

Case Officer: James Kirkham

Recommendation:

Applicant: Mr Mervyn Dobson

Proposal: Discharge of Conditions 6 (Contamination Study) and 11 (Means of Access) of 18/02147/OUT

Expiry Date: 26 June 2020

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. The application site is an agricultural field located to the west of Deddington to the north of the Hempton Road. The site contains an agricultural building located towards the south east corner of the site, which is served by an access from Hempton Road. The site is relatively flat, but the land beyond the northern boundary of the site falls away into a wide valley. To the east of the site is Wimborn Close which consists of a mix of relatively modern two storey properties and has a landscaping belt adjacent to the site. The 2 metre high hedge exists to the west of the site beyond which lies further agricultural fields.

1.2. Outlined planning permission has been granted (with all matters reserved except access) for up to 21 dwellings. To date no reserved matters have been submitted.

2.1. CONDITIONS PROPOSED TO BE DISCHARGED

2.2. The current application seeks permission to agree the details for conditions 6 and 11 of the outline permission. The following information has been provided:

Condition 6 (contamination land investigation) – As outlined in BRD Environmental Ltd reports referenced BRD3567-OR1-A (November 2019) and BRD3567-OR2-A (Jan 2020)

Condition 11 (access) – These details are shown on drawing 20172-01 Rev E.

2. RESPONSES TO CONSULTATION

3.1. CDC ENVIRONMENTAL PROTECTION: **No objection** to discharge of condition 6. Further details will be required in order to discharge conditions 7 and 8.

3.2. **OCC HIGHWAYS:** Originally request the applicant to enter into a S278. However further to additional discussions raises **no objections**.

3. APPRAISAL

4.1 The information relating to condition 6 (ground investigation) has been reviewed by the Council's Environmental Health Officer. This identifies area(s) that require further investigation. The EHO is satisfied with this and the additional investigation will need to be submitted by the applicant under condition 7 and any remediation strategy under condition 8.

4.2 The Local Highway Authority (LHA) has been consulted on the information submitted in regard to the access (condition 11). The LHA originally raised concerns that the applicant would need to enter in a Section 278 in order to discharge the condition. However, the condition does not require the applicant to enter a S278 agreement in order to discharge the condition and this would be contrary to the advice in the PPG which states it is unreasonable to impose conditions requiring an applicant to enter into other regulatory processes. That said, the works will require the applicant to enter into a Section 278 for the works to the access and the Section 106 agreement which was entered into as part of the proposal to secure the access works, footpath connections and build out features. This decision on this application would not prejudice a decision on these separate consents. The Highway Officer is now satisfied with the details submitted, which are considered to be acceptable in order to discharge the condition. It is therefore recommended that the details for this condition be approved.

4. RECOMMENDATION

That Planning Condition(s) 6 and 7 of 18/02147/F be discharged based upon the following:

Condition 6 (contamination land investigation) – As outlined in BRD Environmental Ltd reports referenced BRD3567-OR1-A (November 2019) and BRD3567-OR2-A (Jan 2020)

Condition 11 (access) – As detailed are on drawing 20172-01 Rev E.

Informative: The applicant is reminded of the obligations to enter into a Section 278 Agreement in relation to the highway works secured and detailed in the Sixth Schedule of the Legal Agreement relating to 18/02147/F

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DATE: 16 July 2020

Checked By: Nathanael Stock

DATE: 27.07.2020
