

North Area Planning Committee

1 March 2007

PREVIEW : PART II - Approvals

06/02499/OUT

21.12.06

**Banbury - Land Adjoining And North West Of 35 Crouch Hill Road
Banbury**

Outline - Residential building land

For : A T Kimberley (Holdings) Ltd c/o J Williamson Associates 58 Nursery
Drive Banbury Oxfordshire OX16 2NA

RECOMMENDATION :

SCANNED

Approval, subject to :

- i) The applicants entering into a S106 agreement with the District Council and the County Council to:
 - a) Ensure the provision of affordable housing within the site at a ratio of 30% if the site is developed with 25 or more dwellings. The land shall be transferred to the Council's nominated housing association fully serviced and at nil value;
 - b) Ensure the provision and maintenance of children's play space and amenity space within the site
 - c) Secure a commuted sum for the provision of indoor sports facilities of £461 per dwelling;
 - d) Secure a commuted sum for the provision of off-site sports facilities of £758.36 per dwelling;
 - e) Secure contributions towards library infrastructure and book stock serving Banbury, £4765 index linked to 4Q05 BCIS building costs
 - f) Secure contributions towards social and healthcare serving Banbury, £2049 index linked to 4Q05 BCIS building costs
 - g) Secure contributions towards waste management recycling centre infrastructure serving Oxfordshire, £2204 index linked to 4Q05 BCIS building costs
 - h) Secure contributions towards Museum Resource Centre infrastructure serving Oxfordshire, £319 index linked to 4Q05 BCIS building costs
 - i) Fund the costs of any fire hydrants sprinklers and related infrastructure required by the Fire and Rescue Service
 - j) Secure an additional sum of £406 index linked to 4Q05 BCIS building costs for 24th and every subsequent dwelling
 - k) Secure a contribution towards the Banbury Integrated Transport Land Use Study
 - l) A contribution towards the provision of bins and recycling facilities within the site
 - m) Pay a contribution of £500 to the District Council for the monitoring of the s106 agreement
 - n) Pay a contribution of £100 to the County Council for the monitoring of the s106 agreement
- ii) the satisfactory outcome of a botanical and protected species survey of the site; and
- iii) the following conditions:

- 1 1_0A
- 2 1_1
- 3 1_2
- 4 2_0
- 5 4_3
- 6 4_14B
- 7 4_9A

8 No development is to take place in advance of the submission and agreement in writing with the Local Planning Authority of a specification of works to improve the highway serving the site (Crouch Hill Road) such improvements to be undertaken and completed before the occupation of the first dwelling unit. Reason - In the interests of highway safety and to comply with Policy T8 of the Oxfordshire Structure Plan 2016 and Policies TR2 and TR5 of the adopted Cherwell Local Plan.

- 9 3_0
- 10 3_1

11 Before any works commence, the existing trees along the boundaries of the land shall be preserved, fenced around and properly maintained in accordance with the advice contained in the attached tree protection schedule and none of the trees shall be felled, topped, lopped or uprooted without the prior consent of the Local Planning Authority unless such tree has become dangerous. In the event of any tree dying or being seriously damaged or destroyed within five years from the completion of the development, a new tree of a species first approved in writing by the Local Planning Authority shall be planted and properly maintained in a position or positions first approved by the said Authority. Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.

- 12 3_7A
- 13 3_10

14 That a botanical and protected species survey be carried out by a suitably qualified surveyor at an appropriate time of year prior to the commencement of the development and the findings of the survey shall be submitted to the Local Planning Authority for approval and that any recommendations for mitigation arising from the survey shall be carried out prior to the commencement of the development. Reason - To ensure that the proposed development does not result in any detriment to the biodiversity of the application site and to comply with Policy EN2 of the Oxfordshire Structure Plan 2016.

Planning Note(s)

There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5m of them and will require 24 hours access for maintenance purposes.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings and has no undue adverse impact upon the residential amenities of neighbouring properties nor upon highway safety or biodiversity. As such the proposal is in accordance with Policies G2, EN2 and T8 of the Oxfordshire Structure Plan 2016 and Policies TR2 and R12 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

CONSULTATIONS/REPRESENTATIONS

Town Council: Object to the application on the following planning grounds: Needs a full environmental assessment and more importantly a Traffic Assessment. Crouch Hill/Broughton Road junction is already dangerous – any additional traffic will make matters worse.

Highway Authority: No objections subject to conditions 5 – 8 above and contribution towards the Banbury Integrated Transport Land Use Study.

County Council's Developer Funding Officer: Contributions needed to mitigate the impact of proposal 06/02499/OUT on Banbury:-

Library infrastructure and bookstock serving Banbury £4,765 index linked.
Social & Healthcare infrastructure serving Banbury £2,049 index linked
Waste Management Recycling Centre infrastructure serving Banbury £2,204 index linked.

Museum Resource Centre infrastructure serving Oxfordshire £319 index linked
For 24th and every subsequent dwelling £406 per additional unit index linked.

Costs need to be index linked to 4th Quarter 2005 BCIS building costs.

Oxfordshire County Council seeks a payment of £100 for the purposes of administration and monitoring of the proposed S106 agreement, payable on completion of the S106 agreement.

Environment Agency: the Environment Agency has assessed this application as having a low environmental risk.

Thames Water: Surface water drainage – with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control and encourages its appropriate application where it is to the overall benefit of customers. Hence on the disposal of surface water Thames Water will recommend that the applicant:

- a) looks to ensure that new connections to the public sewerage system do not pose an unacceptable threat of surcharge, flooding or pollution
- b) check the proposals are in line with advice from DETR which encourages wherever practicable disposal on site without recourse to the public sewerage system – for example in the form of soakaways or infiltration areas on free draining soils
- c) looks to ensure the separation of foul and surface water sewerage on all new developments.

Thames Water recommends that a bacterial or enzyme dosing unit be fitted on all waste discharge points from kitchen sinks and floor drains prior to discharging to the public sewerage system to avoid blockages at a later date. If the recommendation is ignored this property and others may suffer from sewerage flooding.

Where disposal of surface water is other than to a public sewer then the applicant should ensure that approval for the discharge has been obtained from the appropriate authorities.

On the basis of the information provided Thames Water would advise that with regard to sewerage infrastructure we would not have any objections to the application.

Water comments – Thames Water recommend the following informative be attached to any planning permission:

“There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5m of them and will require 24 hours access for maintenance purposes.

Landscape Services Manager: The only significant trees are those located on the north east boundary of the site with 191 Broughton Road. The majority of the trees being mainly mature ash trees are located within the boundary of 191 rather than being on the land for which outline planning permission is being sought. The applicant has said that the current owner wishes to retain the trees to maintain the screen between their property and the proposed development. On the land itself is a large area of scrub comprising mostly of blackthorn with the odd ash tree. I therefore have no objections to the proposal but we should require the submission of a BS5837:2005 tree survey for the boundary trees and associated information should full planning permission be applied for at a later date. This would include root protection zones and details of the protection of boundary trees during construction.

In terms of open space provision for a development of 10 or more houses we would require an on-site LAP at a cost of £16000 with a commuted sum for maintenance of £20000. A contribution to indoor sports facilities of £461/ dwelling and a contribution to off-site pitches of £758.36 per dwelling.

Chief Engineer: No comments in principle. However there is evidence of ground movement in this locality which the detailed design of any development will have to accommodate.

Natural England: We have been contacted by a local resident who has concerns regarding the potential ecological impacts that this development may have on the proposed site. It was highlighted that the site contains many species of flora and fauna and there is the potential for the presence of protected species including bats. We therefore advise the local authority that it is appropriate to request from the developer an ecological survey (botanical and protected species) to be undertaken by a suitably qualified surveyor at an appropriate time of year.

Twenty four letters of objection have been received from nearby residents. They comment that:

- 1) Concerned about impact on wildlife.
- 2) Bats, foxes, badgers deer and various birds have been seen on the site.
- 3) The site enhances the area.
- 4) It has a rich variety of wildflowers.
- 5) There is a pond to the corner of the field which is home to frogs, newts toads and other wildlife.

- 6) Any development will endanger the wildlife.
- 7) Concerned about highway safety with increased vehicle movements.
- 8) The access onto the B4035 is difficult.
- 9) Another development of 18 houses accesses the B4035 directly opposite Crouch Hill Road.
- 10) An environmental impact assessment and traffic assessment should be commissioned.
- 11) Wildlife survey should be done in the spring and summer months before the application is considered.
- 12) Concerned that Crouch Hill Road is used as a car park by nearby residents.
- 13) Will traffic calming measures be put in?
- 14) Concerned about safety of children playing in the road.
- 15) Concerned about disposal of surface water and raising of the water table leading to damage to property.
- 16) Concerned about impact on property values.
- 17) Considers that new dwellings should be in keeping with the local area.
- 18) More than adequate parking should be provided.
- 19) The development will create a lot of mess and prevent access to properties.
- 20) Considers that there will be a loss of a view.
- 21) Concerned that congestion will block access to emergency vehicles.
- 22) Considers that TPO's should be put on the trees.
- 23) It will be an eyesore.
- 24) It is the only open space in a very built up area.
- 25) The local authority planning process has a responsibility to guard against inappropriate development and arbitrary infilling.
- 26) Concerned that the density could be unacceptably high for the nature of the area.

PCM'S ASSESSMENT

The application seeks outline planning consent for residential development on this 0.6 hectare site at Crouch Hill Road, Banbury. The only issue to be considered at this time is the principle of the development of the site for residential purposes as all matters are reserved for subsequent approval. No details have been submitted with the application however the applicant has stated that they consider that the site is suitable for 20 – 30 houses.

Planning permission was granted in 1979 under application CHN. 916/79 for the erection of 10 dwellings on the site currently under consideration. This was an outline application with all matters reserved for subsequent approval. Whilst the 1979 outline consent has lapsed it is a material planning consideration that needs to be taken into account in the determination of the application.

The site is within the built-up limits of Banbury and as such the development of the site for residential purposes complies with the housing policies within the Oxfordshire Structure Plan 2016, the adopted Cherwell Local Plan and the Non-Statutory Cherwell Local Plan 2011. The provision of new dwellings in locations such as this complies with the advice given in Planning Policy Guidance Note 3 and Planning Policy Statement 3. These seek the development of sustainable sites, accessible by public transport to jobs, education, health facilities, shopping, leisure and local services.

The Landscape Services Manager has identified that the trees to the boundary of the site with 191 Broughton Road should be retained. These are mostly within the boundary of 191 Broughton Road and not in the application site and therefore the Council cannot control their retention as part of this application. The applicant however has stated that they would wish to retain the trees as they would provide privacy for the house adjacent to the land (191 Broughton Road).

The applicant has commissioned a botanical and protected species survey which is being undertaken by a suitably qualified surveyor. It is recommended that if Members resolve to approve the application the permission is not issued until the ecological survey is completed and Natural England consulted on the findings. It is further advised that the recommendations for any mitigation works regarding any important botany or protected species be carried out prior to the commencement of the development. Condition 14 above relates to this.

Any development on the site will need to respect the scale, character and amenities of the area. The development of the site for residential purposes will not have any significant impact on the living amenities of nearby residential properties fronting Crouch Hill Road, Broughton Road or Browning Road as long as the layout and design of the dwellings are acceptable. However this will be the subject of any reserved matters application.

Whilst a considerable number of objections have been raised to the scheme relating to highway safety concerns the Highway Authority is satisfied that the proposed development of the land for residential purposes will not result in any significant detriment to highway safety. They have recommended several conditions, set out above, to ensure that the proposal is acceptable. The proposal is considered to comply with Policy T8 of the Oxfordshire Structure Plan 2016, Policy TR2 of the adopted Cherwell Local Plan and Policy TR5 of the Non-Statutory Cherwell Local Plan 2011.

A legal agreement is considered to be appropriate to ensure the provision and maintenance of children's play space and amenity space within the site to normal adopted standards and a contribution for indoor sports facilities and off-site sports facilities is secured. This will comply with Policy R12 of the Cherwell Local Plan and Policies R8 and R9 of the Non-Statutory Cherwell Local Plan 2011.

To comply with the requirements of Policy H7 of the Non-Statutory Cherwell Local Plan affordable housing provision at a ratio of 30% will also be necessary within the site if 25 or more dwellings are proposed. As the number of units is not known at this time it is considered necessary to seek the provision of affordable

dwellings in the s106 agreement if 25 or more units are to be constructed.

The County Council has been consulted on the requirement for contributions from the developers to assist in providing additional library facilities, social and health care infrastructure, Waste Management and Recycling Centre infrastructure and Museum Resource Centre infrastructure. The developers will also need to fund the cost and provision of any fire hydrants, sprinklers and related infrastructure required by the Fire and Rescue Service.

It is further recommended that if the ecological survey and s106 agreement are not completed and the permission able to be issued by 22 March 2007 that delegated authority be given to the Planning Control Manager to determine the application at his discretion. This would be to refuse the application in the absence of an ecological survey, which is essential to identify the presence and ensure the protection of any protected species and important botany, and in the absence of a s106 agreement, which is essential to secure adequate provision for community benefits and transport mitigation measures in accordance with Policies EN2, G3, T1 and T8 of the Oxfordshire Structure Plan 2016 and Policy R12 of the adopted Cherwell Local Plan.

SCANNED