

Cherwell District Council (Local Planning Authority) – Planning Obligations Compliance Statement

Planning Obligation(s) – Land West of White Post Road, Bodicote (15/01326/OUT) – Up to 280 dwellings together with associated development Regulation 122, Community Infrastructure Levy Regulations 2010 (as amended)

(This Statement supplements the representations submitted by Oxfordshire County Council as the local highway authority and local education authority in relation to planning obligations)

Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
<p>Minimum 30 % affordable dwellings</p> <p>70% affordable rented tenure/30% intermediate tenure</p>	<p>Cherwell has a high level of need for affordable housing which is defined in the National Planning Policy Framework as comprising social rented, affordable rented and ‘intermediate housing’ provided to households whose needs are not met by the market.</p> <p>The affordable housing contributes to the social dimension of sustainability because it provides for a variety of housing needs now and for future generations. It also contributes towards creating mixed and inclusive communities.</p> <p>Policies Banbury 17 and BSC3 of the Adopted Cherwell Local Plan 2011-2031 Part 1 require at least 30% affordable units within new residential developments providing over 10 dwellings as well as a 70/30 rented/intermediate tenure split.</p>	<p>On-site provision. The proportion of affordable dwellings as well as the mix of sizes and tenures will meet identified local needs to contribute towards creating mixed and balanced communities as well as compliance with up-to-date development plan policy.</p>	<p>The proportion of affordable dwellings required and the tenure mix is set out in up-to-date development plan policies that were examined and found sound by an independent Inspector against both legal and national planning policy tests. As a result, they must be fair and reasonable.</p>

Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
General public amenity space	The provision of on-site green infrastructure helps create a high quality built environment in accordance with the requirements of Policies Banbury 17, ESD15 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1. It is necessary to require its provision at an appropriate stage in order to ensure the amenity standards within the development are acceptable for occupants of new dwellings. It is also necessary to ensure that it is managed and maintained appropriately in perpetuity so that it remains of a sufficient quality and that it is accessible as a public amenity without adversely affecting the public purse.	On-site provision in accordance with development plan policies together with phasing requirements for its completion and arrangements for ongoing maintenance to secure it in perpetuity as a suitable public amenity resource.	The amenity space sought is commensurate to the need generated by the development and complies with the standards and thresholds for provision set out in Policy BSC11 of the Cherwell Local Plan 2011-2031 Part 1.
Provision of Children's Play Facilities	A residential development of the type and location proposed is likely to accommodate a significant number of children. In order to create a suitable quality development with the amenities necessary to serve the new residents, play areas are required to serve different age groups of children. Local Areas for Play serve the youngest children and should be close to dwellings, with Local Equipped Areas for Play and Neighbourhood Equipped Areas for Play being more significant in size and able to be located at slightly	On-site provision to serve the needs of the new residents in accordance with the requirements of Policies Banbury 17 and BSC11 of the Cherwell Local Plan 2011-2031.	The play facilities sought are commensurate to the need generated by the development and comply with the standards and thresholds for provision set out in up-to-date development plan policies.

	<p>greater walking distances. Policies BSC11 and Banbury 17 set thresholds for their provision on site which the proposed development exceeds. Two LAPs are required given that the walking distances between new homes to LAPs on parts of the site would exceed the 100m requirement of Policy BSC11. A LEAP is also required as the policy threshold is exceeded though only one is required as all new homes would be within 400m walking distance of new dwellings.</p> <p>A NEAP is being proposed as part of development on the adjacent Gallagher site within Banbury 17 and so it is considered appropriate to secure a Multi-Use Games Area instead as part of this proposed development to avoid duplication of facilities given that they serve similar age groups. This accords with the requirements and supporting tables to Policy BSC11.</p> <p>It is also necessary to secure the long term maintenance of the play facilities as well as their accessibility by the general public. The Council's preferred approach which best secures accountable standards of maintenance in perpetuity is for the Council to adopt the facilities on satisfactory completion. The commuted sum figures for the LAPs, combined LAP/LEAP and MUGA are based on contract rates that are</p>		
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	<p>regularly tendered to ensure they are competitive and commuted over a 15 year period. The following operations are carried out at the following timescales:</p> <ul style="list-style-type: none"> • A Weekly Inspection • An Annual Inspection • Sweep every week • Bin emptying every 1.5 weeks • Shrub maintenance every month • Young tree maintenance every month • Mow grass every month • Litter pick every week <p>In the event that the Council is not proposed to adopt the facilities, suitable management arrangements must be in place to ensure appropriate standards for the public amenity spaces are secured in perpetuity.</p>		
Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
Indoor sports facilities contribution (cost based on final number and mix of dwellings as derived through applying formula	Policy BSC12 of the Cherwell Local Plan 2011-2031 Part 1 requires existing standards of provision of indoor sport and recreation facilities to be maintained. The proposed development would lead to an increased population in Banbury and put pressure on existing resources in this respect. A financial	Spiceball Leisure Centre is the largest in Banbury and its facilities will come under increased usage as a result of the new population arising from the proposed development. It is therefore necessary for it to be expanded in order to accommodate additional	Determined through application of Policy BSC12 of the Cherwell Local Plan 2011-2031 Part 1 utilising a proportionate contribution based approach set out in a formula within the Draft

<p>in Draft Planning Obligations SPD 2011)</p>	<p>contribution towards the increase in capacity of sports facilities at the Council's Spiceball Leisure Centre in Banbury is therefore sought. This project has not been the subject of contributions that exceeds the pooling restrictions imposed by Reg. 123 of the CIL Regulations 2010 (as amended).</p> <p>The required financial contribution towards this off-site facility is based on the matrix summary set out in Appendix B (iv) of the Council's Draft Planning Obligations SPD 2011.</p>	<p>use as otherwise the standards and availability of indoor sport provision in Banbury would decline.</p>	<p>Planning Obligations SPD 2011.</p>
<p>Outdoor Sports Facilities Contribution</p>	<p>On-site provision is required by Policies BSC11 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1 in order to ensure that the recreation needs of the new residents are met without adversely affecting existing levels of provision within Banbury. Access to high quality open spaces and opportunities for sport and recreation makes an important contribution to the health and well-being of communities (paragraph 73 Framework)</p> <p>Utilising the formulas set out in table 7 to Policy BSC11, the quantitative level of provision required is equal to 1 x adult football pitch and 1 x junior football pitch based on Oxfordshire Football Association standards. It is well</p>	<p>On-site outdoor sports facilities are required to serve the needs of new residents of dwellings and prevent additional pressure on existing resources. This is expressly required through up-to-date development plan policies.</p>	<p>The level of on-site provision and the contributions towards maintenance have been calculated in accordance with the methodology set out in Policy BSC11 of the Cherwell Local Plan 2011-2031 Part 1 as well as the Council's Draft Planning Obligations SPD which are both based on the expected increase in population which is then likely to make use of sports provision.</p>

	<p>established that football facilities within Banbury are in greater need than other outdoor sports facilities and so this type of facility is considered preferable to others. Provision is required at a suitable stage and it must be controlled so that it is available to the public in perpetuity under reasonable terms and conditions. The Council is the only body considered appropriate to ensure this (either as direct manager, via the relevant town/parish council or through an appropriate lease) as enforceability of control by other groups via planning obligations is impractical.</p> <p>A changing room facility is also necessary to serve those using the sports pitches and is referenced in table 7 to Policy BSC11. Without this, it will not be prove usable to those playing organised matches. The changing room facility proposed as part of the Gallagher Estates development would be too far away from the pitches proposed as part of the appeal scheme and so a separate facility is necessary.</p> <p>Commutated payments towards initial maintenance is essential to ensure that the cost of new outdoor sports provision does not unduly fall on the public purse until sufficient receipts from council tax precepts from new homes within the development has been received to cover these costs. The costs are</p>		
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	derived from the formula set out in the Draft Planning Obligations SPD 2011.		
Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
Allotments	Policy BSC11 of the Cherwell Local Plan 2011-2031 Part 1 requires on-site provision and table 7 sets out the formula for calculating the required amount. This equates to 0.009ha per dwelling or 0.2ha, whichever is the greater. It is essential that there are suitable arrangements for securing their timely provision as well as ongoing maintenance and availability to the general public in perpetuity.	To create a suitable quality new residential environment that serves the needs of the new residents without adversely affecting existing allotment resources in accordance with Policy BSC11	Policy BSC11 includes a proportionate approach to calculating the required provision based on the size of the development.
Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
Community Facilities Contribution	<p>Policy Banbury 17 requires on-site provision of a community facility to meet the needs of the new population without putting undue pressure on existing community resources.</p> <p>The appeal site is the smaller of the sites to come forward as part of the Banbury 17 allocation. As such, a community facility is not expected on the site itself but rather on the larger site promoted by Gallagher Estates to the west. The appeal proposals would however contribute towards the overall</p>	Community Halls are an integral part of local community infrastructure and play an important role in facilitating social interaction and creating healthy inclusive communities (Paragraph 69 of the Framework). There is a development plan policy requirement for development on Banbury 17 to include a community facility.	The amount of the contribution has been calculated in accordance with the methodology in the Council's Draft Planning Obligations SPD by reference to the expected population of the development.

	<p>need arising from development on Banbury 17 and so a financial contribution towards the construction of the new community facility is necessary. This sum would either be pooled with funds received from development on the Gallagher Estates site for the Council to deliver or refunded to Gallagher Estates in the event of direct delivery by the developer of a larger community facility on the adjacent site.</p> <p>Proportionate funds sought towards the build costs are based on the formula set out in Appendix B (iv) of the Draft Planning Obligations SPD 2011.</p> <p>A community facility to serve development on the Gallagher Estates site would be expected to be 450sqm GIA. To serve development on the appeal site as well, this would need to be 600sqm GIA. A larger community facility requires a larger site with associated outdoor space, parking areas etc. As part of constructing a larger community facility on the adjacent Gallagher Estates site, land that could otherwise be subject to more profitable residential development by the developer would be lost and it is necessary to make sure all planning obligations sought from that development are lawful. The Council therefore considers it necessary for the proposed development to make a</p>		
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	<p>proportionate contribution towards the land cost associated with delivery the larger community facility. The Council has adopted the same rationale for the land costs as that used by OCC in calculating payments for educational land and this is considered to robust.</p> <p>Based on a 600sqm community facility provided as part of a development of similar size in Banbury (Longford Park – Ref: 05/01337/OUT) a 2,500sqm site area is considered to be necessary to create a suitable quality facility. The appeal proposals constitute 22% of the total housing now proposed on Banbury 17 (minus the 145 dwellings as part of the Morris Homes development that was separately mitigated) and proportionately this equates to 550 sqm of land. At OCC’s proposed land value of £375k/hectare this equates to £20,625.</p>		
Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
Burial Site Contribution	Policy Banbury 13 requires developments in Banbury to make contributions towards establishing additional cemetery provision for Banbury in order to cope with the additional population. The proposed development would increase the	Policy Banbury 13 identifies that new residential developments lead to increased population and, in turn, the number of deaths within Banbury. Some of these will need to be buried at cemeteries and this puts pressure on existing	The contribution has been calculated based on the expected additional population generated by the development based on dwelling sizes.

	population of Banbury which would, in time, add pressure to cemetery resources. The contribution has been calculated using the methodology set out in the Draft Planning Obligations SPD 2011.	resources.	
Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
Car Park	The highway works associated with the creation of the new access arrangement onto White Post Road will reduce existing on-street parking capacity. There is substantial parking stress on this road, particularly during drop offs and collections associated with Bishop Loveday Primary School. It is essential that any reduction in on-street parking capacity is replicated through the provision of a suitable and accessible new car park that replicates existing free car parking on the highway. The appellant's own Transport Assessment submitted alongside the planning application concludes that it is necessary.	The development would result in the requirement to carry out the highway works which would in turn cause the worsening of existing parking stress and exacerbate highway safety risks. The NPPF and Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 require consideration to be given as to whether development proposals would be served by suitable and safe access for all.	The development proposals would create the adverse impacts and so it is reasonable to expect that the development be required to mitigate them to the same extent in order to be acceptable.
Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
Thames Valley Police Infrastructure	Policy INF1 of the up-to-date Cherwell Local Plan 2011-2031 Part 1 requires sufficient infrastructure to be available to support new strategic development.	Policy INF1 of the up-to-date Cherwell Local Plan 2011-2031 Part 1 requires sufficient infrastructure to be available to support new	A formula approach has been set out by Thames Valley Police to ensure that the funds sought are

	<p>This is supported by the NPPF including in paragraph 156 which references security.</p> <p>The increased population will lead to additional pressure on police resources and, in order to ensure that existing police resources are maintained to a sufficient level to mitigate the impact of the development, financial contributions are required. This is detailed further in the representations received by Thames Valley Police. The Council would act as a collecting authority for transfer of the funds received to Thames Valley Police.</p>	<p>strategic development. This is supported by the NPPF including in paragraph 156 which references the provision of security infrastructure to create safe new environments as part of development.</p>	<p>proportionate to the new population arising from the proposed development.</p>
Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
Balancing Ponds commuted sum (£14.91/sqm)	<p>Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 requires SuDS to be incorporated into all new developments together with agreements on future management and maintenance of SuDS features. The commuted sum figure is based on contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period before council tax receipts from dwellings within the development begin to provide sufficient funding. The following operations are carried out at the following timescales:</p> <ul style="list-style-type: none"> • Cut grass once a month 	<p>Balancing ponds/attenuation basins are required to be provided on the site as part of the development being acceptable with respect to surface water drainage and they will then need to be maintained in order to be effective.</p>	<p>The figure is based on contract rates that are regularly tendered to ensure they are competitive and the required maintenance activities and timescales are considered to be reasonable in scale and kind.</p>

	<ul style="list-style-type: none"> Litter clearance once a week <p>In the event that the Council does not adopt these features, robust and accountable management arrangements need to be in place in perpetuity.</p>		
Ditches/ watercourses commuted sum (£50.10/ lin m)	<p>Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 requires SuDS to be incorporated into all new developments together with agreements on future management and maintenance of SuDS features. The commuted sum figure is based on contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period before council tax receipts from dwellings within the development begin to provide sufficient funding. The following operations are carried out at the following timescales:</p> <p>The following operations are carried out at the following timescales:</p> <ul style="list-style-type: none"> Maintain aquatic areas once per month Sediment excavation 0.2 times per year <p>In the event that the Council does not adopt these features, robust and accountable management arrangements need to be in place in</p>	Ditches/swales/watercourse forming part of the surface water drainage scheme will then need to be maintained in order to be effective.	The figure is based on contract rates that are regularly tendered to ensure they are competitive and the required maintenance activities and timescales are considered to be reasonable in scale and kind.

	perpetuity.		
Obligation	Necessity	Relevance	Fair & Reasonable in Scale and Kind
Hedges commuted sum (£35.78/ lin m)	<p>These would form part of the public realm and require maintenance in order to retain a suitable quality environment. The commuted sum figure is based on contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period. The following operations are carried out at the following timescales:</p> <ul style="list-style-type: none"> • To cut hedges (above 1.8m in height) once a month • To cut hedges (below 1.8m in height) once a month <p>In the event that the Council does not adopt these features, robust and accountable management arrangements need to be in place in perpetuity.</p>	Any hedgerows to be retained on the development site will need to be maintained.	The figure is based on contract rates that are regularly tendered to ensure they are competitive and the required maintenance activities and timescales are considered to be reasonable in scale and kind.
Mature trees commuted sum (£2527.20/ tree)	<p>These would form part of the public realm and require maintenance in order to retain a suitable quality environment. The commuted sum figure is based on contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period. The following operations are carried out at the following timescales:</p>	Any mature trees to be retained on the development site will need to be maintained.	The figure is based on contract rates that are regularly tendered to ensure they are competitive and the required maintenance activities and timescales are considered to be reasonable in scale and

	<ul style="list-style-type: none"> To maintain trees once a month <p>In the event that the Council does not adopt these features, robust and accountable management arrangements need to be in place in perpetuity.</p>		kind.
Mature woodland commuted sum (£9.59/sqm)	<p>These would form part of the public realm and require maintenance in order to retain a suitable quality environment. The commuted sum figure is based on contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period. The following operations are carried out at the following timescales:</p> <ul style="list-style-type: none"> Litter pick once a month Tree removal once per year Re-planting feathered trees once per year Young tree maintenance (for 5 years) once a month Maintain woodland once per year <p>In the event that the Council does not adopt these features, robust and accountable management arrangements need to be in place in perpetuity.</p>	Any mature woodland to be retained on the development site will need to be maintained.	The figure is based on contract rates that are regularly tendered to ensure they are competitive and the required maintenance activities and timescales are considered to be reasonable in scale and kind.
Public open	These would form part of the public	It is necessary for public open	The figure is based on

<p>space commuted sum (£25.07/ sqm)</p>	<p>realm and require maintenance in order to retain a suitable quality environment. The commuted sum figure is based on contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period. The following operations are carried out at the following timescales:</p> <ul style="list-style-type: none"> • Mow grass (close mown) each month • Mow grass (meadow) each month • Shrub maintenance each month • Young tree maintenance each month • Maintain paths each month • Spray paths twice a year • Maintain furniture twice a year • Litter bin emptying – every 1.5 weeks • Dog bins emptying – every 1.5 weeks • Litter pick each week <p>In the event that the Council does not adopt these features, robust and accountable management arrangements need to be in place in perpetuity.</p>	<p>space to be provided on site as set out above and it is essential that this area is maintained to a reasonable standard.</p>	<p>contract rates that are regularly tendered to ensure they are competitive and the required maintenance activities and timescales are considered to be reasonable in scale and kind.</p>
<p>New Bridleway</p>	<p>Policy Banbury 17 requires the provision of a new footpath bridleway running from east to west along the southern boundary of the allocated site. It is</p>	<p>It is relevant insofar as it creates a new amenity for residents and helps mitigate the adverse impact on the rural experience of the Salt Way</p>	<p>The proposed development would only provide the section of bridleway within the</p>

	<p>necessary for a planning obligation to ensure its timely delivery at a suitable agreed connection point to the adjacent Gallagher Estates site, a specification for the bridleway as well as ongoing availability to the public together with long term maintenance. A planning condition would not satisfactorily secure its availability as a permissive route in perpetuity, its long term maintenance or provide sufficient certainty on its point of connection to the adjacent site.</p>	<p>public right of way. It is required by Policy Banbury 17 which is an up-to-date policy of the development plan that was found sound at examination against relevant legal and national planning policy tests.</p>	<p>appeal site and so it makes a proportionate contribution to the creation of the overall bridleway feature within Banbury 17.</p>
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