

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Framptons
Debbie Jones
Oriol House
42 North Bar
Banbury
SL8 5AR

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

www.cherwell.gov.uk

Please ask for: **Andy Bateson**

Direct Dial: **01295 221637**

Email: **andy.bateson@cherwell-dc.gov.uk**

Your Ref: **Banbury 4/12**

6th January 2021

Dear Debbie Jones,

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 19/01047/OUT

Applicant's Name: Hallam Land Management Ltd

Proposal: Outline planning application for a residential development of up to 825 dwellings; green infrastructure including formal (playing fields with changing rooms, allotments) and informal open space; landscaping and associated infrastructure including a balancing pond; on land off the A4260, with access off the existing Longford Park access off the A4260 (Oxford Road), and a new access off the A4260 (Banbury Road). All matters of detail reserved, save for access.

Location: Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

Parish(es): Banbury

I write in regard to the above outline planning application to explain the Council Officers views in respect to the proposals and the likely process for determination.

I appreciate that work has been on-going to resolve technical matters and draft Heads of Terms for a potential s.106 legal agreement. However, there still remain fundamental issues with the application as currently submitted, such that Officers consider that a recommendation for refusal should be made to the Planning Committee. This reasons for this likely recommendation are outlined below.

Reasons for Recommending Refusal

Whilst discussions and negotiations regarding the football club land and secondary school have been on-going, the red-edged site location plan excludes both of these areas from the application site. The Cherwell Local Plan 2011-2031 Policy Banbury 12 requires the allocated site to be secured for the provision of a new football club, with remaining space used to provide a secondary school to serve Banbury and public open space. By excluding those areas from the application site, such necessary provision cannot be appropriately secured.

This application proposal also includes provision of around 125 residential homes on land that does not form part of the Banbury 12 site, which would therefore be contrary to the Local Plan Policy. It is considered that this element of the proposal could potentially cause harm to the surrounding open countryside, as well as resulting in a conflict with the delivery of Policy Banbury 12. Without the land being secured for the football club or secondary school formally through the planning application process, the Authority could not guarantee that the delivery of residential homes on the site would not undermine the future delivery of this infrastructure. Therefore, our considered view is that we cannot support the application as submitted.

To overcome the in principal objection, land for both the football club and secondary school would need to form integral part of the planning application. This would necessitate an extension to the red-edged site location plan only and not the submission of plans for the delivery of the football club and secondary school. If necessary, it might also require notification of other land owners and a revised ownership certificate. However, in this instance, given that the description of development would remain unchanged and only the red line boundary extended, the Authority would be able to accept such amended plans, which would then need to be the subject of re-consultation for a period of 14 days. If such a revised site location plan edged in red which extends to include the safeguarded football club land and secondary school land were to be received by 1st February 2021, Officers would then be able to take the application to the Council's Planning Committee in March likely with a recommendation of approval, although that would be subject to resolution of any other outstanding matters and agreement to the necessary revised Heads of Terms for the s.106 planning obligation agreement.

Such agreement would also need to make appropriate references to securing these land parcels and relevant transfer arrangements. A Grampian condition would also be applied to any decision, should planning permission be granted, precluding any development of these parcels unless for the delivery of a football club and secondary school.

Alternatively, should you not wish to amend the site boundary and would prefer a determination based upon the current submitted documents, which would inevitably result in a recommendation of refusal, please advise me or the case officer Samantha Taylor at the earliest opportunity. This would then ensure a timely decision by the Council's Planning Committee.

Historic Application 17/01408/OUT

It is acknowledged that the Council still holds the above application for up to 700 dwellings and associated development solely on the Banbury 4 allocated site. Subject to resolution of technical matters including highways, Officers consider that a recommendation for approval could likely be made given this proposal is in line with the strategic allocation of the site under Policy Banbury 4 of the Local Plan.

Should you wish to pursue this proposal, the Authority would need to re-consult for a minimum of 14 days on the current submission and further re-consultation to resolve the technical matters subject to supporting information may also be required. Please advise me or Samantha Taylor at the earliest opportunity whether you would like to pursue this proposal or would like to withdraw the application.

Summary

As discussed within this letter, Officers are currently unable to support application 19/01047/OUT for the provision of up to 825 dwellings with associated development due to the failure to make adequate provision in respect to the safeguarded football club and secondary school sites and the proposed provision of residential properties on the Banbury 12 site. It would likely be possible to overcome such objections through the submission of an amended red edged site plan to include the whole of the Banbury 12 site along with inclusion of clauses within the legal agreement and Grampian conditions precluding other development proposals.

In addition, the earlier application 17/01408/OUT requires confirmation on whether this is to be progressed as a planning application or is no longer to be pursued, in which case should be withdrawn.

If you have any questions or queries regarding the above, please contact me using the details provided above.



Andy Bateson
Team Leader – Major Development