

Case Officer: Shona King

Applicant: W A Adams Partnership

Proposal: Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake - re-submission of 18/00904/F

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Chapman, Cllr Reynolds and Cllr Webb

Reason for Referral: Major Development

Expiry Date: 24 December 2020

Committee Date: 11 February 2021

1. BACKGROUND

- 1.1. The application was considered by Planning Committee on 14 January 2021.
- 1.2. This report should be read as an addendum to the Officers' report to that committee. The previous officer report is included at Appendix 1 and the Written Update for this application presented to the January committee is included at Appendix 2.
- 1.3. Members resolved to refuse the application for three reasons: The sustainability of the location; the impact that the proposal would have on the safety of the local highway network; and the impact on the character and appearance of the Canal Conservation Area.
- 1.4. In preparing a decision, officers reviewed the Committee's resolution and the debate that preceded it.
- 1.5. Having reviewed the matter and having taken advice from the Council's legal services team, officers are returning this application to the Committee to seek clarity on the Committee's resolution and to obtain the Committee's instructions.

2. APPRAISAL

- 2.1 This report seeks to clarify the Committee's reasons for refusal.
- 2.2 The Member moving for refusal suggested that the application should be refused on the basis of policies T1, T7 and T10 of the Cherwell Local Plan 1996 and Policies ESD1, ESD15, ESD16, LSE1 and LSE4 of the Cherwell Local Plan 2011-2031 Part 1.
- 2.3 Policies T1 and T10 of the Cherwell Local Plan 1996 were not saved and therefore are no longer part of the development plan. Policy T7 (is saved but) relates only to the conversion of buildings so is not relevant for this proposal. Officers think it possible that those being referred to were policies TR1, TR7 and TR10, which are all saved policies.

- 2.4 Policies LSE1 and LSE4 were referred to but these do not exist – officers think it likely that those being referred to were policies SLE1 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1.
- 2.5 The resolution of the committee was to refuse the application contrary to the officer recommendation “(with the **exact** wording of the reasons delegated to the Assistant Director Planning and Development)”. The changes that officers can make have to remain within the scope of the issues raised by and voted upon by the committee.
- 2.6 In this instance, because specific policies were listed and refusal reasons not detailed alongside those policies, Officers are limited as to what we are able to change/amend.
- 2.7 Lastly, Members appeared not to have added a refusal reason relating to the non-completion of a Section 106 agreement as set in the recommendation to the January Planning Committee.
- 2.8 It is regrettable that Officers did not take the opportunity to provide advice to the Councillor in the meeting or clarify the reasons for refusal before the vote. However, by seeking formal endorsement of the reasons for refusal we are able to ensure these best reflect the committee’s views on the proposal.
- 2.9 Officers therefore seek clarification as to the Committee’s resolution and its reasons for refusal.

3. CONCLUSION

- 3.1 Members’ guidance and endorsement is sought on the reasons for refusal.

4. RECOMMENDATION

That, having regard to the additional information contained in this report,

- (a) The Planning Committee agrees the wording of the reasons for refusal:

Proposed wording for Refusal Reason 1:

The proposed development, by reason of its nature, size and scale combined with its isolated location away from settlements, established moorings and existing popular destinations and with poor alternative transport links, would be an unsustainable insertion into the open countryside. Future users of and visitors to the development would have no realistic choice of transport other than the private car, and the proposal would result in an unsustainable form of development. The proposal would therefore be contrary to Policies SLE1, ESD1, ESD16 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Proposed wording for Refusal Reason 2:

By virtue of its scale and location, the proposed development would result in a significant increase in traffic on the surrounding road network, and it has not been demonstrated that the access to the development or the visibility over bridges in the local area would be adequate for the scale of development proposed. The proposal would therefore be to the detriment of local highway safety and contrary to Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies TR1, TR7 and TR10 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Proposed wording for Refusal Reason 3:

By virtue of its scale and siting, the proposed development would fail to preserve the character and appearance of the Oxford Canal Conservation Area. This harm, which would be less than the substantial, would significantly and demonstrably outweigh the benefits of the proposed development. The proposed development would therefore be contrary to Policies ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Proposed wording for Refusal Reason 4:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate footpath improvements required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies SLE4, ESD1, ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy TR1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework and relevant Government guidance in the National Planning Policy Framework.

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