

Case Officer: Richard Greig

Recommendation: Approve

Applicant: Elgin Investments LLP

Proposal: Discharge of Clause 2.1 of Schedule 2 of Section 106 of 16/02446/F - in respect of an Affordable Housing Scheme

Expiry Date: 4 January 2021

Extension of Time: 24 February 2023

1. APPLICATION SITE AND LOCALITY

1.1. The application site, equating to approximately 12 hectares in area, comprises a part of the former RAF/USAF Upper Heyford airbase, designated as a new settlement (Heyford Park). The site is bounded by Camp Road to the north, Kirtlington Road to the west, agricultural land to the south and to the east by the existing settlement of Upper Heyford.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. This application seeks to discharge Clause 2.1 (Affordable Housing Scheme) of Schedule 2 to the Planning Obligation by Deed of Agreement (dated 6 April 2020) under section 106 of the Town and Country Planning Act 1990 relating to land at Phase 9, Heyford Park, Upper Heyford, Oxfordshire.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

16/02446/F

- Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works.

- Granted 7 April 2020.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. The nature of this application is such that no formal publicity period is required to be undertaken.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. The responses are available to view in full on the Council's website, via the online Planning Register.

NON-STATUTORY CONSULTEES

6.2. Strategic Housing

Confirmation provided on 4 January 2023 that Strategic Housing are "*happy with the mix of units that have been delivered, they have all helped meet identified housing needs.*"

7. APPRAISAL

- 7.1. As referenced under section 2 of this report, this application relates to a Planning Obligation (Clause 2.1 of Schedule 2) by Deed of Agreement secured under section 106 of the Town and Country Planning Act 1990.

- 7.2. As set out under section 106A of the Town and Country Planning Act 1990 a planning obligation may only be modified or discharged by agreement between the appropriate authority and the person or persons whom the obligation is enforceable; or, in accordance with section 106B (Appeals) of the aforementioned Act. Where an application is made to discharge an obligation, as is the case in this instance, the authority may determine:

- a) that the planning obligation shall continue to have effect without modification;
- b) if the obligation no longer serves a useful purpose, that it shall be discharged; or,
- c) the obligations continues to serve a useful purpose (but with modifications).

- 7.3. Clause 2.1 of Schedule 2 requires, prior to the development being implemented, the submission and approval in writing of an 'Affordable Housing Scheme' (as defined under Schedule 2 of the Deed of Agreement).

- 7.4. The 'Affordable Housing Scheme' as submitted, provides confirmation of the locations, type and tenures of each of the Affordable Housing Dwellings and of the requisite Affordable Housing Standards for the respective dwellings – in accordance with the prescribed requirements of the 'Affordable Housing Scheme', as defined under Schedule 2 of the Deed of Agreement and agreed by Strategic Housing.

8. PLANNING BALANCE AND CONCLUSION

- 8.1 Having regard to the above and the submission of the appropriate 'Affordable Housing Scheme' it is considered that the obligation (i.e. Clause 2.1 to Schedule 2) no longer serves a useful purpose and should be discharged accordingly.

9. RECOMMENDATION

That Clause 2.1 of the Second Schedule of the Section 106 Agreement in respect of planning application reference 16/02446/F, be discharged in accordance with the submitted 'Affordable Housing Scheme Heyford Park on behalf of Elgin Investments LLP 9th November 2020.'

Case Officer: Richard Greig

DATE: 21/02/2023

Checked By: Andy Bateson

DATE: 24th February 2023
