

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**6 August 2015**

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*If you need any further information about the meeting please contact Lesley Farrell / Natasha Clark, Democratic and Elections [lesley.farrell@cherwellandsouthnorthants.gov.uk](mailto:lesley.farrell@cherwellandsouthnorthants.gov.uk), 01295 221591 / [natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@cherwellandsouthnorthants.gov.uk), 01295 221589*

# Agenda Item 25

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

6 August 2015

### WRITTEN UPDATES

#### **Agenda Item 7 15/00250/OUT Land S of Bicester Services, Oxford Road, Bicester**

- Correspondence received from applicant's agents and from Bicester Sports Association ( the latter concerning the availability of an alternative site)
- **Recommend DEFER** to enable the applicant to undertake additional sequential assessment and to enable the Council officers to respond to detailed points raised by the applicants highway consultants concerning highway and parking provision –especially with regards to comparative retail parking provision elsewhere within the District

#### **Agenda Item 9 15/00541/F Land S of Leycroft Barn, Souldern**

- An additional third party objection was received since writing the report. The full e-mail is available on public access. To summarise the objection e-mail, it notes that a decision should not be made until the first livestock building is constructed so an assessment can be made in to what the impacts of the approved livestock building will be.

It is considered that the officer report addresses this matter

#### **Agenda Item 11 The Pits, The Moors, Kidlington**

- It is understood that Members have received correspondence from a neighbour as set out below

*I am the owner of the land which was the intended way into the Allotments when Briar Close followed by Briar End was built. The planners put conditions onto the site to leave a way into the Allotments which we left open. We then put a fence across both ends of Briar end as The Parish described the area as a cul -de -sac. They also mentioned dangers to the children in the play area so we enclosed and fitted it with a self-closing gate which the planners accepted.*

*The Briar Close road entrance is only 70 metres from the Banbury Rd which already has three roads in that short distance. The enclosed pictures and map show the closeness of the roads. They are now trying to put a fourth road into the allotments which would abut the access to the houses. The caravans also use that road to get to the camp site and*

*need a much wider road where the radius would cross the radius which goes into the caravan site etc. Pedestrians who use that footpath would have to cross four open roads with very little amounts of footpath to walk on in the short distance of 70 metres to reach the Banbury Rd.*

*Also I have heard that I am asking for a large amount of money to cross my land into the allotments it is not true as I have not been approached by anyone at all.*

*The safest way into this development and the most cost effective would be to use my entrance where all the services have been upsized ready to connect to and would mean that the Moors road would not be dug up at all. This would not cause any traffic congestion at all.*

*Finally I can understand why the Parish is trying to get the most money for the site but in this case they should think safety first and money second*

- A further letter has been received from a third party commenting as follows

*Further to the deferment of the above application at last months planning committee I have read with interest the comments submitted by the land owner the Parish Council and the traffic consultant acting for the applicant.*

*I am surprised that as yet there has been no comment from the applicant who was asked to look at the alternative access. Clearly what has been received this far is a reaffirmation that the proposed access is acceptable to the Highway Authority. They have **not** undertaken the examination of what the members asked.*

*At Committee you expressed some concerns regarding the third party land and the issue with the existing drive that would cross the access. When the Briar Close development was undertaken the legal provision was made to ensure that crossing or stopping up of the existing driveway was possible to ensure that there would be no barriers to servicing the allotment site in the future as was required by your fellow officers when the layout was designed and planning granted. You will recall from my previous correspondence that when the Briar Close development was planned you as the planning authority required the layout to be designed to specifically facilitate access to the allotment site. The type of road required was designed to accommodate up to another 40-50 dwellings.*

*The fact that the access from Briar Close crosses third party land is not a planning issue and in fact no contact has been made with the owner of that land to discuss the possibility of that being used. The assertion by the parish council that they would be ransomed is unfounded as no discussions have taken place. Equally comments about the viability of the scheme relate to the capital receipt that the Parish might receive and not to the acceptability of a care home in this location. They should consider the safety of the local residents. Safety first and money second. If anything the access from Briar close could allow the site to be replanned with a care home with more bed spaces than that proposed. Surely the applicant should look at this as part of the member's reason for deferral.*

*The Parish council also assert that access through Briar Close would be dangerous due to the LEAP (play area) that was installed as part of the development.*

*From memory, as I was a Director of the development company that built the site, the area was fenced off with self closing gate to avoid vehicular and child conflict. Indeed at the insistence of Mr Duxbury and the then case officer Mr Brunton provision had to be made in that scheme for future access to the allotments so clearly they were not concerned about additional traffic passing the play area.*

*The retention of the bus stop in its existing position is ideal for both staff and visitors to the proposal. The existing access to the allotments could be reused for such access.*

*The relocation of the bus stop surely would need to be agreed with the Bus company and Highway Authority before any planning decision is made. The relocation onto the Banbury road as suggested by the parish is clearly their subjective opinion and is not supported by any consultation with the service operator or users of the service. The applicant's traffic consultant has simply reiterated the reasoning behind why the access should be approved as submitted and again has offered no evidence that the alternative has been considered. This is again **not** what the Members requested. Indeed with the limited survey work that they undertook I do not believe the highway issues have been accurately assessed surely traffic survey data should have been undertaken by more than a visual count on one day.*

*The Axis letter failed to mention the touring caravan use and turning movements off The Moors and it looks like this was not considered by the traffic assessment. Although this would have been small it does indicate that all traffic movements were not considered.*

*With what is currently proposed and the existing access's, over a distance of some 80meters from Briar close to the Junction of Banbury Road there would only be footways for pedestrians for 40 meters of that length. At the proposed point of access with two driveways next to each other this is the longest section with no refuge between as the radii of both junctions cross. How can this be safe for pedestrians?*

*Overall the applicant has as yet failed to demonstrate that he or his consultants have considered the Members requests to look at the alternative access arrangements. Until such time as this has been done I would hope that members will once again defer this for further consideration.*

## **Agenda Item 12 15/00827/F Manor Farm Bungalow, Hornton**

### **Design**

- **Amended plans** were received on 03 August 2015 in response to concerns raised by the case officer. The amendments show a simplified covered vehicle entrance, the proposed chimney (to serve the drawing room) has been moved to a less prominent elevation and two small windows added to the front elevation and the office layout has been amended to project away from the road.

Your officers consider that the amended design overcomes the

previous concerns and the design is appropriate for the site.

- **The Local Highway Authority** has raised no objections to the proposal subject to conditions. The suggested conditions are already included within the recommendation (Conditions 5 and 6).

- **The Council's Environmental Protection Officer** made the following comments:

*I recommend the full contaminated land conditions are applied. The farm land use is potentially contaminative. I would like to see information provided which demonstrates land contamination has been adequately considered and the site is safe (or can be made so through remedial works) and assessments have been undertaken to adequately consider whether this development will affect land contamination.*

*As such, I recommend applying conditions J12-16 requiring the phased assessment of land contamination in line with current best practice, initially starting with a desk study and site walkover undertaken to assess this risk.*

Similar conditions were not recommended on the previous application (13/01451/F) which is still extant and therefore could be implemented. There are no specific contamination risks identified other than the previous use of the land for agriculture.

Given that this application is to essentially to amend the design of the proposed development and the applicant has an implementable consent, your officers do not consider it reasonable to impose the suggested conditions. Therefore, your officers are recommending the following planning notes are included within the recommendation:

- It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.
- The applicant shall draw to the attention of the Local Planning Authority

the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer

## **Agenda Item 16 15/00979/F – Land To East of Webbs Way, Kidlington**

### Lake Bund

Further details of the proposed lake bund have been sought from the Agent. The following response was received:

*The applicant is confident that the construction of the pond can be achieved by complying with the submitted plans/drawings. To give you an idea of what this might look like, I attach a copy of picture of the pond the applicant constructed near Skegness (this is where his family has relocated from). I would stress, however, that the pond in the picture attached is bigger than what is proposed off Webbs Way. It does however give the LPA an idea of what the applicant is trying to achieve. Note that there is not a mound around the pond but a gently gradient which ensures that the pond's retains a natural appearance.*

(The photograph referred to will be shown during the presentation).

It is understood that the approximate 0.8 metre mound mentioned in the flood risk assessment referred to the plans as submitted and was not intended as a proposal for an additional bund around the lake.

The final details of the intentions for the deposited material would be submitted for consideration prior to the commencement of development as required by condition 3. Cross sections have been supplied of the proposed lake and it is considered that significant variation from that proposed would require a separate application for planning permission. Officers consider that the lake would be natural in appearance and is therefore acceptable.

### Drainage

The **OCC Drainage Engineer** was consulted on the flood risk assessment dated 16 July 2015. The following response was received from the Drainage Engineer on 30 July 2015:

*As far as we can tell the ground water levels shouldn't be affected too much by the proposal however we have a few queries we need clarification on.*

*How is the pond being fed?*

*Should the water level drop to low, the lining clay could dry out and crack and compromise the integrity of the lining. There would also be a question mark over the quality of the water if there wasn't a flow in and out of the pond.*

*Where, if any, is the outfall to regulate the maximum level of the pond?*

*During long periods of wet weather the pond level would need to be regulated to a maximum level. How will this be achieved?*

*Assuming there are connections required to watercourses either to feed or regulate the pond level, ordinary water course will be required from us.*

The Agent responded on 04 August 2015 with the following:

*The proposed pond will be fed by groundwater and rainwater. If the clay lining did become a problem by drying out, a plastic liner could be used to resolve the issue. In the experience of the applicant however, and clarified by the EA, this is not normally a concern.*

*There will be no issue with the quality of the water. There are countless examples of successful 'off-line' water bodies in the Country. My client intends to put a stock of fish in the pond and it is clearly in his interest to maintain the water quality to prevent the fish from dying. The water quality can be maintained through selecting the right plants and, if needed, the temporary use of an aerator.*

*There is no outfall proposed but one could be installed if it was required. As confirmed by Abington Consulting in their letter dated 16th July, the proposal will not give rise to flooding issues and 'there will be plenty of storage for additional water' and 'the risk of overtopping is very low'. This position is also confirmed by the EA.*

*No connections to watercourses are proposed to feed or regulate the pond level.*

Officers considered that the installation of an aerator would need to be the subject of a separate application and could not be considered as part of the current proposal. The Agent responded as follows:

*There is no reason the pond will not maintain good water quality and it is in the applicant's interest to keep it this way because he intends to keep fish. As I said below, the maintenance of water quality can be achieved by choosing the right plants. This is demonstrated up and down the Country at off-line ponds. There will therefore be no need for an aerator and is something that the LPA can control by way of a planning condition if this is a concern. I have been advised by the Environment Agency today that off-line ponds also have significant benefits in terms of nature conservation and biodiversity. Ponds that are linked to water courses silt-up and do not offer the same benefits*

Further comments from the Drainage Engineer are awaited. Officers therefore suggest that the recommendation is revised as follows:

- **Subject to the drainage issues being satisfactorily addressed, approve, subject to conditions.**

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Officers also suggest that the Flood Risk Assessment is included in the approved plans list, amending condition 2 as follows:

**2.Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the**

following plans and documents: Application forms, Planning Statement dated 28 May 2015, Letter from Abington Consulting Engineers dated 16 July 2015, Drawing No's. GPP-CC-K-15-02, W14-043-001 Rev. P1 Pond Construction, Pond Construction (Cross Sections), Pond Construction (Long Sections), GPP/CC/K/15/04 Rev. No. 1 received 02 July 2015

**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 Government guidance contained within the National Planning Policy Framework.**

One additional condition is also proposed to prevent the use of plant or machinery on site:

**9. No power-driven machinery or equipment shall be operated on site.**

**Reason – In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.**

**Agenda Item 17 15/01023/F 74-76 Banbury Road, Kidlington**

**APPLICATION WITHDRAWN BY APPLICANT**

**Agenda Item 18 15/01055/F Land adj. 2 Orchard Way, Bicester**

- Local Highway Authority: No objections subject to conditions
  1. Access specification
  2. Plan of car parking provision for four spaces

**Agenda Item 19 15/01057/F: 2 Orchard Way, Bicester**

- Local Highway Authority: No objections subject to conditions
  1. Access specification
  2. Parking and manoeuvring areas to be retained

**Agenda Item 20 15/01076/F 154 Oxford Road, Kidlington**

**APPLICATION WITHDRAWN BY APPLICANT**

**Agenda Item 21 15/01106/OUT 131 Oxford Road, Kidlington**

**APPLICATION WITHDRAWN BY APPLICANT**



## **Agenda Item 22 15/01144/F Land adj. Westbeech Court, Banbury**

- Additional information received confirming limit of highway
- **Highways Liaison Officer comments:** The site is serviced from Westbeech Court. Westbeech Court is a cul-de-sac. Both pedestrian and vehicular access to the three plots is to be taken off Westbeech Court, whilst plot 3 has an additional pedestrian link from The Shades.

Access from Westbeech Court will be from the adopted section of this highway, the proposal does not affect the operation of the area fronting the site nor does it affect the private garage forecourt area for access etc. Whilst Westbeech Court is substandard in width compared to current requirements, it already serves 32 dwellings. In traffic attraction terms there is no highway safety issue arising from such a scheme.

The Shades is a single width highway, which is predominantly used as a footpath. Access is currently provided to the application site from this highway to a double garage with additional parking in front of the garage. The proposed vehicular use is restricted to Westbeech Court. In traffic generation terms this is less traffic intensive than the current use of the The Shades.

The proposal caters for two parking spaces for each dwelling. This is in line with current policy and thus is considered acceptable and will protect the free movement of traffic along adopted highways.

An opening is created through the existing wall adjacent to Westbeech Court in order to create the access to the site for the development this does not affect the use of the turning area in this location.

Whilst it is recognised that there is a shortfall of on street parking along Westbeech Court for the existing dwellings, this is not an issue that needs to be rectified by the proposed development as it provides its own off street parking in accordance with policy, it is considered to have negligible impact upon parking capacity within the adopted highway.

The application site is currently a car park used in conjunction with 36 West Bar Street, with the wider parking area also linked to number 38. 21 parking spaces are currently available for use in association with number 36. Reorganisation of the space will enable this number of spaces to be retained and used without undermining highway safety on the parking area retained beyond the application site.

The Prior Approval Application for 38 West Bar Street to be used as flats noted 16 parking spaces would be provided. 11 have been marked out, some of which are substandard. There is no concern over this level of provision and as such the level of parking retained is considered acceptable in this instance.

To conclude it is considered that the proposal overall is not that traffic intensive in terms of the number of units and as such is not considered a

highway safety issue given the small amount of vehicles the development would generate. On this basis there are no objections to the proposal from a traffic and highway safety point of view subject to the following conditions;

- i. The proposed access must be formed with a vehicular crossing over the verge. Such crossing must be constructed to the current Oxfordshire County Council construction specification.
  - ii. The front boundary treatment on Westbeech Court must not exceed 1m in height, nothing must be planted, erected or allowed to remain along the frontage that exceeds or may exceed one metre in height above the level of the adjacent carriageway.
  - iii. No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received
- As a consequence of this **recommend** delete printed condition 7 and replace with
7. The proposed access must be formed with a vehicular crossing over the verge. Such crossing must be constructed to the current Oxfordshire County Council construction specification.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

8. The front boundary treatment on Westbeech Court must not exceed 1.0 metre in height, nothing must be planted, erected or allowed to remain along the frontage that exceeds or may exceed 1.0 metre in height above the level of the carriageway.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

