

Planning Committee

1 March 2017

Addendum Report

Item 7 – P15/V2353/O – Land off Hobbyhorse Lane, Sutton Courtenay

Clarification

1. In paragraph 7.7 of the Committee Report, it is stated that the proposed development is for 360, this is an error- the proposal is for up to 200 dwellings.
2. The illustrative layout plan used in the committee report is superseded. A copy of the latest framework plan is **attached** at appendix 1. This plan has been already circulated among the committee members.

Additional comments received

Since the publication of the committee agenda the Environment Agency's comments have been submitted. A copy of the received comments is **attached** at appendix 2.

Tree Preservation Order

The Council's Forestry Officer has been contacted by one of the local residents regarding the preservation of the Poplar tree at the junction of High Street and Frilsham Street, which is proposed to be removed to allow the widening of the road.

The Forestry Officer has advised that the Poplar Tree in question has been assessed and confirmed that it does not meet the criteria for a tree preservation order.

Item 8 – P16/V2433/FUL – 1 Larch Close, Southmoor

Additional representations

Since the publication of the planning committee agenda two consultation comments have been received. In summary the points raised relate to:

- Seeking confirmation as to whether all intentional unauthorised development carried out by the applicant should be taken into account.
- Seeking further clarification of point 4 of the supplementary paper, published on Friday 24 February.
- The site should be reinstated to its original condition

Officer Response

Intentional unauthorised development is a material consideration in the planning process however in this case, officers recommend that it should be given very limited weight in the planning balance because the council's ability to either grant or refuse planning permission, or to mitigate any unauthorised development, has not been fettered by the carrying out of unauthorised development (carried out intentionally or otherwise).

If members are minded to give any weight to the carrying out of intentional unauthorised development then it is recommended that this should be in the context of how the carrying out of the intentional unauthorised development is related to and concerns the planning issues relevant to this case and not simply or mainly due to the perceived public disapproval of intentional unauthorised development.

Item 9 – P16/V0254/FUL – East West, All Saints Lane, Sutton Courtenay

Clarification

The council have secured amendments to the proposals during the course of the application and amended plans have been submitted. Further amendments have been sought regarding the relationship of the bunds to the neighbouring dwellings on Churchmere Lane to reflect the fact that the application site lies approximately 1 metre below the garden level of the dwellings. This means that although the bunds appear to be approximately 3 metres high on the application site side, they are approximately 2 metres above garden level on the neighbours' side. Officers consider these amendments can be secured by an additional, sixth, condition as follows:-

6. Within one month of the grant of planning permission a section plan on the line A – A1, at a scale of 1:50, shall be submitted to show the typical relationship of the bunds and the dwellings Ashburnham, Siddery Beg and Ashcombe

Appendix 1



Appendix 2

creating a better place



Hanna Zembrzycka-Kisiel
Vale Of White Horse Council
135 Eastern Avenue
Milton Park
Milton
OX14 4SB

Our ref: WA/2015/121551/04-L01
Your ref: P15/V2353/O
Date: 23 February 2017

Dear Hanna,

Land off Hobbyhorse Lane, Sutton Courtenay, Abingdon, Oxfordshire, OX14 4BB.

Outline planning application for up to 200 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.

Thank you for re-consulting us on the above application. I apologise for the delay in sending our response to you.

We request that you refer to our advice provided below in relation to groundwater protection, the proximity of waste sites to the proposed development site and landfill gas.

Groundwater protection

We understand that infiltration drainage has been proposed for the development site. Where infiltration drainage is proposed, it must be demonstrated to the Lead Local Flood Authority that it will not pose a risk to groundwater quality. We consider any infiltration drainage greater than 3 metres (m) below ground level to be a deep system and generally not acceptable. All infiltration drainage systems require a minimum of 1m clearance between the base and peak seasonal groundwater levels. All systems need to meet the criteria set out in our [Groundwater Protection: Principles and Practice \(GP3\)](#) document. In addition, they must not be constructed in ground affected by contamination.

In addition, there must be no direct discharge to groundwater from any soakaway or infiltration drainage system which may contain contaminated run off (such as oil from cars), this could result in a breach of the Environmental Permitting Regulation 2010. In line with position statement A7 in our GP3 guidance, if unacceptable discharges were being made into groundwater, we may seek to take enforcement action as outlined below:

"If necessary, we will use our powers to serve notices to prevent or stop unacceptable inputs to groundwater arising from an activity that is not subject to a permit. In the event of actual pollution, we will take into consideration whether the operator is complying with a statutory code of good practice before taking further action."

Environment Agency
Apollo Court, 2 Bishops Sq Business park, Hatfield, Herts, AL10 9EX.



ea/15/03/11

Please be advised that we do not provide detailed comments on the adequacy of surface water drainage systems as we are no longer a statutory consultee on these matters; we would refer you to the Lead Local Flood Authority for their comments.

Proximity to existing waste processing sites

New development within 250m of an existing waste facility could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. The severity of these impacts will depend on the size of the facility, the nature of the waste it takes and prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.

Landfill gas issues

The proposed development is in close proximity to both a closed landfill site and a currently active landfill site. These sites are known to be producing landfill gas. However, the Hobbyhorse Lane North landfill adjacent to the site is not regulated by us and does not have a permit, as it was operated prior to the formation of the Environment Agency.

Landfill gas consists of methane and carbon dioxide is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Under the conditions of the Environmental Permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. An examination of our records of this monitoring show that there is previous evidence of landfill gas migration from the site that could affect the proposed development. This environmental monitoring data from the site is available on our public register.

You should be aware of the potential risk to the development from landfill gas and should ensure that the applicant has provided you with a sufficient risk assessment to ensure that the potential risk is adequately addressed. Your Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

1. Waste Management Paper No 27
2. Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
3. Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001
4. Building Research Establishment guidance – BR 212 'Construction of new

- buildings on gas-contaminated land' 1991
5. CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007.

If you have any queries about this response, please do not hesitate to contact me.

Yours sincerely,

Clark Gordon
Sustainable Places Planning Specialist

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cc Robert Love – Bidwells
Anne Morgan-Smith