

Planning

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Listening Learning Leading

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11 July 2019

Ref: P19/S1012/PEJ

Dear Mr Baxter,

Location: Abingdon Road Site & Allotment Site, Clifton Hampden
Proposal: Community Right to Build Order.

Thank you for your request for planning advice dated 16 April 2019. I apologise for the delay replying to you

You are seeking the council's views on the suitability of two sites in the village to bring forward for development under a Community Right to Build Order (CRBO). The two sites have been chosen after an extensive selection process of a number of sites around Clifton Hampden and Burcot. Ricardo Rios, the council's Senior Planning Policy Officer, Cheryl Soppet, the council's Planning Policy Officer and I have been working with you during the selection process.

Your request for pre-application advice is the next step in the process and seeks to facilitate discussions with the council and agree an acceptable basis for progressing to a more detailed set of proposals to support the submission of the CRBO.

The sites would provide for circa 20 dwellings and a replacement doctors surgery. Your submission includes development parameters for each site. The Allotment site is proposed for a housing scheme to be accessed from the village hall car park leaving a new, smaller area of allotment plots between the site and the open field to the north. The Abingdon Road site is to accommodate a new surgery and car parking and some housing.

I have consulted the Conservation, Countryside and Forestry Officers from this Council and I have also consulted Oxfordshire County Council in respect of highway, Archaeology, infrastructure and mineral matters. I have incorporated their comments into my response.

Community Right To Build Orders.

Whilst Burcot and Clifton Hampden are preparing a neighbourhood plan (B&CHNP), the ability of the B&CHNP to allocate sites is limited due to the Green Belt designation – which would classify the development of both sites as inappropriate development and harmful by definition. The Localism Act 2011 allows for community organisations to bring forward a ‘community right to build order’ which is a type of neighbourhood development order.

A CRBO can be used to grant outline or full planning permission for specific development which complies with the order. CBROs are put together by local people who can decide on the type, quantity and design of buildings they want, and in the locations, they want them.

Once an order has been drawn up with the involvement of local people, it is publicised and consulted on before being submitted to the local planning authority. We, the authority, arrange for an independent examiner to test whether the order meets the relevant legal tests, such as ensuring it is in line with national planning policies and certain basic conditions. If the independent examiner gives their approval, the Order is put to a local referendum.

A particular advantage of using a CBRO is that where the community organisation decides to also undertake the development, then any profit generated by the project must stay within the community. So, buildings constructed by the community organisation can only be disposed of, improved or developed in a way that benefits the community. The community organisation can also ensure certain provisions are put in place so that affordable housing remains affordable in perpetuity

A CRBO may only be prepared by parish and town councils and community organisations that meet certain legal requirements.

A Successful CRBO results in planning permission for development consistent with the order. An order may be used to grant outline or full consent. If it grants outline consent, there would still be reserved matters applications to consider.

The process for making a CRBO is set out in the Localism Act 2011 and the Neighbourhood Planning (General) regulations 2012.

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/11/enacted>

<http://www.legislation.gov.uk/uksi/2012/637/contents/made>

A CRBO can be used to grant outline or full planning permission so I am now going to go through all the issues I would usually go through on a request for pre-application advice for a normal planning application. You will probably need to address these issues in the submission for the CRBO in addition to whether the schemes accord with national and local planning policies.

The relevant policy documents are the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), policies contained within the Council’s development plan, the relevant parts of which comprises the *South Oxfordshire Core*

Strategy 2027 (SOCS), the saved policies from the *South Oxfordshire Local Plan 2011 (SOLP)* and advice contained within the *South Oxfordshire Design Guide 2016 (SODG)*. I have not made reference to the Clifton Hampden Neighbourhood Plan as it is at an early stage of development and no pre-consultation document has been submitted for comment.

Relevant policies

South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development
CSEN1 – Landscape
CSEN2 – Green Belt
CSEN3 – Protection of the historic environment
CSH4 - Meeting housing needs
CSR1 - Housing in villages
CSQ3 – Design
CSB1 - Ecology

South Oxfordshire Local Plan 2011 policies;

C4 - Landscape setting of settlements
C6, C7 and C8 - Ecology
D1 - Principles of good design
D10 - Waste Management
D2 - Safe and secure parking for vehicles and cycles
D3 - Outdoor amenity area
D4 - Reasonable level of privacy for occupiers
D7 - Access for all
EP1 – Prevention of polluting emissions
CON5 – setting of listed buildings
CON7 – Development affecting a conservation area
CON11 -13 - Archeaology
G2 - Protect district from adverse development
G4 - Protection of Countryside
H4 - Housing sites in towns and larger villages outside Green Belt
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users

In my view it would be best to submit as much information as possible to effectively secure a full planning permission due to the constraints on the site such as the Green Belt and conservation area impact in particular.

The main issues to address are;

- **Green Belt impact**
- **Heritage impact**
- **Ecology impact**
- **Tree impact**
- **Transport impact**
- **Archaeology impact**
- **Minerals impact**

- **Design**
- **Waste Management.**
- **Garden sizes**
- **Housing mix**
- **Affordable housing**
- **Community Infrastructure Levy**

Green Belt impact.

Both of the proposed sites are washed over by the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is set out in Section 13 of the advice from Central Government in the National Planning Policy Framework (NPPF).

The advice contained within the NPPF is filtered down on a more local level within a districts development plan specifically SOCS policy CSEN2 and SOLP policy GB4.

Paragraph 134 of the NPPF sets out the five purposes of the green belt;

- to check the unrestricted urban sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition, there is a presumption against inappropriate development. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 states that the when local authorities are considering planning applications substantial weight should be given to any harm to the Green Belt. It goes on to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

New buildings in the Green Belt are generally inappropriate development unless they are for purposes set out in Paragraph 145 of the NPPF.

However, Paragraph 146 of the NPPF includes other forms of development that are not inappropriate provided that they preserve openness and do not conflict with the purposes of including land within it. The list in paragraph 146 includes development brought forward under a Community Right to Build Order but there is the important proviso that development should also preserve Green Belt openness and does not conflict with the purposes of including land within it.

The assessment of the impact on the Green Belt is therefore a stepped process in that a proposal needs to be considered in terms of whether the development is inappropriate and then whether it harms the openness of the Green Belt. If a development conflicts with either, then consideration has to be given as to whether there are any 'very special circumstances' that would outweigh this harm.

Inevitably with both sites the proposed development will not preserve openness because they are currently open and undeveloped without any buildings (bar the telephone exchange). There may also be a conflict with the purposes of the Green Belt in that the sites appear to encroach on the countryside and will have an impact on the historic setting of the village. Therefore, you will need to demonstrate very special circumstances as part of the CRBO process. I do believe however, that you can make a case for very special circumstances. There are no options outside the Green Belt that can be considered, and you may be able to demonstrate an identified need for the development proposed.

Heritage impacts, comments from Conservation Officer

The two application sites being considered are on the A415 Abingdon Road. The first is an area of Allotments behind the Village Hall and the second is an area of open space on the southern side of Abingdon Road to the west side of Hampden House and the main village.

Both sites are situated within the designated conservation area but contain no other designated heritage assets. Neither site is particularly closely associated with other built form so there is currently no pattern of development or consistent frontage to which new development could respond to or enhance.

The allotments site sits behind the existing village hall and car park. The nature of the existing hedge lined approach to the village from the west is such that the site is not particularly prominent in views until you move alongside it. Whilst this situation would likely go some way to softening the impact of new development here, the termination of the current open view beyond the car park by new dwellings would alter the relationship of this edge of the conservation area to the open rural land surrounding it. A clear and reasoned design rationale that responds to the character of the conservation area would be necessary to support an indicative layout such as that proposed. Would additional allotments be required elsewhere in the village and if so what impact would this have on that other part of the settlement if it is within the conservation area?

The Abingdon Road site sits entirely behind an existing mature hedge that lines the full length of the boundary with the main road. There are currently no views into the site and no access points. The site does not benefit from an active frontage or consistent built form and as such development here will be entirely in contrast to the existing character. The open space, whilst not containing any specific designed views, very much forms the open edge of the settlement being free of built form. The supporting report comments on the important sense of containment that the hedge provides but this will no doubt be impacted by access openings and the necessary visions splays.

The village has a consistent pattern of development. Built form predominantly sits along the roads either immediately addressing the road frontage or situated behind a front garden. There are almost no examples of back land development other than as agricultural building conversions or relating to larger houses or the Manor house.

Overall, I would have reservations about the impact that new development would have on these sites where it would be inconsistent with the existing pattern of the settlement and the conservation area. The supporting report acknowledges that further detailed assessment would be necessary to understand what impact development would have. However, it is important to note that new development should enhance or better reveal the significance of heritage assets and meet the tests of the NPPF.

If the project is pursued I would expect an order to provide sufficient detail of the proposed development that all the impacts can be appropriately considered and managed, such as within a detailed Outline application or a full application. Such an application should of course be informed by a Heritage Appraisal and Impact Assessment proportionate to the significance of the assets and the proposed works as per Paragraph 189 of the NPPF.

Ecology comments from the Countryside Officer

The applicant should be mindful of Policies CSB1 of the SOCS, Policies C6, C7 and C8 of the SOLP, Policies ENV1 - 4 of the emerging local plan and paragraphs 170 and 175 of the NPPF.

Development should not have an adverse impact on priority habitats or species or result in a net loss of biodiversity resource on site.

I recommend that the sites for the CRBO are scoped out for their suitability for development.

With regards to biodiversity and ecology, each site should be subject to an ecological appraisal which would identify the type and value of the habitats on site, and whether the site is likely to be used by any protected species. Sites with high value for biodiversity should not be lost to development.

A biodiversity impact calculator should be used to assess the overall impacts of development and determine whether the proposal would be able to achieve a net gain for biodiversity - in accordance with the development plan and national requirements.

The southern site appears to be of more ecological interest, potentially being permanent pasture. Surveys will need to be undertaken, at a suitable time of year, to determine the species assemblage and habitat on site. The allotment may have less habitat biodiversity interest but may support a range of protected species.

Tree impact, comments from the Forestry Officer

Both sites are within the conservation area, therefore all the trees found on and adjacent to the sites are protected.

If the applicant is going to pursue any further development on these sites, they need to have the trees surveyed. The tree survey will need to be completed in accordance with BS 5837 2012 by a competent consultant arborist. From the information collected, a tree constraints plan can be produced (overlaid onto an accurate

topographical drawing), any future development will then need to be designed to reflect the tree constraints identified.

Lists of consultant arboriculturist can be found at: www.trees.org.uk and www.charteredforesters.org/directory-of-consultants/

Future applications will need to include an Arboricultural Impact Assessment and an Arboricultural Method Statement.

Transport impact – comments from the County Council

The County Council is concerned about the lack of opportunity for sustainable development in this area. In July 2016 the local bus service (T2) stopped running, therefore Burcot and Clifton Hampden do not have a bus service making any new development in this location car dependent and not sustainable. 20 houses will not be able to deliver a new bus service in this area.

It is noted that the proposals will increase the number of vehicle trips along the local highway network, which is identified within the Council's traffic model as being close to/at capacity. While Oxfordshire County Council (OCC) are developing measures to mitigate the associated capacity issues, the exact timescales and mechanisms for delivery of are not confirmed at this stage.

As a result, and until such time as planned infrastructure to relieve the current congestion is agreed, OCC will seek to object to new any development that will lead to an increase in vehicle trips, particularly within the peak hours, on the basis that the cumulative impact would be severe and therefore unacceptable.

Nevertheless, notwithstanding the above, detailed comments are provided below in relation to each site.

Allotment Site.

The proposals seek to develop land at the rear of Clifton Hampden Village Hall for up to 9 No. dwellings with associated car parking. Access to the site will be provided through the village hall car park from Abingdon Road, which is used by visitors of the hall, the nearby primary school and other village facilities, including the adjacent allotments.

When reviewing the proposals, it is noted that Abingdon Road is a busy classified highway, which suffers significant congestion, with vehicles queuing along the carriageway from the junction with High Street and past the site access. Additionally, it is understood that when free flowing, vehicle speeds are above the prescribed limit of 30 mph. Furthermore, access to the site is formed over a layby with car parking either side.

As a result, based on the configuration/use of the car park and the means of access, alongside the lack of manoeuvring facilities to accommodate large servicing vehicles, the development would lead to increased congestion along Abingdon Road, to the detriment of highway safety.

In addition, the maximum number of dwellings/users that the Highway Authority will permit to be served via a private drive/access is five, which would be exceeded by these proposals.

Finally, in terms of car parking, each dwelling would be required to provide 2 No. parking spaces in accordance with the Council's adopted standards. However, from the submitted details, it is noted that the parking provision is below this requirement and facilities have not been provided for the use of visitors.

Therefore, based on the above and that OCC will resist any development that would lead to an increase in vehicle trips along the local highway network, an objection would be raised should a formal planning application be submitted.

Abingdon Road Site.

The proposals seek to develop land directly to the south of Abingdon Road, including the provision of a medical surgery with 30 No. car parking spaces and 9 No. dwellings. Each of the proposed uses will have separate means of access provided from the adjacent highway.

When reviewing the proposals, it is noted that the site is rurally located. Nevertheless, there are some local amenities that would serve the residential aspect of the development including a school, public house, post office and local shop. However, due to the lack of public transport facilities, a financial contribution would normally be required for the provision of a bus service and associated infrastructure.

In terms of access to the site, the applicant would be required to demonstrate the provision of adequate visibility along the adjacent highway, based on speed surveys along Abingdon Road (location and times to be agreed with the Highway Authority). Additionally, each access to and within the site would be required to be constructed to adoptable standards and designed to allow a refuse vehicle (11.6m in length) to manoeuvre within and enter/exit the site in a forward gear.

In order to determine the car and cycle parking requirement associated with the proposed surgery use, a parking assessment would be required to be undertaken based on similar (size and location) sites. When considering the proposed residential use, car parking would be required to be provided in accordance with the Council's maximum standard, at 1 parking space per bedroom, up to a maximum of 2 spaces per dwelling. In addition, unallocated car parking will be required to be provided within the site for the use of visitors.

Notwithstanding the above, as already confirmed, OCC will resist any development that would lead to an increase in vehicle trips along the local highway network. Therefore, on this basis alone, an objection would be raised should a formal planning application be submitted.

Archaeology issues – comments from the County Council

The sites are within an area of archaeological interest within an area of possible shrunken medieval settlement. In line with paragraph 189 of the National Planning Policy Framework (2018) an archaeological desk-based assessment will need to be submitted along with any planning application for the site.

This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk-based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment.

Once this assessment has been submitted we will be able to provide further advice as to whether or not archaeological investigations will be required ahead of the determination of any planning application or whether archaeological mitigation will be required.

Minerals- – comments from the County Council

The Abingdon Road site lies within a Mineral Consultation Area relating to a Mineral Safeguarding Area for sharp sand and gravel that lies to the south of Clifton Hampden, as shown on the policies map of the adopted Minerals and Waste Local Plan: Part 1 – Core Strategy, 2017, and to which policy M8 of this plan on safeguarding mineral resources applies. This Mineral Safeguarding Area is also the “Thames and Lower Thame Valleys – Oxford to Cholsey” strategic resource area, which is a principal location for sharp sand and gravel extraction in policy M3 in the Minerals and Waste Core Strategy.

There are a number of existing houses to the south of the Abingdon Road site, between the site and the Mineral Safeguarding Area. In view of this, the development of the Abingdon Road site for housing would not lead to any increase in the indirect sterilisation of mineral resources within the Mineral Safeguarding Area as there would be no additional need for an unworked margin (buffer zone) between houses in Clifton Hampden and any possible mineral working over and above what would already be needed to protect the amenity of existing houses.

Therefore, I consider it likely that no objection would be made on mineral safeguarding policy grounds to a CRBO (or to a planning application) for housing development on the Abingdon Road site.

The Allotment site is outside (north of) the Mineral Consultation Area. I have no minerals or waste policy comments in respect of that site.

Drainage – comments from the County Council

The Sustainable Drainage Systems (SuDS) Policy, which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The Sustainable Drainage Systems (SuDS) Policy also implemented changes to the Town and Country Planning (Development Management Procedure) (England) Order 2010 to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the Oxfordshire flood tool kit website. The site also includes specific flood risk information for developers and Planners.

The National Planning Policy Framework (NPPF), which was updated in February 2019 provides specific principles on flood risk (Section 14, from page 45). National Planning Practice Guidance (NPPG) provides further advice to ensure new development will come forward in line with the NPPF.

Paragraph 155 states; “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

As stated in Paragraph 158 of the NPPF, we will expect a sequential approach to be used in areas known to be at risk now or in the future from any form of flooding.

The Non-statutory technical Standards for sustainable drainage systems were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire” to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA SuDS Manual (C753), and we expect all development to come forward in line with these principles.

In line with the above guidance, surface water management must be considered from the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at an outline stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

Education – comments from the County Council

The District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule and associated documents with an effective implementation date of 1 April 2016. The CIL Regulation 123 list distinguishes the infrastructure to be funded through CIL from that which is to be secured through s106 and other statutory provisions. Below are the education infrastructure projects required to mitigate the impact of the proposed development for which OCC will seek funding from Community Infrastructure Levy receipts.

The demands that will be placed on local infrastructure and services have been assessed in accordance with the increase in population and its age profile, based upon the net number of dwellings and the notified mix. The number of children generated per age group is stated in the Assessment Criteria Schedule.

The proposed development will increase the demands placed on local infrastructure and services. There is insufficient capacity at the village primary school at this time to meet the demands arising from the development. To mitigate the impact of these demands funding from Community Infrastructure Levy receipts will be required. For information purposes the amount stated below would have been sought by way of S106 contributions had a CIL charging schedule not been adopted.

Primary Education	£74,225
Total*	£74,225

*Total to be Index-linked from 3rd Quarter 2015 using PUBSEC Tender Price Index

Details of design.

Policy CSQ3 of SOCS and Policy D1 of SOLP require high quality design that is locally distinctive. No design information has been submitted so far but I am positive that the proposals could meet the aims of these policies. I would draw your attention to the South Oxfordshire Design Guide for further design advice.

Waste management

I would draw your attention to the requirements associated with the Council's waste management contract and the need to provide adequate space and storage facilities for waste and recycling bins.

Each residential property would be provided with:
1 x 240lt wheeled bin for recycling
1 x 180lt wheeled bin for refuse

- 1 x 23lt food bin for storage outside the property
- 1 x 7lt food bin for storage inside the property

Residents can also opt into our garden waste service which uses 240lt wheeled bins

Garden sizes.

Policy D3 of SOCS seeks to ensure that new dwellings should provide adequate private outdoor space. The amount of land to be used for garden or amenity space will be determined by the size of the dwelling and the character of surrounding development.

Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide. A minimum of 100 square metres of private garden area would be required for a 3, or 4 bed dwelling, with 50 and 35 square meters for two bedroom and one-bedroom dwellings.

Housing mix.

Policy CSH4 of the SOCS requires a mix of dwelling types and sizes to meet the needs of current and future households. The district currently has two published documents for considering housing mix - the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 and the South Oxfordshire Housing Needs Assessment (HNA) 2012.

The **HNA** was a more thorough assessment than the SHMA and is based on original survey data and 2001 census data using the ODPM model and Guide to Good Practice.

The **SHMA** uses secondary data from the 2011 census and GL Hearn demographic projections. It suggests that councils should have regard to other up to date evidence of need and the existing mix and turnover of properties at a local level.

I am assuming that the mix of units will be driven by a local housing needs survey and will meet the specific need in Burcot and Clifton Hampden – evidence to justify the mix will be needed.

Affordable housing.

Policy CSH3 of the SOCS requires that in housing developments of 3 or more units, a 40% provision of affordable housing should be made. However, in May 2016 the Court of Appeal effectively re-instated the Government's ministerial statement on affordable housing from November 2014. This means that developments of no more than 10 homes or with a gross floorspace not exceeding 1,000 sq m would be exempted from levies for affordable housing and tariff-based contributions. In this case the CBRO proposes a net gain of 20 units and the requirement to provide affordable housing is triggered. 75% of the affordable units should be for rent and 25% should be for shared ownership.

Community Infrastructure Levy (CIL)

The council's CIL charging schedule was adopted 1st April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to

support the development of their area and is primarily calculated on the increase in footprint created as a result of the development.

I'm not sure whether CIL will apply to CRBO development but exemptions certainly apply to affordable housing.

I hope you will find my comments useful in moving on to the next stage in the CRBO process. You will appreciate that the views I have expressed are for your guidance and your proposal has not been subject to external consultation which may raise other issues. They are not binding on the council if you decide to submit an application. If you want a formal opinion then you will need to make an application with its associated supporting documentation, plans and fee. Such an application will take approximately 13 weeks to determine.

Please note that requests for pre-application advice received from 3 January 2017 onwards and the council's response will be made public once a subsequent relevant planning application is made. We will be making the submitted documents, our response and any interim correspondence public. We will endeavour to ensure that all personal information such as telephone numbers and e-mail addresses are removed from the documentation.

Yours sincerely,



Sharon Crawford
Development Management Team Leader (Applications)