

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

19 September 2019

WRITTEN UPDATES

Agenda Item 7

Proposed Pre-Committee Site Visits

Officers would like to recommend that the Committee agrees to hold pre-committee site visits for the following applications, which are expected to be brought before the Committee for determination at the next meeting:

19/01160/F Exham House, Bloxham School, Banbury Rd, Bloxham (Agreed to hold a site visit at Planning Committee held 15 August 2019)

Agenda Item 8

19/00617/F Land To The East of The Warriner School, Bloxham Grove Road, Bloxham, Oxfordshire

Officer comments

Discussions have continued between Cherwell District Council, Oxfordshire County Council (highways), applicant and the Parish Councils about potential alternative solutions at the Banbury Road/Ells Lane/Bloxham Grove Road junction. However, the conclusion of those discussions is that none of the alternative options put forward by the Parish Councils are supported or required by the highway authority which the applicant had advised would be needed for them to agree to amended or additional measures.

Change to recommendation:

None

Agenda Item 9

18/00904/F Glebe Farm, Boddington Road, Claydon, Banbury

Application has been withdrawn by the applicant

Agenda Item 10

16/00472/OUT S Grundon Services Ltd, Merton Street, Banbury, OX16 4RN

Additional information received:

THAMES WATER: Thank you for contacting Thames Water to advise that this application will be going to committee.

In re-visiting this application we notice that we omitted to comment on the developments close proximity to Thames Water Banbury STW, as such we would like the following to be taken into consideration if possible.

“The below response reflects our concern that the applicant has failed to demonstrate that future occupiers of the proposed development will have adequate amenity. Given the proposed development’s close proximity to the Banbury Sewage Treatment Work, we object to the planning application.

Background - The amenity of those that will occupy new development must be a consideration in deciding whether or not to grant permission for new developments. This is underlined in the 2012 National Planning Policy Framework (paragraph 120) which states: “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Amenity - The applicant must therefore include an assessment of potential impacts on amenity for future occupiers of the proposed development. This should include an appraisal of existing odour, noise and lighting from the Sewage Asset and its potential impact on future occupiers of the proposed development. The local planning authority must ensure they are satisfied with the applicant’s assessment in that the amenity of future occupiers of the proposed development will be acceptable. If amenity is considered acceptable by the local planning authority, then we would request that any proposed mitigation that is set out in the assessment is controlled via a planning condition.

Odour - Odour can be a particular issue at our sewage assets. It is important to ensure that development which might be sensitive to the odour environment in the vicinity of existing assets is not permitted to take place unless: (a) it can be established it will be located or designed in such a manner as not actually to be sensitive to such odour; (b) or that funding is made available by the applicant for the installation of odour treatment apparatus sufficient to overcome any conflict between the development and uses proposed.

To address odour as an environmental impact, the applicant should submit an odour assessment to demonstrate there will be no adverse impact in relation to odour. The odour assessment should be based on assessing onsite odour emissions. The assessment should also include an outline of an odour mitigation measures strategy. If the odour assessment is considered acceptable by the Local Planning Authority and Thames Water, then we would request any proposed mitigation set out in the odour assessment is controlled via a planning condition. A suggested planning condition is set out below.

“No development shall commence until an odour modelling assessment has been submitted to and approved by the Local Planning Authority in consultation with Thames Water. The odour assessment should be based on assessing on-site odour emissions. The assessment should include an odour mitigation measures strategy. Where the odour modelling assessment identifies a need for mitigation there should be no occupation of the development until the recommendations of the odour mitigation strategy are agreed by the Local Planning Authority in consultation with Thames Water and have been implemented and are operational.”

Conclusion - We will maintain our objection until the amenity of potential future occupiers of the proposed development is adequately addressed by the applicant. To address our objection, the applicant should submit an appropriate appraisal of amenity whereby the conclusions and recommendations satisfy the Local Planning Authority. The applicant should within its submission include a detailed odour assessment, which should be prepared in consultation with Thames Water. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above is inappropriate, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Officer Comment:

The above comments highlight a material planning consideration that needs to be adequately addressed prior to the determination of the application. An odour assessment is required to understand any potential impact on residential amenity and to understand any implications for the proposal.

Thames Water have suggested a condition, but it is not clear at this stage what the odour issues may be and if/how they can be adequately mitigated against. The comments suggest that contributions towards off-site works may be necessary.

The Local Planning Authority needs to be satisfied that a technical solution is possible prior to the imposition of a condition to ensure the condition meets the ‘tests for conditions’ set out in National Planning Policy Framework. If contributions to off-site works are required, these would need to be considered as part of the Section 106 agreement.

Given the above issues, officers are recommending the application be deferred to allow sufficient time to consider this matter.

Change to recommendation:

It is recommended the application is DEFERRED.

Agenda Item 11

19/00607/F Land at Skimmingdish Lane and Land and Roundabout at Bicester Road, Launton

No updates

Agenda Item 12

19/00314/F Brickhouse Farm, Bloxham Road, Milton

Correction to report – paragraph 10.2 should read “Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. However, conversely where an application does not accord with development plan policies it should be normally refused.”

Agenda Item 13

19/01478/CDC 36 - 37 Castle Quay, Banbury, OX16 5UN

No update

Agenda Item 14

19/01658CDC 36 - 37 Castle Quay, Banbury, OX16 5UN

No update

Agenda item 15

Appeals Progress Report

Correction to report - Page 223. The word “Not” is missing in the first sentence of the paragraph above “Refusal Reason 2”. The paragraph should read “The Inspector considered that the Council had not demonstrated how in its own right allowing the appeal would lead to the undermining of the Council’s overall housing rebalancing strategy contrary to the intent of Policy PV2.”