

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE
14 January 2021**

WRITTEN UPDATES

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