

**SUPPLEMENTARY INFORMATION****Planning Committee****15 July 2021**

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If you need any further information about the meeting please contact Lesley Farrell, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221591

Planning Committee 15 July 2021 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker - Support
8	19/01047/OUT	Land North East of Oxford Road West of Oxford Canal and East of Bankside, Banbury	None	None	Lawrence Dungworth – Area Manager, Hallam Land
9	21/01227/F	Bicester Eco Town Exemplar Site, Banbury Road, Bicester	None	None	Nicholas Daruwalla - Agent
10	21/00955/F	The Firs Garage, Tadmarton Heath Road, Hook Norton OX15 5DD	None	None	None
11	21/01578/F	Land to Rear of 160 Bloxham Road, Banbury	None	Ursula Shanks – local resident	None
12	21/01852/F	14 Beatrice Drive, Banbury, OX16 0DT	None	None	None

13	21/00827/DISC	Former site of The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU	None	None	None
14	21/00921/DISC	Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (0921)	None	None	None
15	20/03692/DISC	Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (3692)	None	None	None
16	21/02162/NMA	36-37 Castle Quay, Banbury, OX16 5UN	None	None	None
17	21/01292/NMA	Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1292)	None	None	None

CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE

15 July 2021

WRITTEN UPDATES

Agenda item 8

19/01047/OUT - Land Northeast of Oxford Road, West of Oxford Canal & East of
Bankside, Banbury

Additional Representations received

Since publication of the Committee papers, the applicant has raised several queries. These are set out below with the officer response set out in **bold text** after each point.

Main body of Report

1. The **location plan** is incorrect – it shows the original application boundary, not the revised one that now includes the Football Club and Secondary School land reservations.

Agreed, see revised plans attached as an appendix to this Update.

2. **Para.9.26** – Having concluded in Para.9.23 that there is a breach/departure of policy [in respect to Policy Banbury 4 and Policy Banbury 12] the Officer report accepts that the proposals are nonetheless acceptable. However, Officers don't expressly say whether the breach is of the Development Plan taken as a whole but material consideration outweigh that breach, or whether Officers conclude that despite the breach, there is nonetheless compliance with the Development Plan taken as a whole. Clarity is wanted and is not provided by Paras.10.4 and 10.5, which are similarly vague.

Agreed. Therefore, add to the end of paragraph 9.26: 'The departure from planning policy in this instance (which has been advertised) is not in respect to the Development Plan taken as whole but only in part. This is because Banbury is one of the most sustainable settlements in the District and deemed an appropriate location generally for residential growth. The accommodation of 100 more dwellings on the Policy Banbury 4 site and 125 extra dwellings on the Policy Banbury 12 site would help address in part the current housing land supply deficit, could be achieved without compromising the ability to deliver the aspirations on Policy Banbury 12 and without causing conflict with other Development Plan policies.' Also, add to start of paragraph 10.4: **'As referenced at paragraph 9.26 above,...'**

3. **Para.9.58, line 1** – should be 100 not 50.

Agreed, 100 additional houses are proposed in the Banbury 4 allocation site (700 in total).

4. **Paras.9.72 & 9.76** – Even though Officers conclude that there is very little impact on designated heritage assets, there is still an obligation in law which gives very great weight to any adverse impact upon such assets. That legal obligation should be made clear, notwithstanding the fact that the impact of this development, in Hallam's opinion, is next to nothing.

Agreed. Therefore, add to start of paragraph 9.72: '*Paragraph 193 to the NPPF states that: "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Paragraph 196 continues by stating: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."* The last part to paragraph 200 is also relevant and states: "...Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably".

5. **Para.9.96, line 2** – incomplete sentence.
Agreed, the full sentence should have been deleted including 'The report provides', so delete.
6. **Para.9.134** – The wording contradicts the Resolution.
Agreed. Therefore amend to read: 'Any substantive variation to the above-list of Heads of Terms will-can, if in the view of the Assistant Director and Chairman they extend beyond the scope of the powers proposed to be delegated to them, result in the matter, being presented to the Committee Members-prior to the completion of a s106 agreement and issuing of a decision notice'.

Planning Obligations/s106 Heads of Terms

7. **2nd bullet** – No MUGA is proposed and the NEAP, LEAP & LAP Play Areas are all proposed to go into a ManCo, so there will be no need for any separate commuted sum maintenance payments. **Agreed, in order to be compliant with policy BCS11, the accompanying paragraphs and Tables and the Developer Contributions SPD, the wording to be revised to read: 'Play spaces to include 1 NEAP and 2 LEAP/LAPs to be managed through a ManCo'.**
8. **14th bullet** – £47,466 contribution towards a shared use Cycleway/Footpath from Colefield Drive to proposed southern access will have nothing to do with the development, as no residents will use it. If it's a School cost, then developer should only be paying 29% of it.
Not agreed. OCC maintain that this contribution is justified. Route will provide a direct link to the A4260 and then on to Banbury. Retain unchanged.
9. **15th bullet** (and Para.9.131) – £610,000 canal towpath pedestrian/cycle route contribution is not Reg.122 compliant as it won't be a usable route for 4-5 months of the year and OCC have neither designed a scheme nor had it costed.
Not agreed. OCC maintain that this contribution is justified. Route will provide a high-quality direct link alongside the canal to the town centre and employment areas, as stipulated in Policy Banbury 4. Retain unchanged.
10. **23rd bullet** – OCC has agreed to pay for the element of the 4.88ha land reservation for the 600-place Secondary School site which is not mitigation.
Agreed. Therefore delete ', to be provided at no cost to the County Council'.

11. **24th bullet** – OCC have also agreed to pay for the 1.89ha School site extension land.
Agreed but requires no amendment to report.

Conditions

12. **Conditions 1 & 3** – Hallam suggest they need more than 3 years to apply for Reserved Matters given the quantum and likely phasing of development. They suggest 7 years instead to submit all Reserved Matters.

Not agreed. The Banbury 4 allocation is part of the Council's current 5-year housing land supply calculation (with >200 houses expected on site by 2025). Part of the rationale for allowing more dwellings on Banbury 4 (+100) and 125 extra on part of the Banbury 12 site as a departure from the approved Plan is the current lack of a 5-year housing land supply and the need to address that shortfall as quickly as possible.

The matter was further discussed with the applicant earlier today who further advise: "A period of five years to submit all the reserved matters will not delay or reduce the contribution of the site towards the Council's five year land supply. The first application for reserved matters will have to be made within three years. In our experience, a developing housebuilder would normally apply for the reserved matters in stages, rather than applying for all 825 plots in one go. I would anticipate a first RM would be in the region of 200 or so dwellings. The advantage of this approach is that the approval of reserved matters is often achieved in a shorter period, allowing for an earlier start on site, and thus boosting the number of dwellings built within 5 years".

On the basis of the above, it is considered that agreeing a compromise position such that the Reserved Matter discharges on a first-phase development to enable (indicatively) 200+ dwellings to proceed should be constrained to a 3-year time limit, with all subsequent Reserved Matter discharges constrained to a 5-year time limit, should provide flexibility without impacting on housing delivery.

Condition 1 amended to read:

1. **'Application for approval of all reserved matters for a first-phase development of a minimum of 200 dwellings shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The construction of that first-phase development subsequently approved shall be begun before the expiration of four years from the date of this permission. Subsequent applications for approval of all reserved matters for all the remaining phases of development hereby approved shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. Any development subsequently approved in relation to these later phases shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.'**

Duplicate Condition 3 can be deleted.

13. **Condition 4** – Reference to the two Oxford Road Corridor Improvement drawings need deleting as Hallam are paying contributions to OCC in lieu of undertaking those works and the works will be directly delivered by OCC. They are also outside the red-edge application boundary.
Agreed. Whilst OCC will deliver the highway improvements shown and are deemed appropriate mitigation for the development proposed, the works lie outside the application site and should not be referenced as a Reserved Matters. Therefore, delete reference to the two drawings.
14. **Condition 6** – Condition doesn't work as Hallam claim they will need to remove other sections of hedgerow around the site and there is a Tree Removal Plan submitted.
Not agreed. The intention is to protect all hedgerows that are not essentially required to be removed for access and/or junction visibility purposes. If there is a justifiable need to remove further hedgerow that should be addressed through the discharge of Reserved Matters. Therefore, retain unchanged.
15. **Condition 10** – Ecology Solutions are not involved with this scheme and references are therefore erroneous.
Agreed. Amend last four lines to read: '...with the recommendations at Section 5 of the Environmental Statement. All proposed ecological enhancement...'
16. **Condition 12** – Condition not workable or necessary.
Agreed. Any above ground sub-station, pumping station, etc ought to be able to be suitably screened and its visual impact mitigated. Therefore, delete this condition and renumber subsequent conditions.
17. **Condition 13 (now 12)** – Condition should be amended to read “*No construction deliveries are to be made through Longford Park*”. Suggest there shouldn't be anything to prevent someone arriving by car or van through Longford Park.
Not agreed. OCC as highway authority consider Hobby Road and Songthrush Road insufficiently wide to enable any construction related vehicle access to this site. An alternative safe construction haul route access has already been agreed. Therefore, retain unchanged.
18. **Condition 14 (now 13)** – Delete reference to ‘*design code*’ in line 6.
Not agreed. A design code was previously agreed in respect to the original Longford Park development and this further development to the southeast should be complementary to that, as stipulated in Policy Banbury 4.
19. **Condition 15 (now 14)** – Requirement for minimum 5m-wide PRoW will not work with agreed construction delivery access via Weeping Cross, which necessitates a 2m narrowing at that location, as agreed with OCC.
Agreed. Therefore, insert at start of condition: ‘Unless otherwise agreed in writing by the LPA, no development...’.
20. **Condition 24** – The required desk study and site walk over has already been done and submitted as part of the application.
Agreed. Therefore, delete condition and renumber subsequent conditions.

21. **Condition 25 (now 23)** – Correct erroneous reference to Condition 28 in line 2.
Agreed. Therefore, amend start of condition to read: ‘If a potential risk from contamination has been identified as a result of the work already carried out or any subsequent investigative study, prior to the commencement...’.
22. **Condition 26 (now 24)** – Correct erroneous reference to condition 29 in line 1.
Agreed. Therefore, delete ‘...by undertaking the work carried out under condition 29,...’.
23. **Condition 32** – This is already covered in the DAS and plans or would be covered in the Reserved Matters.
Agreed. Therefore, delete condition and renumber subsequent conditions.
24. **Condition 34** – This is a duplication of condition 23 (now 22).
Agreed. Therefore, delete condition and renumber subsequent conditions.
25. **Condition 36 (now 32)** – Erroneous references in lines 1 and 3 to condition 30 should be corrected.
Agreed. In light of this and previous agreed amendments, reference should now be made to condition 23.

Recommendation

The recommendation is amended to read:

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- (i) **THE PRIOR PROVISION OF A SUITABLE MECHANISM TO SECURE THE LAND REQUIRED FOR THE RELOCATION OF BANBURY UNITED FOOTBALL CLUB WHICH SECURES, TO THE SATISFACTION OF THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, COMPLIANCE WITH POLICY BANBURY 12;**
- (ii) **THE CONDITIONS SET OUT IN THE PUBLISHED AGENDA REPORT AND ANY CHANGES SET OUT IN THIS WRITTEN UPDATE (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- (iii) **THE PRIOR COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE HEADS OF TERMS OUTLINED IN THE PUBLISHED AGENDA REPORT AND ANY CHANGES SET OUT IN THIS WRITTEN UPDATE (AND ANY AMENDMENTS AS DEEMED NECESSARY).**

Agenda Item 9

21/01227/F – Bicester Eco Town Exemplar Site, Banbury Road, Bicester

Additional representations received

None

Officer comment

The Applicant’s Agent has confirmed their agreement to the conditions included within the report.

The report referred to comments awaited from Thames Water regarding foul water infrastructure. No further comments have been received so there is no change to the recommendation. However, officers continue to seek delegation so that should Thames Water advise that their recommended condition is no longer required, that officers could remove the draft condition under delegated authority (and carry out resulting re-numbering). This delegated authority is also sought to make any further minor changes to conditions that might arise between Committee and the determination of the application, if Members resolve to grant permission, given a S106 must be completed.

Recommendation

Remains as set out in the published report

Agenda item 10

21/00955/F – The Firs Garage, Tadmarton Heath Road, Hook Norton, OX15 5DD

No update required

Recommendation

Remains as set out in the published report.

Agenda item 11

21/01578/F – Land to rear of 160 Bloxham Road, Banbury

Additional Representations received

Councillor Mallon:

Request that this application is withdrawn, officers of both authorities attend a site visit with me as the local member, other ward members may also wish to attend? and the application and the report is re-evaluated and, if applicable, the paras highlighted by the local resident forms the evidence to return to the decision that this access is not suitable.

If it does then go to committee with an officer's advice to approve following this re-evaluation then I request that a committee site visit takes place prior to the committee decision. I also request that the history of the changes in decisions is put before the committee. If the approval is based on doubt or interpretation, then the committee's decision may also be swayed by doubt and interpretation based on the decision that the refusal was appropriate and would form part of the evidence sent to a planning inquiry.

158 Bloxham Road:

Objection. confused how something can be considered safe and then unsafe and then the issue of safety dismissed.

The pre-application was submitted during the time of strict Covid restrictions. Was a site visit made during this time or was google maps used? I know that for our planning application at the same time as the pre app we were told that due to Covid no such visits would be made. It would make sense why this safety issue was overlooked. Regardless of whether a visit was made or not, the TDC officer who made the site visit the second time was able to see something that was overlooked by the original officer and his objection should not be so readily dismissed without proper consideration. If I understand correctly, the objection made by the Transport Planner, and also supported by a photograph, was withdrawn and replaced with the following from the 'Manual for Streets'

"7.8.5 Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable."

This paragraph was not in the original objection, but instead in the subsequent 'no objection'. It replaced the photograph and robust paragraph that justified an objection. Therefore, the assumption is, that this paragraph justifies the reversal of the objection and with conditions put in place, overcomes the visibility splay problem.

The paragraph used is out of context. Chapter 7.8 in the 'Manual for Streets' is about *Forward Visibility*. It is about the distance needed to see ahead when traversing along a road which has visibility splays caused by parked cars. It is **not** about safe and suitable access to a driveway which is what the Transport Planner noticed in his risk assessment and deemed unsafe in this instance.

Chapter 7.9 is about Frontage Access and states that it is important "to provide adequate visibility for the emerging driver"

As stated by both the planning officer and TDC officer there are no parking restrictions in place on this part of Browning Road and cars will regularly park in this vicinity, to use the park. The TDC officer who originally objected also states "The lack of visibility would be made more acute when reversing out but would still be inadequate when exiting in a forward gear."

The objection should still stand as there has been no valid reason why the objection has been overturned. Safety should be paramount with any build so, I would appreciate you looking into this further.

OCC Highway Engineers:

Comment. The original response (dated 24 June, below) with an objection following a site visit was made when a car was deliberately placed in a location where it would be most obstructive to visibility. It was subsequently pointed out to that the recommendation was contrary to pre-application advice that had already been given by a different TDC officer. On review, and following discussions with that officer and my line manager, it was decided that the recommendation should be no objection. We have requested a condition that turning space must be provided within the site so a car may exit in a forward gear, and that is included in the planning officer's report. This will greatly improve the situation by eliminating the need for cars to reverse out.

All applications are different, and it is inevitable that officer opinion may differ from time to time. In this case, however, it is accepted that the original recommendation was incorrect. Further discussions on the application were carried out in detail with the Highways line manager, before issuing a revised response with no objection. We consider that it would not be possible to justify the lack of visibility due to parking as a reason for refusal should the application go to appeal, given the guidance in the Manual for Streets

Officer comments

On the issue of the request for a site visit it is considered that the issue of vision out of the site onto a wide verge and a straight section of Browning Road in one direction and on the outer edge of the curve of Browning Road in the other. It is accepted by the County Highway Engineers that there is no highway objection to this application.

With regards to the conflicting comments from the County Highway Engineers this is explained in the officer report for this committee item under paragraph 9.20. However, in response to the comments raised by the objector above on the issue of Manual for Streets advice the highway engineers have responded as follows:

Section 7.8 is titled "Forward visibility". However, sections 7.8.3 and 7.8.4 refer to vehicle exits and it follows that 7.8.5 does too. In fact, 7.8.3 states "The absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously." Furthermore, in this situation, there is to be a condition requiring a turning area so that vehicles may exit going forwards.

An extract from Section 7.9, "Frontage access", is quoted below. The whole sentence reads "Factors to consider include..... the distance between the property boundary and the carriageway – to provide adequate visibility for the emerging driver". In Browning Road there is a wide grass verge and footway between the property boundary and the carriageway, which allows excellent visibility of pedestrians.

Recommendation

Remains as set out in the published report

Agenda item 12

21/01852/F - 14 Beatrice Drive, Banbury, OX16 0DT

No update required

Recommendation

Remains as set out in the published report

Agenda item 13

21/00827/DISC - Former site of The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU

No update required

Recommendation

Remains as set out in the published report

Agenda item 14

21/00921/DISC - Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury

Additional representations received

None

Officer comment

As noted in the Committee Report, an update on the recommendation for Condition 7 (Landscape Management Plan) is required following the receipt of a technical objection from the CDC Landscape Officer requesting further information. The information has been received today and will require a re-consultation with the Landscape Officer. Given the technical nature of the information required by Condition 7, it is considered reasonable that

subject to the removal of the technical objection from the Landscape Officer, that the Condition could be discharged.

As such, Officers consider that in respect of Condition 7 (Landscape Management Plan), the Officer Recommendation be updated to allow the matters to be dealt with under delegated powers, subject to the removal of the technical Landscape objection.

Recommendation

It is recommended that Conditions 3 (External Lighting), Condition 10 (Flood Action/Evacuation) and Condition 12 (Shopping Trolley Parking) all be discharged in respect to the following information:

- Condition 3 (External Lighting)
- 2099-20-RP01 Soft Landscape Works Maintenance and Management Proposal
- Condition 10 (Flood Action/Evacuation)
- Flood Management Plan
- Condition 12 (Shopping Trolley Parking)
- CQ2-LJA-CO-00-DR-A-04314 Ground Floor Plan
- CQ2-LJA-CO-00-DR-A-34630 Trolley Bay Setting Out Plan
- UK-R6-RMMO-01 Lidl Shopping Trolley Enclosure
- UK-R6-RMMO-02 Lidl Shopping Trolley Enclose

Furthermore, it is recommended that powers be delegated to the Assistant Director for Planning and Development to discharge Condition 7 subject to the removal of any Landscape objection.

Agenda item 15

20/03692/DISC - Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury

No update required

Recommendation

Remains as set out in the published report

Agenda item 16

21/02162/NMA - 36-37 Castle Quay, Banbury, OX16 5UN

No update required

Recommendation

Remains as set out in the published report

Agenda item 17

21/01292/NMA - Land Adjacent to the Oxford Canal Spiceball Park Road Banbury

No update required

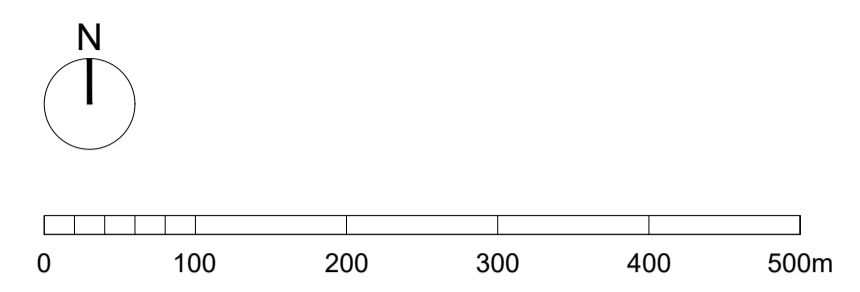
Recommendation

Remains as set out in the published report

**LONGFORD PARK
BANKSIDE PHASE 1
(under construction)**



NOTES
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- KEY**
- Site Boundary
 - Other land within control of applicant
 - Safeguarded Land (Not development for which planning permission is sought. Not included in the Environmental Impact Assessment)

ad Gap

Oxford Road

College Farm House

M40

Weeping Cross

BODICOTE

Bannatyne Health Club

Page 13

Bannatyne Health Club and Banbury Rugby Club

Land for Potential Secondary School Site (Planning permission not sought for this element)

Development off Cotefield Drive (Under Construction)

Cotefield Farm

Land for the Relocation of Banbury United FC (Planning permission not sought for this element)

Safeguarded Land for Future Expansion of the Secondary School (Planning permission not sought for this element)

Manor Farm

rev	date	description	by
I	22.03.2021	Client amendments	CMW

fpcr

- masterplanning
- environmental assessment
- landscape design
- urban design
- ecology
- architecture
- arboriculture

FPCR Environment and Design Ltd
 Lockington Hall
 Lockington
 Derby DE74 2RH

t: 01509 672772
 f: 01509 674565
 e: mail@fpcr.co.uk
 w: www.fpcr.co.uk

client
Hallam Land Management Ltd

project
Oxford Road, Banbury (Bankside 2)

drawing title
SITE LOCATION PLAN

scale
1:2500 @ A1

drawn
LP

date
22 March 2021

drawing number
6394-P-08

rev
I

CAD file: J:\6300\6394\LANDS\Plans\6394-P-08 rev 1 - Site location plan.dwg

19/01047/OUT

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



1:10,000

19/01047/OUT

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



N
1:6,000

1963/047/OUT

Side North East Of Oxford Road West
Of Oxford Canal And East Of Bankside
Barnum



1:6,000

