



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Cherwell District Council**

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY Greystoke Land Ltd**

**North of Station Road, Hook Norton Easting (x)**

**436204 Northing (y) 233632**

**LOCAL PLANNING AUTHORITY REF NO: 21/00500/OUT**

**PLANNING INSPECTORATE REF NO:**

**APP/C3105/W/21/3278536**

**Compliance Statement in Respect of Planning Obligations**

**28 May 2022**

## **1. INTRODUCTION**

1.1 The following statement is made without prejudice to the District Council's case and its position that the application should be refused for the reasons set out in its Proofs. This document has been prepared by the Local Planning Authority to support the obligations sought under S106 of the Town and Country Planning Act 1990 (as amended) in the event that the Planning Inspector is minded to allow the appeal. It is considered that the obligations are required to adequately mitigate the negative impacts of the proposed development.

1.2 This statement is accompanied by:

- Appendix 1. Oxfordshire County Council Regulation 122 Compliance Statement.
- Appendix 2. "Note on Compliance of Planning Obligations sought by Oxfordshire County Council"

## **2. POLICY BACKGROUND**

2.1 Paragraphs 55 to 58 of the National Planning Policy Framework set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

### **Relevant Development Plan policies**

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- INF1 – Infrastructure
- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable flood risk management
- ESD7 – Sustainable Drainage Systems

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure

### **Other Material Considerations**

- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Oxfordshire County Council’s Local Transport Plan 4.

### **Pooling and Planning Practice Guidance**

#### ***Can planning obligations be pooled to fund infrastructure?***

*The 2019 amendments to the regulations removed the previous restriction on pooling more than 5 planning obligations towards a single piece of infrastructure.*

*This means that, subject to meeting the 3 tests set out in CIL [regulation 122](#), charging authorities can use funds from both the levy and section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.*

*Authorities should set out in an infrastructure funding statement which infrastructure they intend to fund and detail the different sources of funding (see [regulation 121A](#)).*

*Paragraph: 006 Reference ID: 23b-006-20190901*

*Revision date: 01 09 2019 See [previous version](#)*

## **3. REQUESTED OBLIGATIONS**

### **3.1 Public Open Space**

Comprising:

1. Informal open space and associated maintenance of on-site trees, hedgerows, and drainage features but excluding LAP. Commuted sum of:

Hedgerow - £26.60 per linear metre

Informal open space commuted sum - £12.65 per square metre

Mature trees - £280.04 per mature tree

New woodland commuter sum - £35.02 per square metre of new woodland

2. On-site LAP together with future maintenance arrangements. LAP – with a minimum area 100sqm activity zone for children aged 2 to 6 of located a minimum of 5m from the nearest Dwelling boundary.

Commuted sum £39,528.11.

Justified by:

1. Policy INF1, which states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*
2. Policy BSC11, which states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”*
3. BSC10 – Open Space, Outdoor Sport and Recreation Provision.

The application is in outline form. The indicative plan shows a scheme which incorporates open space into the design. The size of the development (up to 43 houses) and the number of future residents results in a requirement for additional recreational facilities associated with the open space.

#### Pooling

There are no other contributions to the delivery of on-site public open space

### **3.2 Sustainable Urban Drainage**

Requiring a scheme of Sustainable Urban Drainage for the whole site. The obligation will not permit the occupation of more than 70% of the dwellings until a scheme of SUDS has been transferred to the Management Company in accordance with the details to be approved by the Council under an approved Management Plan.

Commuted sum - £66.05 per square meter of area of balancing ponds

Commuted sum - £120.32 per linear meter of ditches, watercourse, swales and similar features

Justified by:

1. Policy INF1 – Infrastructure
2. ESD1 – Mitigating and Adapting to Climate Change
3. ESD6 – Sustainable flood risk management
4. ESD7 – Sustainable Drainage Systems

#### Pooling

There are no other contributions to the delivery of on-site SUDs.

### **3.3 Affordable Housing**

Comprising 35% affordable housing together with 70/30 tenure split between social rented and Intermediate Housing or such alternative mix of tenure as at any time may be approved by the District Council. The obligation will define matters such as numbers, type, tenure, location, timing, transfer arrangements, permanence and occupancy criteria.

The need for new residential development to make an appropriate contribution towards affordable housing is an established principle of National planning policy (most recently contained within the National Planning Policy Framework).

Policy BSC3 of the CLP 2015 states that: *“At Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.”* Policy BSC3 requires this to be a mix of affordable rent and intermediate tenure.

The obligation is necessary to ensure the proposed development meets with National and Local policies intended to ensure that development fulfils its social role, is sustainable and delivers mixed and balanced communities by the provision of affordable housing. The contribution is directly related to the proposed development, and appropriate in scale, given the specific affordable housing requirements as defined in the Adopted SPD.

#### Pooling

There are no other contributions to the delivery of on-site affordable housing.

### **3.4 Off-site sports contribution (indoor and outdoor)**

Justified by:

1. Policy BSC12 – Indoor Sport, Recreation and Community Facilities
2. Developer Contributions SPD (February 2018)

#### Offsite outdoor sports facilities

Offsite contribution towards the enhancement of offsite outdoor sports facilities at Hook Norton Sport and Social Club. Based on £46.91 per dwelling. 43no dwellings = £2,017.03

#### Offsite indoor sports facilities

Offsite contribution towards the extension/enhancement of Bicester Leisure Centre. Based on £335.32 per person. 43no dwellings x 2.49 x £335.32 = £35,902.71

#### Pooling

There are no other contributions to the delivery of off-site sports facilities.

### **3.5 Community Hall**

Justified by:

1. Policy BSC12 – Indoor Sport, Recreation and Community Facilities
2. Developer Contributions SPD (February 2018)

Financial contribution towards delivery of improvements and/or enhancements at Hook Norton Memorial Hall.

Contribution of £2,482 per m<sup>2</sup> for all community facilities multiplied by 0.185 (0.185m<sup>2</sup> community space per resident) the resultant figure multiplied by the figure derived from Occupancy Rate of each Dwelling in the Composition of the Development.

Occupancy Rates:

<b>Column 1</b>	<b>Column 2</b>
Dwelling Type <i>Dwellings with:</i>	Occupancy
One bedroom	1.25
Two bedrooms	1.85
Three bedrooms	2.88
Four or more bedrooms	3.96

#### Pooling

None.

### **3.6 Refuse Contribution**

Justified by:

1. Policy BSC9 of the CLP 2015 confirms the Council will support proposals which involve new or improvements to public services/utilities if they are required to enable the successful delivery of sites.

This involves the means the payment of a sum of £106.00 for each dwelling on the site to the District Council for the provision of waste bins and recycling facilities. 50% of the Refuse Contribution to the District Council prior to Commencement and balance of the Refuse Contribution to the District Council prior to the first Occupation of 50% of the Dwellings on the Development and not to Occupy more than 50% of the Dwellings until the balance of the Refuse Contribution has been paid to the District Council

Pooling

None.

### **3.7 Public Art**

Justified by:

1. Policy BSC11 of the CLP 2015 confirms local standards of provision – outdoor recreation including the provision of public art in areas of civic space.

Sum calculated by number of dwellings in the development multiplied by £200.00, plus

7% of sum for maintenance and

5% of that sum as management fee

Pooling

None

### **3.8 Bus Service Contribution**

See

- Appendix 1. Oxfordshire County Council Regulation 122 Compliance Statement.
- Appendix 2. "Note on Compliance of Planning Obligations sought by Oxfordshire County Council"

### **3.11 Oxfordshire County Council Administration Fee**

See:

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#### **4. OTHER MATTERS**

##### **4.1 Highway works**

The consultation comments of Oxfordshire County Council refer to an obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- *The construction of two 2-bay bus shelters either side of Station Road at the existing locations with adequate hard standing, pole and flags and on-street bus cages and*
- *The creation of the proposed access on Station Road in line with Oxfordshire County Council design standards.*

The LHA states this is secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements. S278 agreements include certain payments that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works

The S106 agreement would also require an obligation to provide a spine road as part of the highway network be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement. The S106 agreement will identify for the purpose of the S38 agreement.

- *Approximate location of spine road and information as to provision eg minimum width of carriageway, footways etc as appropriate.*
- *Timing – this may be staged.*
- *Additional facilities/payments*

#### **Appendices:**

1. Oxfordshire County Council Regulation 122 Compliance Statement.
2. Note on Compliance of Planning Obligations sought by Oxfordshire County Council