

Site: OS Parcels 6741 & 5426 West Cricket Field North,
Wykeham Lane, Bodicote

21/03639/F

Case Officer: Linda Griffiths

Applicant: Barratt/David Wilson Homes

Ward Banbury Calthorpe & Easington

Councillors Councillor Clarke, Councillor Harwood & Councillor Mallon

Proposal: Replan of the western part of the residential development permitted through Reserved Matters application 19/00895/REM for the delivery of 107 dwellings.

1. Introduction

- 1.1. This report provides an update following the application being considered at Planning Committee on 19th May 2022.

2. Scope of Delegation

- 2.1 The resolution of the Committee was: "that authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/03639/F subject to:

1. The following conditions (and any amendments to those conditions deemed necessary to be agreed in consultation with the Planning Committee Chairman and the Lead Member for Planning):

1. Time Limit (three years)
2. Compliance with Plans & Documents
3. Landscaping scheme to be submitted, approved and implemented, to include:
i) tree and shrub planting details; and ii) hard landscaping details
4. Materials plan to be submitted, approved and before construction above slab level
5. Sample panels to be approved if any alternative materials subsequently proposed
6. Site-wide BNG to be submitted, approved and implemented before construction above slab level
7. Construction methods for tree pits to be approved and implemented prior to commencement
8. Travel Plan to be submitted, approved and implemented prior to first occupation
9. No occupation until confirmation of foul water capacity exists to serve the development
10. No occupation until confirmation of all water network upgrades necessary to serve the development have been completed
11. Drainage Strategy to be implemented in accordance with approved plan
12. Energy Statement to be submitted, approved and implemented prior to commencement of development
13. No dwellings to be occupied until provided with an EV charging point
14. Removal of GPDO permitted rights under Part 1, Schedule 2 regarding gates,

- walls, fences and other enclosures
15. Removal of GPDO permitted rights under Part 1, Schedule 2 regarding garages, car ports and driveways
 16. All casement windows to be side hung, balanced and of equal proportions
 17. All windows and doors to be recessed 75mm
 18. All dwellings and garages to be constructed using simple mortared edging to roof edges with no overhang and clipped eaves and with gutters fitted tight to walls

And

2. The 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 following (and any amendments as deemed necessary to be agreed in consultation with the Planning Committee Chairman and the Lead Member for Planning):

- 30% affordable housing to NDSS and CDC requirements;
- Community facility to serve additional units;
- Off-site sports provision to serve the additional units;
- On-site sports contribution for additional maintenance of existing facility to be provided amounting to £15,349.97 (plus indexation);
- Additional allotment facilities to serve the additional dwellings;
- Burial ground contributions to serve the additional dwellings;
- Refuse and recycling bins for the additional dwellings;
- CDC monitoring fee of £1,000;
- Uplift in OCC Transport requests through the original obligation in respect of the additional dwellings;
- Additional OCC Education contribution of £375,000 for the expansion of BGN; and
- OCCG contribution of £19,872 to support the local Primary Care Trust relating to the additional dwellings.

2.2 The terms of the delegation have now all been met by virtue of the completion of an appropriate S106 Deed on 16th November 2023 and agreement with the Applicant on all the planning conditions. Many of the contributions specified above have been subsequently amended because some were incorrectly requested based on 108 units rather than the additional 23 units and the revised submission was dealt with through a deed of variation to the unilateral undertaking attached to the original outline.

3. Post Committee Matters

3.1 This report focusses on the officer recommendation and subsequent discussions that have taken place in respect to conditions and the S106 agreement.

3.2 At the time of the original Planning Committee consideration, there remained detailed points of negotiation regarding the precise quantum of some of the CDC and OCC financial obligations that required resolution through the S106 obligations. A 'headline' list of suggested conditions to be imposed should planning permission be granted was presented to Committee in May 2022 along with a preliminary list of required heads of terms and financial contributions to be secured by planning

obligation in a S106 legal agreement. The report explained that negotiations on the conditions and heads of terms were continuing.

- 3.3 The negotiation and drafting of the S106 have been subject to significant time lapse, which has resulted in the delay in determining this planning application and issuing planning consent in accordance with the Planning Committee resolution. This has been due to protracted negotiation on the drafting of the S106 and was also a consequence of the 'Hillside' legal judgement, which necessitates that the implementation of this consent should not prejudice implementation of the original consent and has required prior completion of public open space, sports, play area and allotment provision.
- 3.4 As a consequence of the Hillside case, the negotiations have also included a signed Unilateral Undertaking together with £8,000 monitoring fee to CDC by the applicant to agree to carry out all the on-site infrastructure relating to the allotments, open space, play facilities etc, required under the original outline consent to the satisfaction of CDC prior to implementing the re-plan permission (21/03639/F).
- 3.5 Annex 1 sets out within a table the 'headline' list of suggested conditions in the left-hand column with cross-references to where those matters are addressed in the agreed conditions, which are set out in the right-hand column. Areas of change are also highlighted in the right-hand column where it was ultimately determined and agreed with the applicant that matters would best be addressed through additional conditions.
- 3.6 Annex 2 sets out within a table the draft S106 Heads of Terms (HoTs) in the left-hand column and the agreed S106 HoTs in the right-hand column.

4. Other Post Committee changes, submissions, and representations.

- 4.1 Since the Committee resolution the Government have updated and issued a new National Planning Policy Framework (NPPF), in September 2023. In general terms the latest NPPF re-focuses on design quality, protecting and enhancing the environment, and promoting sustainable development but does not substantively amend guidance from that contained in the 2021 version insofar as it relates to this development proposal.

5. Summary

- 5.1. There have been no other material changes in circumstances or considerations since the Committee resolution (changes to policy, etc). which in the view of Officers would trigger a requirement for it to be referred to the Committee for reconsideration and there is therefore no necessity to return this application to the Committee.
- 5.2. This application seeks to bring forward a more intensive residential development on the western end of the previously permitted development on this site, which is broadly consistent with that approved development. On the basis of the resolution of the Committee, satisfactory details in respect of all conditions and S106 obligations have now been agreed, with any amendments to those obligations deemed necessary and, on this basis, the decision can now be issued.

Case Officer: Linda Griffiths

DATE: 27 November 2023

Agreed By: Andy Bateson

DATE: 27th November 2023

Checked By: Paul Seckington

DATE: 28 Nov 2023

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Annex 1 – Conditions

Draft list of conditions	Conditions to be included on decision notice
1. Statutory Time Limit (outline) – TL	1. Yes
2. Full compliance with Approved Plans	2. Yes
3. Landscaping details to be submitted, approved and implemented	3. Yes
4. Materials Plan to be submitted, approved and implemented	4. Yes
5. Sample panels to be erected and agreed if alternative materials to be used	5. Yes
6. Site-wide BNG to be submitted, approved and implemented prior to construction above slab level	6. Yes
7. Tree pit details to be submitted & approved	7. Yes
8. Travel Plan to be approved and implemented prior to first occupation	8. Yes
9. Drainage Strategy to be implemented in accordance with approved report and plan 957-00-001 Rev A	9. Yes, but as Condition 11
10. Energy Statement to be submitted and approved prior to commencement	10. Yes, but as Condition 12
11. All dwellings to have EV charging points provided prior to first occupation	11. Yes, but as Condition 13
12. Removal of PD rights Re: enclosures	12. Yes, but as Condition 14
13. Removal of PD rights Re: garages, car ports, driveways	13. Yes, but as Condition 15
14. Casement windows to be side hung, balanced and of equal proportion	14. Yes, but as Condition 16
15. All windows & doors to be recessed 75mm	15. Yes, but as Condition 17
16. Use of simple mortared edges with no overhang, clipped eaves and gutters fitted tight to walls	16. Yes, but as Condition 18 Added as Conditions 9 & 10
17. New condition at belated request of statutory consultee	9. No occupation unless all necessary foul water capacity exists to accommodate the new development demands
18. New condition at belated request of statutory consultee	10. No occupation unless all necessary water network upgrades have been completed to accommodate the new development demands

Annex 2 -S106 Agreement

Committee Report	S106 obligations
Bus Service	£23,000
Primary Education	£82.874
Secondary education	£38,220
Secondary land contribution	£9,853
SENCO	£2,378
Strategic Transport	£14,458
30% affordable housing for additional 23 units	7 dwellings provided
Community facility	£2,879.51
Offsite sports provision	£11, 000
On-site sports provision – additional contribution for maintenance of facility to be provided on site	£15,349.97
Additional allotments	As per the original outline
Burial ground contribution	£184.97
Refuse and recycling bins	£106 per dwelling
Monitoring fee	£1,000