

James Kirkham

From: Plater, Roger - Communities <Roger.Plater@Oxfordshire.gov.uk>
Sent: 16 July 2020 16:23
To: James Kirkham
Subject: RE: 20-01145-DISC Stone Pits Hempton Road Deddington

Hi James,

Following our internal discussion today, I can remove my previous objection to the discharge of condition 11. The information supplied to date is considered satisfactory and full details will be established during the S278 procedure.

Kind regards

Roger

Roger Plater
Transport Planner, Transport Development Control
(Cherwell and West Oxfordshire)
Oxfordshire County Council
Mobile 07789 653049

From: James Kirkham <James.Kirkham@Cherwell-DC.gov.uk>
Sent: 15 July 2020 10:08
To: Plater, Roger - Communities <Roger.Plater@Oxfordshire.gov.uk>
Subject: RE: 20-01145-DISC Stone Pits Hempton Road Deddington

Hi Roger

Thanks. I will wait to hear back from you. I think the guidance in the PPG is problematic to the current way of doing this.

Kind regards

James Kirkham BA (Hons) MSc MRTPI
Principal Planning Officer – General Developments Planning Team
Development Management
Place and Growth Directorate
Cherwell District Council
Direct Line: 01295 221896
www.cherwell.gov.uk
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My usual working hours currently are: Monday, Wednesday and Friday, 08:30 to 17:00

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instead to phone or email the Planning Service on 01295 227006: planning@cherwell-dc.gov.uk. For the latest information about how the Planning Service is impacted by COVID-19, please check the website: www.cherwell-dc.gov.uk.

From: Plater, Roger - Communities <Roger.Plater@Oxfordshire.gov.uk>

Sent: 14 July 2020 14:31

To: James Kirkham <James.Kirkham@Cherwell-DC.gov.uk>

Subject: RE: 20-01145-DISC Stone Pits Hempton Road Deddington

Hi James,

Sorry about the delay in responding; I am catching up after having a week off.

I agree that this is a bit of a grey area, and perhaps the wording of the condition needs to be reviewed as it does require "full details". If the condition is to be discharged just by the drawings that have already been approved in the outline application then the condition is not necessary anyway.

We have a team meeting on Thursday and I have requested that this topic is discussed so that, hopefully, we can get some agreement as to what level of detail is required to discharge these conditions. Are you able to wait till the end of the week? If not, I'm happy for the condition to be discharged in this instance as a S278 is required and it will confirm all the detail.

Kind regards

Roger

Roger Plater
Transport Planner, Transport Development Control
(Cherwell and West Oxfordshire)
Oxfordshire County Council
Mobile 07789 653049

From: James Kirkham <James.Kirkham@Cherwell-DC.gov.uk>

Sent: 08 July 2020 09:31

To: Plater, Roger - Communities <Roger.Plater@Oxfordshire.gov.uk>

Subject: FW: 20-01145-DISC Stone Pits Hempton Road Deddington

Hi Roger

I hope you are well. Thanks for your comments on this DISC. Please see below from the applicant in response to your request. Could I please have your comments? In particular I am interested to know what is missing from the current plans? Do you feel that further details of the proposed build out are required or does this not relate to details of the access?

In regard to the concerns of the applicant that it is not a requirement of the condition to enter into a S278 I do have some sympathy with this. The Paragraph: 005 Reference ID: 21a-005-20190723 of the Planning Practice Guidance (<https://www.gov.uk/guidance/use-of-planning-conditions>) relating to the use of planning conditions states that:

Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate.

Even if the condition was discharged my understanding is that they would need to apply for S278 to do the works on the highway and this requirement is secured by the legal agreement attached to the site.

Your thoughts would be appreciated.

Kind regards

James Kirkham BA (Hons) MSc MRTPI
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Development Management
Place and Growth Directorate
Cherwell District Council
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From: Mervyn Dobson <mervdob@gmail.com>
Sent: 07 July 2020 10:15
To: James Kirkham <James.Kirkham@Cherwell-DC.gov.uk>
Cc: Webb Developments Limited <robert@webb-developments.com>; Manjula Cook <manjulacook@gmail.com>
Subject: Re: 20-01145-DISC Stone Pits Hempton Road Deddington

Dear James

Thank you for your recent letters regarding our recent application to discharge conditions 6,7,8 and 11. Our application was accompanied by the original desk study regarding contamination together with a site investigation; the access drawings were also prepared to accord with the county highways standards. The purpose of this application to discharge the conditions was so as to provide potential developers with greater certainty regarding the sub soil conditions within the site and the approach taken by the planning authority to remediation so as to facilitate an earlier start on site. The same applies to the access arrangements.

So far as the potential contamination is concerned the site investigations confirm the desk study insofar as there were no problems across virtually all of the site save for an area of ash below ground level close to TP03 and the area beneath the existing building (which not surprisingly cannot be accessed at this point in time). The report assumed a worst case position in relation to the ash and included an outline remediation strategy for its safe development. It is therefore disappointing that your colleague cannot at least give a partial discharge of Conditions 7 and 8 covering the bulk of the site with conditions requiring further work on TP03 and the ground under the building. This would be an expedient and more importantly, a safe way of dealing with this matter. Such an approach would comply with the advice in the NPPF (about taking a positive approach to applications and in using conditions to mitigate any potential problems).

So far as the highway condition is concerned there is no requirement in the condition for the applicant to enter into a S278 in order to get this discharged. Indeed this matter is dealt with entirely separately in an "Informative " at the bottom of the decision notice. We believe that the details supplied to you are technically in order and comply with the CC standards. I leave it to you to decide whether failure to comply with a separate administrative issue represents an appropriate reason for refusing an application; or whether you should revert to your County colleague

asking for his opinion on the technicalities. I would reiterate that the purpose of discharging this application is not to permanently establish the precise position of the access but to demonstrate to potential purchasers that there is no difficulty in achieving the county council standards. This has been put into some doubt by the imposition of the condition in the first place.

I very much hope that you can adopt the approach which I have set out above in granting a discharge of condition six with a partial (conditioned) discharge of condition seven and eight. So far as condition 11 is concerned I would suggest that you go back to your colleague in the county council and ask him for his views on the technical issues. We are content to let you have more time to do this.

KR
Mervyn Dobson

Pembury Estates

Sent from my iPhone

On 1 Jul 2020, at 15:53, James Kirkham <James.Kirkham@cherwell-dc.gov.uk> wrote:

Dear Mervyn

Further to your recent discharge of condition please see attached from the County Highway Authority re: condition 11.

Further to this, and my email on 19/6, I will therefore be recommending condition 7, 8 and 11 be refused. I would suggest withdrawing the following conditions from the current application until further information.

Please let me know how you wish to proceed by Thursday 9th July or I will proceed to issue a split decision.

Kind regards

James Kirkham BA (Hons) MSc MRTPI
Principal Planning Officer – General Developments Planning Team
Development Management
Place and Growth Directorate
Cherwell District Council
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From: Plater, Roger - Communities <Roger.Plater@Oxfordshire.gov.uk>
Sent: 01 July 2020 14:21

To: James Kirkham <James.Kirkham@Cherwell-DC.gov.uk>
Cc: Planning Consultations - E&E <PlanningConsultations@Oxfordshire.gov.uk>; DC Support <DC.Support@cherwell-dc.gov.uk>
Subject: 20-01145-DISC Stone Pits Hempton Road Deddington

Hi James,

Please find attached response to the discharge of conditions application.

Kind regards

Roger

Roger Plater
Transport Planner, Transport Development Control
(Cherwell and West Oxfordshire)
Oxfordshire County Council
Mobile 07789 653049

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