

**PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held on Wednesday,  
**14 August 2024 at 6.30pm** in the Town Hall, Banbury.

Present: Councillor Beere (Chairman)  
Councillors: Dhesi, Elugwu, Harwood,  
Woodward

Alternate Members: Councillor Richards as alternate for Councillor  
Thornhill

Officers: Robert Duxbury (Planning Officer)

**PL.19/24** **Apologies**  
Cllr Thornhill

**PL.20/24** **Declarations of Interest**  
Councillor Harwood declared personal interests as a member of the Cherwell District Council Planning Committee.  
Members indicated that any views expressed at the meeting would be based on the information currently available and a final decision, which in the light of further information, might differ from previous views, would be made at the Local Planning Authority Meeting.

**PL.21/24** **Minutes of the Last Meeting**  
**IT WAS RESOLVED** that the Minutes of the meeting held on the 24 July 2024 be approved as a correct record and signed by Cllr Beere.

**PL.22/24** **Planning Applications to be Considered**  
The Committee considered various planning applications that had been referred to the Town Council for consideration by Cherwell District Council (CDC) and were matters that had been delegated to the Planning Committee or where a Ward Member had referred a delegated application.  
Officers responded to a number of questions raised by Members.

Members agreed that the proposals set out by the Planning officer regarding the observations included within **Appendix 1** be forwarded to the local planning authority for consideration.

**IT WAS RESOLVED** that the comments, as set out in **Appendix 1**, be forwarded to the Local Planning Authority.

**PL.23/24** **Planning Applications Delegated to the Town Clerk**  
The Town Clerk had submitted a schedule containing details of planning applications which had been delegated to him in consultation with the Chairman, setting out the observations that had been forwarded to Cherwell District Council.  
**IT WAS RESOLVED** that the report be noted.

**PL.24/24** **Consultation by Cherwell District Council on CIL Draft Charging Schedule 2024**  
Members received a presentation by the Planning Officer on this consultation. Members views are incorporated into the response outlined in **Appendix 2**,  
**IT WAS RESOLVED** that the Planning Officer, in consultation with the Chairman of Banbury Town Councils Planning Committee, submit a response to Cherwell District Council by 24<sup>th</sup> August 2024, outlined in **Appendix 2**.

The meeting ended at **7.30 pm**

**Appendix 1**Planning Applications considered by the Planning Committee

<i>Application Number</i>	<i>Applicant</i>	<i>Location</i>	<i>Proposal</i>	<i>Observations</i>
21/01834/F	Toftwood Investment Ltd	Former Warehouse And Stores Lower Cherwell Street Banbury	Conversion and alterations of existing buildings to provide 9 residential units (6 x 1 bed, 3 x 2 bed), retention of ground floor commercial use and associated works	<p>Resolved to raise no objections, but ask CDC to ensure that the development contributes to necessary local infrastructure and secures the route to and public rights for the pedestrian canal crossing which is envisaged adjacent.</p> <p>It is also resolved we ask CDC to pay careful attention to the comments of the Environment Agency and refuse the application if a flood risk for these proposed dwellings remains.</p>
24/01767/F	Mr Adrian White	29 Crouch Street Banbury	Change of Use from dwelling house (Use Class C3) to a Children's Home (Use Class C2)	<p>Raise no objections to the proposed change of use to a small childrens home, but express concern about the lack of information available about the operation of the use, including numbers and ages of child residents, number of staff at all times, and number of resident/overnight staff. All of this information is necessary to reach a fully informed decision about the impact of this proposal.</p> <p>Furthermore. concern is also raised about the number of toilets/bathrooms (which we consider should be increased - perhaps by en-suites) and the apparent lack of external space.</p>

Please note that following the consideration of delegated planning by the Town Clerk and Chairman, there may be additional plans to consider in order to meet the deadlines of the Planning Authority.

Banbury Town Council's response to the CDC consultation on the draft CIL Charging Schedule 2024

Thank you for providing the opportunity for Town and Parish Councils to comment on the draft Schedule. This matter was the subject of discussions and decisions at the Town Council's Planning Committee on 14<sup>th</sup> August 2024.

We consider that the concept of the Community Infrastructure Levy is good in principle and that whilst providing more certainty on monetary contributions for developers contemplating development it also helps the community to maximise the income for much needed infrastructure to support new development and provides a role for local Councils in deciding how that money is spent.

It is noted that Section 106 agreements will still be necessary for on-site facilities and affordable housing and presumably also for contributions on unforeseen sites as otherwise these stand a chance of being zero-rated.

Do we understand correctly that this draft Schedule relates to the current planning policy regime only, i.e. the Cherwell Local Plan 2011-2031 and partial review thereof? In other words, will there be a new Schedule to address a new Infrastructure Delivery Plan for the Cherwell Local Plan currently under preparation? If this is not correct and this Charging Schedule will apply to the new Local Plan as well then we foresee a serious shortfall in infrastructure contributions that cannot be met by other means.

We recognise that most if not all strategic housing sites in the 2011 Local Plan have been approved and have negotiated Section 106 agreements. But what about the relatively large sites that are being promoted as exceptions to the Local Plan in the alleged absence of a 5-year land supply? Surely these and other windfall sites that may come forward under the current Local Plan regime need to be made to pay their contributions to the infrastructure that their development requires, in particular such as education and health facilities. Does not the £0 rating for residential development undermine the ability to continue to negotiate successful Section 106 agreements for contributions that have been "willingly" paid by developers in the past (despite the perceived lack of viability that your report suggests).

Furthermore, surely one of the benefits of the CIL regime is that it allows Councils to seek contributions from developers of even small housing developments (down to and including single plots). This seems only fair as such development does cumulatively place a burden on community infrastructure of all types. Your current draft Schedule would not allow any

development of whatever size in Banbury and Bicester to be forced to make such contributions. This should be corrected. It seems perverse that the two communities that attract the most development are to be zero rated. History shows that the developers of sites of more than ten have been able to viably pay their fair contributions.

Quite large non-allocated sites do come forward in our towns (recent examples being the Marlborough Rd/Calthorpe Street proposal and Castle Street sheltered housing) and the Schedule should be set up in such a way that these developments make their fair contribution as they place demands upon infrastructure.

We believe that the majority of CIL payments are necessary to be paid up front. Delayed payment or instalment schemes will potentially lead to non-payment and the need for action (potentially through the courts ) to achieve such payments. Once CIL payments are received by CDC they should be then paid to the requisite Town and Parish Councils as soon as possible so that early provision of infrastructure can be initiated earlier in the development process.

The Town Council note and applaud the allocation of 15% of the generated income in Banbury to this Council. Consideration of whether this Council should pursue a Neighbourhood Plan is considered premature pending the outcome of the Local Plan review and Banbury 2050 work, and the latest consultation on the NPPF.

We note that the questionnaire seeks ideas and comments about the Infrastructure Development Plan. This is a significant question that the Town Council would wish to further consider, potentially after a meeting with CDC after the Local Plan review reaches another step forward and we have a clearer understanding of the potential development that you envisage for Banbury. Clearly such matters as the adequacy of schooling in Banbury ( and the need for another secondary school and the appropriate level of all other forms of schooling including nursery and SEN provision), the adequacy of primary health care and hospital provision in Banbury, the overcoming of traffic congestion in central Banbury and on Hennef Way/Ruscote Ave., the possible need for a road way from Chalker Way to Oxford Road as a way of providing a southern and eastern route to M40, further flood alleviation for the River Cherwell/Oxford Canal route to look ahead and cope with the impacts of global warming , (and potentially others) all need to be considered . The Town Council would wish to see future funding for its enlargement of cemetery provision achieved through the CIL mechanism if possible.