



SUPPLEMENTARY INFORMATION

Planning Committee

14 January 2021

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Planning Committee 14 January 2021 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker - Support
7	20/01933/F	Barn In OS Parcel 0545 West Of Withycombe Farm Wigginton	None	Mr Ian McArdle– Wigginton Parish Council Mr R Fazey – local resident	Rob Hughes - Agent
8	20/02298/F	24 Cheney Road, Banbury, OX16 3HS	None	Tony Mephram – Local resident	None
9	20/02389/OUT	Swerbrook Farm Hook Norton Road Wigginton OX15 4LH	None	Caroline Mills – Local resident	None
10	20/02446/F	Glebe Farm Boddington Road Claydon Banbury OX17 1TD	Cllr Webb	Jenny Jones - Local resident	Mr Stephen Rice, Agent
11	20/01643/OUT	Land North and West of Bretch Hill Reservoir, Adj to Balmoral Avenue, Banbury	Cllr Mallon	Andy Fathers – Local resident	Jerry Cahill - Applicant

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

14 January 2021

WRITTEN UPDATES

Agenda Item 7

20/01933/F – Barn In OS Parcel 0545 West Of Withycombe Farm Wigginton

Additional information received

None.

Additional Representations received

An email has been received from the planning agent to state that the floor area of the dwelling would be 1,127 sq m and not 1,600 sq m as set out in the report to planning committee. The agent highlights that Paragraph 79 requires circumstances not exceptional circumstances and that the proposed legal agreement would also secure that the building shall only be used as one dwelling, alongside the revocation of the Class Q approval.

An objection has been received from a member of the public, raising concerns regarding the scale of the development and considers that the development would cause harm to the character and appearance of the area.

Officer comment

The floor area of the dwelling stated in the report included voids. It is correct that the floor area proposed in this application is 1,127 sq m. It is also the case, however, that the filling of these voids would be permitted development unless otherwise restricted by condition.

Paragraph 9.10 should read “certain particular circumstances”, rather than “exceptional circumstances”. It should be noted that para 79 sets out five specific circumstances and that proposed dwellings in isolated locations may not be supported unless one or more of those five circumstances apply.

The legal agreement would secure that the building shall only be used as one dwelling, alongside the revocation of the Class Q approval, and this was not mentioned in the officer’s report.

The content of the objection is noted, but the issues raised are covered in detail in the report.

Change to recommendation

No change.

Agenda Item 8**20/02298/F – 24 Cheney Road, Banbury, OX16 3HS****Additional information received**

None.

Additional Representations received

None.

Change to recommendation

No change.

Agenda Item 9**20/02389/OUT – Swerbrook Farm Hook Norton Road Wigginton OX15 4LH****Additional information received**

None.

Additional Representations received

None.

Change to recommendation

No change.

Agenda Item 10**20/02246/F - Glebe Farm Boddington Road Claydon Banbury OX17 1TD****Additional information received**

None.

Additional Representations received

Response received from South Northamptonshire District Council making no comments on the application.

One additional response received, a letter of objection, from a local resident. Their comments are summarised as follows:

- Need for a further marina on the canal?
- Overdevelopment
- Highway access poor
- Queries whether Northamptonshire has been consulted
- Visual impact caused by bunds
- Landscape impact extremely significant and severe
- Impact on canal and towpath from wear and tear and increased boat traffic
- Impact on wildlife
- Impact of flooding on the marina
- Economic and social implications on the village of Claydon
- Lack of enhancement of the landscape
- Development of HS2 should not be considered a precedent

- Appearance of service building
- Light pollution would significantly harm the character of the landscape.
- Drawings difficult to read and understand
- Deterioration of local countryside
- Details missing of access from the applicant's farm, drainage, pollution monitoring etc.
- Queries water supply for lake
- Planning conditions should be discussed with Claydon village
- Out of character with the landscape physically and functionally
- Impact on historic landscape.

The applicant's agent, Stephen Rice, has submitted comments on the report to committee, including:

- apparent errors re consultation responses (page 64);
- omissions from the officer's conclusion as to why the proposal is considered acceptable;
- queries as to (i) why Fenny Marina's objection is verbatim rather than summarised, (ii) why the 'no objection' at para 7.43 is not in bold type, (iii) why "supported" at para 7.55 is not in bold type, and (iv) whether there will be a committee site visit prior to its decision;
- queries as to the coverage in the report of the sustainability of the site's location;
- lack of coverage of the Council's vision and objectives;
- various disagreements over the planning judgement;
- the lack of response to this application from the Council's Economic Growth Officer;
- lack of coverage in the report of the proposal's benefits; and
- objections to the recommendation in relation to Section 106.

Finally, the applicant's agent asserts that officers have a "fundamental misunderstanding on the operation of a recreational marina..."

Officer comment

There are errors at page 64 of the report: OCC Drainage as Lead Local Flood Authority raised no objections; the Environment Agency raised no objections; CDC Ecology did not comment on the application; nor did OCC Archaeology, Northants County Council, HS2, Thames Valley Police, or CDC Strategic Housing.

In addition, as the report states, CDC Economic Growth, CDC Arboriculture, Cropredy Surgery and Banbury Sailing Club all responded to the last application but did not comment on the current one.

There is one further clarification to make: In the heritage section the officer assessment begins at para 9.67.

With regard to Fenny Marina's objection, officers endeavour to summarise representations but at times they are copied in full. It is not inappropriate, in the interests of time, to cite some representations in full in this and other

contemporaneous reports. It is noted that in the 2018 report to Committee the CDC Economic Growth Officer's comments in support were given in full.

The non-emboldening of text at para 7.43 was an unintentional oversight. The non-emboldening of text from paras 7.55 – 7.58 – of both support and objections – was intentional because these consultees did not respond to the current application.

With regard to the sustainability of the site's location, the report to this Committee sought to provide a full and fair assessment of this material consideration which in officers' view is central to proposals for new development, and decision makers are directed by local and national policy (as well as Planning Inspectors through appeal decisions) to evaluate proposals in this regard.

Officers would disagree that there is a lack of coverage of the Council's vision and objectives, and would note that there is no greater and no less reference to the same in the 2018 report to Committee, to which the applicant's agent did not express the same objection. In addition, and unlike the 2018 report, officers have noted (para 9.34) that such proposals require considerable capital investment and that it is unlikely that the applicant would have proposed this development if they did not believe there was a need or that a healthy return could be made on that investment.

The Council's Economic Growth Officer was consulted on this application. Planning officers have no record of a response being received, but the report does refer to their support expressed at the time of the 2018 application.

In terms of the proposal's benefits, the report to Committee provides coverage at paras 9.106 – 9.108, which is essentially the same text as the same section in the 2018 report. And the report's conclusion refers to the proposal's benefits (para 10.5), which is the same text as the 2018 report (para 10.4 of that report). Para 10.7 is worded differently from the equivalent paragraph of the 2018 report but the amendments were made to better reflect the wording of para 11 of the NPPF.

The report concludes the proposal is acceptable on the basis that the harm identified does not significantly and demonstrably outweigh the benefits.

Finally, with regard to planning obligations, it is necessary for the recommendation to include a date. The recommendation does say, "IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE **AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES...**" At the time of writing, no further extension of time has been agreed but, if the planning committee was minded to grant planning permission in line with the officer recommendation, officers would then seek a further extension of time from the agent. In this scenario it would not make sense simply to refuse the application 4 days after committee and that is not the intention of the recommendation.

Change to recommendation

None

Agenda Item 11

20/01643/OUT – Land North and West of Bretch Hill Reservoir, Adj to Balmoral Avenue, Banbury

Additional information received

None.

Additional Representations received

The applicant's agent wrote on 11th January making various comments, including: speaking at planning committee; the materiality of the site's identification in the 1996 Local Plan; certain consultee representations; biodiversity gain; questioning why the layout is not acceptable; conditions; whether a highways officer will be present at committee; the site being listed in the AMR 2020 as a developable site; and again expressing the view that the Banbury Vision and Masterplan ("BVM") SPD shows the site within the town boundary.

Officer comment

The 1996 Local Plan did indeed allocate the majority of the site for development (see below) but this allocation was made by way of Policy H1, which is not a 'saved policy', was replaced by policies in the 2015 Local Plan and so no longer forms part of the Development Plan. The extent to which it is a material consideration depends on the bearing it can have on the assessment of the current application.



Contrary to various mentions in the report to Committee, OCC Drainage has withdrawn its objection to the proposals.

In addition, para 9.125 wrongly says a response from the Clinical Commissioning Group (OCCG) had not been received. Its comments are set out at paragraphs 7.25 and 9.124 of the report to Committee. Given the effect that the proposed development would have on primary care, Officers consider the OCCG S106 request to be reasonable and to meet the tests for planning obligations, and the applicant has confirmed its willingness to accept said contribution on that basis.

The agent would like officers to say that 10% net gain in biodiversity can be achieved with the enhancements on site and the additional land adjacent to the site. Officers remain of the view that overall net gain in biodiversity is achievable and that an appropriately worded condition attached to any planning permission given would make the development acceptable in this respect, but without having seen the detailed proposals for biodiversity gain would not wish to be drawn on whether 10% net gain be achieved. The Council's ecology officer Dr Charlotte Watkins has commented generically to planning officers (not in relation to this application or site) that 10% net gain is a high bar and may not always be achievable.

Layout is a reserved matter; there are some instances where the spatial relationship between dwellings falls short of what we would require; we had discussed in person at the pre-app meeting just before lockdown the concerns we would have with the submitted indicative layout but we also noted that this would not impact on our view on the acceptability of an outline application based on these proposals; as noted in the committee report the submitted indicative layout shows, in the view of officers, that up to 49 dwellings are capable of being developed on the site in a way that is acceptable from an amenity point of view.

The site is listed in the AMR 2020 as a developable site, but officers note that the AMR 2020 is not a policy document.

The BVM SPD does not show the site within the town boundary. The plan identified by Savills in their email sets out 'future' development land, and the document to which this forms part is a vision document. Its status is as an SPD. The 2015 Local Plan does not allocate this site for development and the BVM SPD is a tool to help implement the 2015 Local Plan.

Change to recommendation

None – in line with the recommendation amendments to conditions will be picked up should Members resolve to grant planning permission.