the exact position of the dwellings in relation to the alleged breach.*

*We, as you know, had a meeting with On Centre this morning (17.4.13) at your offices. We now understand how your 'best fit' has been prepared.*

*We are still awaiting critical information from On Centre as requested by our Agent on 2/4/13 and are unable to present an amended setting out proposal as a resolution to your Enforcement until this is received. At our meeting this morning, Bob Jones has now agreed to provide this information but is unable to do so until later this week.*

*For your information to show we have been making every effort to obtain the necessary information, below is a record of emails/conversations/meetings we have had which clearly sets out our every effort to obtain the absolute necessary information that we require in order to advance our case against refusal.*

*Meeting 28/3/13 between Graham Wyatt, yourself, our agent and ourselves. Due to lack of information regarding the alleged setting forward of the buildings, we*

*requested time to obtain information from On Centre. We also discussed the possibility of submitting a proposal to set back the frontage of both buildings by the alleged 1.2m - which you agreed could be a possible solution.*

*2/4/13 our Agent emailed On Centre to request the required information. We were subsequently advised by phone that Bob Jones was on holiday until 8/4/13 and that no-one else could provide the information requested.*

*2/4/13 our Agent emailed Graham Wyatt (cc Michelle Jarvis, Laura Baker) advising On Centre unable to provide the information required until the following week and that in turn we are not able to provide CDC with the information as requested. Specific question for Graham Wyatt to liaise with yourself and advise us further on what we should do. No response received.*

*2/4/13 email to yourself (cc Graham Wyatt and Michelle Jarvis) advising On Centre unable to provide requested information until the following week.*

*3/4/13 Michelle Jarvis emailed On Centre to authorised release of drawings.*

*4/4/13 On Centre (Malcolm) forwarded survey drawings and best fit but was unable to answer crucial questions as set out in our Agents email of 2/4/13.*

*8/4/13 Conversation with Bob Jones from On Centre chasing information required by our Agent and trying to establish how the best fit has been prepared. Meeting requested in order to fully clarify the methodology in 'achieving' the alleged 1-1.2m forward position as shown on the 'best fit' overlay.*

*8/4/13 our Agent emailed On Centre regarding fixed reference points and OS absolute tolerances. No response received.*

*8/4/13 email to Michelle Jarvis requesting authority to arrange meeting with On Centre for a meeting to discuss their best fit methodology and supply of outstanding requested information.*

*9/4/13 Michelle emailed authority to On Centre for a meeting to be arranged but stressed it could only be in the presence of CDC.*

*Earliest date available to all parties Wednesday 17th April 2013.*

*We note that we are also still awaiting a response to our letter of 23/3/13 which set out the incorrect statements and factual errors in the Planning Report which has again been presented to Committee Members in its current uncorrected form.*

*We have asked Michelle to request a meeting with yourself, our Agent and us for next Wednesday 24th for us to put our full case forward including the information we hope to receive from On Centre in the next few days - please can you confirm if this date is convenient.*

- In these circumstances it is **recommended** that the application be again deferred

- **Re conditions** As this is a variation of condition application submitted under Section 73 of the Town and Country Planning Acts it is necessary to re-impose all the conditions of the original permission that remain relevant at this stage of the build process. The Committee's agreement to these being resolved by the HPPDM , with the concurrence of the Chairman, is requested

**Agenda Item 11            13/00211/F      10-11 Horsefair, Banbury**

- Banbury Town Council: No objections but consideration needs to be given to waste provision
- Waste and Recycling Manager: Considers that the bin storage proposed is insufficient for the development. The bin store currently in use, under the staircase, is only big enough for one flat.

HPPDM response – It is proposed that there are bin stores on each floor and that waste and recycling will be removed from the internal stores and placed by the management company in the area currently used for the offices on the collection day. A condition is recommended, set out in the committee report, requiring full details of the refuse bin storage to be submitted to the LPA and approved prior to the commencement of the development.

- Environmental Protection Officer: “Objects to the proposal on grounds of air quality and human health. I recommend an air quality assessment demonstrating this development would be suitable or use, and would not be introducing future users into an area of poor air quality where the national air quality objectives would be exceeded, is provided before approval.

With regards to land contamination, my records indicate this site was formerly a garage and as such the underlying ground may be affected contamination. It is noted that this development proposal is for the first and second floors only and it has been assumed there is no garden area associated with this development (if this is incorrect please let me know as this would affect my comments). As such, I would not expect this development to be affected by contamination and do not recommend conditions / information s relating to land contamination.”

DCTL response - there was a resolution to approve the previous application on the site and no comments were received in respect of that application. The resolution still stands and therefore it is considered to be unreasonable to require an air quality assessment for this proposal.

**Agenda Item 12            13/00265/OUT    Banbury AAT, Ruskin Rd.Banbury**

**Late representations**

- Banbury Town Council: No objections but makes the following observations: Mitigation measures needed to protect residential amenity from light pollution from floodlights and 'no waiting' restrictions needed for Ruskin Road.
- Environmental Protection Officer: No comment to date
- Landscape Officer: No comment in respect of 13/00265/OUT but the previous

consultation response for 12/00265/OUT related to requirements for on-site play space for the residential development. This is included in the draft Heads of Terms for the legal agreement.

Also tree protection conditions are recommended to ensure the protection of the mature trees surrounding and within the site.

- OCC Highways: Additional comments have been received in response to a representation made concerning the adequacy of the proposed access to the site and the need for it to be constructed to an adoptable standard. The Highway Authority has responded stating that there is no obligation upon a developer to offer a road for adoption, a private road need not be constructed to an adoptable standard and the access as proposed could be adopted subject to construction specifications.
- Developer Funding Team: Refer to previous recommendations relating to 12/00240/OUT.

“Oxfordshire County Council wishes to secure a legal agreement for appropriate financial contributions to mitigate the impact this development will cause if implemented in line with the Draft Supplementary Planning Obligations Document (July 2011).

Primary School Infrastructure – insufficient places available from 2017/18 academic year at Queensway Primary School or Harriers Ground School Contributions are accordingly sought towards primary school infrastructure serving this development based on DFE [Department for Education] advice for school extensions weighted for Oxfordshire- £11,113 per child@3Q09 to include sprinklers and ICT.

Special Educational Needs Infrastructure There is also likely to be an increased demand upon [SEN] special educational needs schools. 1.02% of children across Oxfordshire are educated in such separate schools.

We are advised to allow £29,278 per place in special educational needs schools.

Frank Wise in Banbury and Bardwell in Bicester provide specialist accommodation. These are full as are other Special Needs Schools in Oxfordshire

#### Adult Learning Centre Infrastructure

Banbury adult learning centre needs to relocate and a brand new facility is sought. A 151 square metre 2 classroom facility is expected to cost £420,000@3Q09 + land. A facility of this type will expect to provide 13,500 learning sessions per annum. At least 5% of the adult population are likely to take up adult learning and would normally attend at least 10 sessions each.

#### Library Infrastructure

Oxfordshire County Council has an adopted standard for public library floor space of 23m<sup>2</sup> per 1,000 head of population. Backroom space [19.6% of public area] needs to support this public space.

Banbury library is significantly under-size in relation to its catchment population and a new, larger library is planned as part of a new Cultural Quarter in the Town Centre. This is expected to cost £2,264 per m<sup>2</sup> @3Q09.

#### Day Resource Care Centre for the Elderly

Social & Community Services are looking to extend Day Care provision in

Banbury because of extra demand on its infrastructure, including that caused by new development.

#### Strategic Household Waste Management Recycling Centre

The Council has statutory recycling and composting targets to meet, as well as targets to reduce the amount of waste going to landfill. New development must help rather than hinder the achievement of these targets. All developers/landowners are therefore expected to provide infrastructure and funding towards the reduction, re-use and recycling of wastes. The Waste Management Recycling Centre at Alkerton effectively needs replacement at an estimated £3m cost and will then aim to serve 20,000 dwellings.

#### County Museum Resource Centre Infrastructure

The Museum Resource Centre [MRC] at Standlake provides essential support for the County's Museum Service, holding exhibits in safe and controlled conditions. This enables varied exhibitions to be organised meeting the demands of the public. The MRC also offers IT access to various educational establishments.

The MRC is at capacity and needs to be extended to meet the educational, research and leisure demands arising from increased development in Oxfordshire. An extension has been costed to mitigate the impact of new development to 2026. £85,000 has been secured leaving £380,000 to be secured from 35,000 new homes”

- Sport England:

“Sport England has considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

The Policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.”

In light of the above, Sport England objects to the proposal because is not considered to accord with any of the exceptions in Sport England's playing fields policy.

It is proposed that the proceeds from the sale of the land for housing will be ring-fenced and used to fund the provision of the sports facilities. Sport

England recognises that a number of additional benefits to sport have been provided with this application that were not provided with the previous application (12/00240/OUT). However, Sport England requires further details from the Applicant regarding the above benefits before we are satisfied that the proposed development is of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of part of the School's playing field. Sport England has outlined to the Applicant the additional information required and is awaiting the Applicant's response. From our ongoing discussions with the Applicant, Sport England is confident that there is scope to find a way forward and for Sport England to withdraw its objection subject to the receipt of additional information."

Additional information has been provided to Sport England and subject to:

- i) the amendment to recommended Condition 21, additional conditions relating to:
  - community usage,
  - phasing,
  - submission of additional details relating to playing field drainage and ground conditions,
  - provision of playing field and pitches in accordance with the approved plans and
  - submission of management/maintenance scheme
- ii) the inclusion of a planning note and amended Heads of Terms for the legal agreement (all below)

**Sport England does not object to the development.**

They have also stated that Sport England would prefer the hours of use of the floodlighting to continue up to 22.00. They would not want these hours to be reduced below 21.00.

- Environment Agency:

No comment to date relating to 13/00265/OUT but in relation to 12/00240/OUT the Environment Agency previously commented that following submission of amended FRA dated 23 August 2012 no objections subject to condition:

No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off-site.

The same FRA has been submitted with application 13/00265/OUT and the



application proposal has not changed since the preparation of that Assessment.

Also the Environment Agency stated that there is some uncertainty over the feasibility of a gravity discharge to surface water sewer. The use of pumps should be considered as a last resort and if required the residual risk of pump failure should be assessed to ensure the development is safe and does not increase the risk to nearby properties. An additional planning note is recommended setting out this advice.

- Environmental Protection Officer

As this is a sensitive development, I recommend the full contaminated land conditions. This will be required to demonstrate the site will be suitable for its proposed end use.

### **Late third party comments**

5 additional representations have been received including a request that a petition with 164 signatures submitted objecting to application 12/00240/OUT be taken into consideration. Unfortunately unless the petition is prepared again it cannot be taken into consideration as it is not known whether the objectors that signed the petition still object to the development. The issues raised in the additional representations are as follows:

- Adequacy of the publicity of the application
- Highway safety and traffic congestion
- Traffic Survey flawed due to time of year when prepared
- Considers that the decision has already been made by planners prior to committee consideration
- Living amenity for occupiers of flats
- Light pollution
- Drainage/sewage provision

In addition a copy of the petition has been received accompanied by 13 letters of objection, relating to application 12/00240/OUT, printed from the Council's website with the current application number written on. It is not known whether the authors have given their permission for their letters to be resubmitted. The issues raised are similar to those set out in the committee report and above.

We are also aware that Members have received an e-mail from Miss Williams , a resident of Stanbridge House on behalf of fellow residents

A petition signed by 17 persons has been received in support of the proposal

### **Amended Condition 21**

Notwithstanding the submitted details, full details of the all-weather astro-turf pitch, lighting, climbing wall and the extension and alteration of the sports hall and changing facilities shall be submitted for approval at the Reserved Matters stage and the facilities shall be provided/constructed in accordance with the approved details.

Reason - To ensure the provision of the sports facilities to serve the school and community and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

Informative: The Applicant is advised that the design and layout of the sports facilities should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: Sports halls: Design and Layouts design guide (Feb 2012), Natural turf for sport design guide 2011 and Artificial surfaces for outdoor sports (NEW October 2012).

### **Additional Conditions**

- 1) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Sports Hall, Artificial Grass Pitches, grass pitches and tennis courts forming part of the development and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to comply with Government guidance contained within the National Planning Policy Framework.

Informative: Guidance on preparing Community Use Agreements is available from Sport England [www.sportengland.org](http://www.sportengland.org).

- 2) No development shall commence until details for the phasing of the development, including the provision of the sports facilities, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

- 3) No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
  - (a) (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written

specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

- (b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority after consultation with Sport England. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

- 4) The playing fields and pitches shall be constructed and laid out in accordance with the planning application Drawing No. PF/omjt/SCH01/PF/8750.04 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation of the development hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before the development commences.

- 5) No development shall commence until a scheme for the improvement and maintenance of playing field drainage, based upon an assessment of the existing playing field quality and including an improvement and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The playing fields shall thereafter be improved and maintained in accordance with the approved scheme.

Reason: To ensure the quality of pitches is satisfactory and that they are available for use before development.

Informative: Sport England recommends that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.

- 6) Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

- 7) No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design

(SBD)' accreditation will be achieved 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, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

Reason: In order to comply with Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

You are advised that the details of the alterations/extensions of the sports hall/changing facilities should be in accordance with the details shown on drawing Nos. 5127 P.01 and PJF/OMJT/SHO/PF/5750.01Rev A attached to the agents' email dated 11/4/13.

There is some uncertainty over the feasibility of a gravity discharge to surface water sewer. The use of pumps should be considered as a last resort and if required the residual risk of pump failure should be assessed to ensure the development is safe and does not increase the risk to nearby properties.

### **Amended S106 draft Heads of Terms**

- Size of changing facilities - subject of reserved matters application

## **Agenda Item 13      13/00279/F      OS 3431, Blackthorn Rd. Launton**

- 1. Environment Agency – No objection**  
Subject to the inclusion of a couple of conditions to any subsequent planning permission granted. Without the inclusion of these conditions we consider the development to pose an unacceptable risk to the Environment.

### **Officer Response**

Both the recommended conditions by the EA already feature in the recommendation as detailed in the report (conditions 4 and 5).

- 2. OCC Highways – No objection**  
Previous recommendations have sought a pre-commencement condition regarding visibility at the access. This submission addresses the passing speeds of vehicles and demonstrates the provision of appropriate visibility splays. I have no reason to change my recommendation other than to amend the recommended condition so as to approve the submitted plan, Visibility Diagram Drawing Number: Figure 1 Drawn By: JPH.

### **Officer Response**

**Recommend condition 9 be replaced** by the following wording:

That the proposed vision splays shall be formed, laid out and constructed in accordance with submitted plan, Visibility Diagram Drawing Number: Figure 1 Drawn By: JPH prior to the first occupation of the site and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level. (Reason – no change)

- 3. Launton Parish Council - Object**  
It considered all of the objections it has made to the previous applications on the

site, (application no. 12/01293/F, and the preceding one 12/00287/F), and felt that all of them held equal validity to this application.

Concerning the present application the PC wishes to draw further particular attention to two of these issues:

#### Road Safety

The PC could not identify any substantive change to the application presented previously but did note the findings of the traffic survey reported in the Access Report prepared by The Hurlstone Partnership.

The PC does not believe that the data presented in the report gives it any reason to withdraw its previous objection related to road safety for the following reasons.

- The data presented was gathered by the Hurlstone Partnership in a week in late January when, snow had fallen and laid for a number of days. (as reported by another consultee and recalled by a Council member whose wife injured herself by falling in the snow and ice that week). It believes that traffic volumes under these conditions would have been abnormally low and, more significantly, recorded speeds likewise, would be unrepresentative of normal circumstances. If the speeds were abnormally low then the wrong inference will have been drawn regarding stopping distances which, in the Parish Council's view invalidates the report's conclusions.
- Figure 1 of the Access Report shows the 'Achieved Visibility Splay' looking right (in the direction of Launton village) from the site entrance which terminates on the near side curb 80m away. The reciprocal line of sight, for a driver approaching the site from the northwest, would, however, be less than 80m, by virtue of his/her position closer to the centre of the carriageway. Further, such a driver would have an even shorter line of sight to a vehicle turning into the site from the other direction. Even if a collision were avoidable there is reason to believe that, under anything other than ideal conditions, a driver confronted by such a hazard with so little time to react, could easily lose control of the vehicle.

#### Flooding

The final point in the conclusions to the Flood Risk Assessment supplied by Bureau Veritas (point 10.5.2) states,

- "In the very unlikely event that the site is flooded and the occupants are caught unawares, the static mobile homes would provide a safe place of refuge."
- At point 10.1.2 in the Conclusions the report notes "The proposed development is considered 'Highly' vulnerable use, by Table D.2. of PPS25". Reference to PPS25 shows the classification to include, "Caravans, mobile homes and park homes intended for permanent residential use".
- Photographs attached, taken on the 25th November 2012 following heavy rainfall, show the entire site under water.
- At Point 5.1 Climate Change, the report makes further reference to PPS25 quoting an extract, "peak rainfall intensity, sea levels, peak river flow, offshore wind and extreme wave heights are all expected to increase in the future".

The PC believes, that given the site has been shown to flood and official predictions are that such occurrences will increase, the change of use to include human habitation is inappropriate.

The PC is also seeking clarification regarding some aspects of the of the Access

Report which accompanied the application, produced by The Hurlestone Partnership where points 2.13 and 5.7 states that;

“There appears to be no coherent justification for the inconsistent stance taken by Launton Parish Council or Cherwell District Council when approving the stables but refusing the proposed gypsy/traveller site, as both developments would utilise the same access with the same visibility provision.”

The PC can see no reason why any professional company which specialises in such matters would expect consistency between the two applications, concerning access, or justification for making such a reference in a planning submission, given that the original application was for the housing of two horses whereas the current one is to accommodate two permanent homes and a further two homes for visiting families. There is a marked difference between the vehicle movements, and types, likely to result from the different uses of the site. Also between the dates of the first application (stables) and the current one, Launton PC has gathered data regarding the speed and volume of vehicles at several points in the village and, of relevance here, leaving the village approaching the site under consideration. As a result it has a heightened awareness of the potential hazards of fast moving traffic in the vicinity of the site, relative to its understanding in 2008.

Both of these points are known to The Hurlestone Partnership and referred to in their Access Report

The PC recognises it has no professional qualification in these matters but believes it has an obligation to highlight such concerns to the planning authority for their consideration, as it has in other applications where development has the potential to increase risk caused by traffic, e.g.

Application No.13/00186/F, a development of 11 houses South East of Chestnut Close.

“The risk posed by a further 25 to 35 vehicles feeding into the junction could not be overlooked, particularly in light of the increase in traffic using the junction from the forthcoming Yew Tree Farm development which will contribute a further 80 to a hundred vehicles. Further, Blackthorn Rd and Bicester Rd, which form the crossroads with West End and are used as a 'rat-run', will experience increasing volumes of through traffic resulting from large scale developments on the northern edge of Aylesbury and those in Bicester”.

The PC's primary role in planning matters is to reflect the feelings of the community it represents, where they express material planning considerations. When the retrospective application for stables was considered by the council in February 2008, five members of the public attended the meeting. When application 12/00287/F change of use was considered in March 2012, fifty seven people attended the meeting, a ten-fold increase in public interest, as did District Councillor Hughes. Many who attended spoke to Councillors before the meeting about the application and expressed concerns over road safety.

#### **Officer Response**

The previous objections on the preceding applications have already been reported.

It is considered that the principle issues of road safety and flooding have been properly addressed in the core report having consulted the statutory Consultees and experts in these matters namely OCC as Highway Authority and the Environment Agency, both of whom are satisfied that these material matters have

been properly overcome either by information already received or by compliance with condition/s.

To further assist, OCC as Highway Authority were reconsulted on the comments made by the PC and it has been confirmed that the recommendation remains unaltered. The pertinent issues are addressed in turn below with the County comment in italics:

The data presented was gathered by the Hurlestone Partnership in a week in late January when, snow had fallen and laid for a number of days. (as reported by another consultee and recalled by a Council member whose wife injured herself by falling in the snow and ice that week). It believes that traffic volumes under these conditions would have been abnormally low and, more significantly, recorded speeds likewise, would be unrepresentative of normal circumstances. If the speeds were abnormally low then the wrong inference will have been drawn regarding stopping distances which, in the Parish Council's view invalidates the report's conclusions.

*I am satisfied the survey provides an appropriate survey. As stated in the submitted Access Statement, the weather conditions were given due consideration and the survey window delayed appropriately.*

Figure 1 of the Access Report shows the 'Achieved Visibility Splay' looking right (in the direction of Launton village) from the site entrance which terminates on the near side curb 80m away. The reciprocal line of sight, for a driver approaching the site from the north west, would, however, be less than 80m, by virtue of his/her position closer to the centre of the carriageway. Further, such a driver would have an even shorter line of sight to a vehicle turning into the site from the other direction. Even if a collision were avoidable there is reason to believe that, under anything other than ideal conditions, a driver confronted by such a hazard with so little time to react, could easily lose control of the vehicle.

*The position of a driver would result in a marginal reduction to the sight line; however, I do not consider the reduction would be significant, being no more than 5m. The Design Manual for Roads and Bridges (DMRB) method for calculating stopping distance allows for a vehicle to stop 'comfortably' in wet conditions. The DMRB stopping distance has been calculated correctly at 63.2m and visibility in excess of 80m has been demonstrated.*

At Point 2.13 and point 5.7 of the Access Report its author states;  
"There appears to be no coherent justification for the inconsistent stance taken by Launton Parish Council or Cherwell District Council when approving the stables but refusing the proposed gypsy/traveller site, as both developments would utilise the same access with the same visibility provision."

The Parish Council can see no reason why any professional company which specialises in such matters would expect consistency between the two applications, concerning access, or justification for making such a reference in a planning submission, given; The original application was for the housing of two horses whereas the current one is to accommodate two permanent homes and a further two homes for visiting families. There is a marked difference between the vehicle movements, and types, likely to result from the different uses of the site.

*The Parish Council is correct to assume a difference in vehicle movements and types but with regard to large or towing vehicles turning to/from the site which appear to be a large part of the Parish Council's concern, I consider there would*

*be a negligible difference given the existing potential for the movement of horseboxes.*

**4. Applicant's agent**

I agree with the conclusion in the report that permanent planning permission should be granted. With respect however I do not agree that imposing a personal permission is either appropriate or in compliance with the 6 tests for imposing conditions: no personal circumstances have been advanced and as there is no adopted Gypsy sites policy, the application is not in conflict with the relevant policies in the Development Plan. In my opinion the condition is manifestly unreasonable and should be deleted. The reliance on H18 is misplaced as this relates to dwellings in the countryside when as your own Report accepts Planning Policy for Traveller Sites anticipates Gypsy sites being in the countryside. I attach three Appeal Decision Letters in cases I have been involved in from March 2013, all of which were in the countryside and all of which were allowed. I would be grateful if you would re-consider the condition in the light of this information and confirm that it will be deleted.

**Officer Response**

Officer Response

Consideration has been given to the above, including the three appeal decisions tabled by the applicant's agent in support for removing condition 2 and all three decisions are made in the context of the particular circumstances of the gypsy and travellers. However, in further consultation with Legal Services there is agreement that, on reflection of the circumstances, condition 2 should be reworded as outlined below. The reason for this is that there is no development plan policy and the condition would not comply with circular 11/95 relating to conditions (also referenced in para 206 of the NPPF). Also, if the site is made personal to the Conner family then it would not count against the number of pitches that Cherwell needs to provide over the plan period.

It is, therefore recommended that condition 2 be re-worded as follows:

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of '*Planning policy for traveller sites*' March 2012.

Reason – In view of the special circumstances of the need to provide for gypsies and travellers which is sufficient to justify overriding the normal planning policy consideration which would normally lead to a refusal of planning consent in accordance with Government guidance contained within the National Planning Policy Framework.