

P18-2523

12 April 2023

Mr A Thompson
Planning Department
Cherwell District Council
Bodicote House
Bodicote
Banbury
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OX15 4AA

Outline Planning Application 22/00747/OUT – For the development of up to 370 homes, public open space (including play areas and woodland planting), sports pitches and pavilion, drainage and engineering works, with all matters reserved (appearance, landscaping, layout and scale) except for vehicular and emergency accesses to Bicester Road: Land at Gosford (part of allocation PR7a)

Dear Andrew

This representation is made on behalf of Barwood Development Securities Ltd ("**Barwood**") in respect of the Hill Residential Ltd ("**Hill**") planning application (22/03883/F) which is before the Council for consideration. The Hill application seeks full approval for 96 houses on the northern portion of Local Plan Partial Review Allocation PR7a. As you will be aware, Barwood have an outline application submitted on the southern portion of the same allocation for 370 houses.

For clarity, there is no objection to the principle of development; Barwood support the application and the development proposal submitted by Hill Residential Ltd. Indeed, Barwood and Hill have worked closely during the course of the preparation of each respective application, to agree matters fundamental to the allocation's delivery, including the precise alignment of the spine road where the two parcels of land adjoin and the provision of community uses across the allocation. This has ensured that together, the applications present a single cohesive masterplan and conjoined approach for delivery of the allocated site; a requirement of Policy PR7a(8).

Context

The total allocation, as set out in policy PR7a of the Adopted Cherwell Local Plan 2011 – 2031 (Part 1) Partial Review (2020) is for 430 dwellings. As per the outline planning application (22/00747/OUT) made by Barwood this will deliver up to 370 homes. Hill's full planning application (22/03883/F) will deliver 96 homes. The total number of homes delivered on the allocated site will therefore be 466 dwellings. The recognised provision above the indicative allocation figure is wholly consistent with the NPPF imperative to maximise the efficient use of land (Para 119). In addition, the Local Plan does not represent a 'ceiling' on development, but acts as a guide to capacity to assist the forward planning process.

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Representation

Because the allocation is being delivered by two separate developers and through two separate applications, it is important to ensure that these two applications each and individually, make provision for their fair and proportionate contribution to the necessary infrastructure to support the delivery of the whole allocation. With regard to this, an amount of the shared infrastructure, required to support both sites, is being delivered solely on the Barwood Site. Any S106 agreement should, therefore, ensure that suitable contributions are secured from the Hill application to secure proportionate delivery of their necessary infrastructure, on the Barwood Site.

Specifically, there are four key shared infrastructure components to be delivered as part of allocation:

1. Provision of 0.7 hectares on land for the cemetery extension.
2. Provision of allotments (0.52ha).
3. Provision of Community Facility Building (approximately 250sqm).
4. Provision of Formal Sports Pitches and Public Open Space (POS) (11ha in total, comprising 7ha POS and 4ha Formal Sports Pitch Provision).

Cemetery extension and provision of allotments

Hill will deliver the cemetery extension on the northern part of the allocation (0.7ha) whilst Barwood will deliver the community allotments (0.52ha). With regard to proportionate costs, it is considered that the associated costs in preparation of ground and drainage for each the areas is in broad equilibrium, and therefore the requirements balance each other out.

Provision of Community Facility Building

Barwood will enter a S106 agreement with Cherwell District Council (CDC) to deliver the community building required by Policy, associated with the on site playing field requirement. This will be delivered either through a contribution to the Council for CDC to deliver it, or through an option for Barwood to construct the community building themselves, to an agreed specification. The requirements to deliver the building falls upon the whole allocation, not just the Barwood land.

As Hill are delivering 96 dwellings and Barwood are delivering 370 dwellings, Hill's application will therefore need to make a proportionate contribution to its delivery. That contribution being 20.6% (96/466).

The cost of the community facility will need to be agreed with Cherwell District Council through the Barwood application. However, the Council will need to secure from Hill a contribution equivalent to 20.6% of its delivery costs. Barwood can not be responsible for this element of delivery costs on their site, as such a request would not be CIL Reg 122 compliant, as it would not be related to the Barwood development.

Barwood have given some consideration to how such a proportionate contribution could best be secured. With regard to the community building contributions element of Hill's S106, Barwood consider it would be appropriate to be a party to that agreement.

It is envisaged that funds equivalent to 20.6% of the community building contribution would be placed into an escrow account, controlled by the LPA. Those funds could be called down either by Barwood in the event that they deliver the community building themselves, or by the LPA should Barwood elect not to construct the building, but allow Cherwell District Council to deliver it.

In the event that within a fixed period of the grant of Hill's planning permission (say 5 years), the Barwood scheme has not come forward then the funds would be released to the LPA to secure equivalent provision to support community facilities elsewhere with Gosford and Water Eaton or Kidlington Parishes.

Provision of Formal Sports Pitches and Public Open Space

Public Open Space

Policy PR7a (4) requires 11ha of land for the delivery of formal sports facilities and Green Infrastructure within the Green Belt to support the whole allocation. 7ha of which will be required for Public Open Space and the remaining 4ha is required for the delivery of formal sports pitch provision.

Both of the policy requirements fall on the Barwood land. Barwood will fund the laying out and planting of 79.4% of the allocation wide Public Open Space Green Infrastructure (GI) requirement. It will be the responsibility of Cherwell District Council to secure contributions from Hill, for the delivery of 20.6% of the laying out and planting of the Public Open Space GI, as well as the appropriate future management and maintenance costs of the POS.

It is important to note Barwood will provide all the land required for the POS on the southern portion of the allocation. However, as Barwood are not seeking recompense for this, it is considered the approach outlined in this is both fair and reasonable to Hill.

Provision of Formal Sports Pitches

Barwood will deliver land for the provision of 4ha of sports pitches, on their land to meet the requirements of Policy PR7a(4) and the Adopted Development Brief (June 2022) paragraph 6.5.2.

The Formal Sports Provision shortfall for Kidlington as a whole is set out in the Cherwell Local Plan Part 1 Partial Review – Evidence Base, and is summarised below.

The Cherwell, Open Space, Sport & Recreation Strategies Part 3: Playing Pitch Strategy Final Report: October 2018

The Cherwell, Open Space, Sport & Recreation Strategies Part 3: Playing Pitch Strategy Final Report: October 2018 (Playing Pitch Strategy) takes into account both current need and projected future need for sport and recreation up to 2031. The existing need for Kidlington, as at the published date (October 2018) was 1 full size 3G Artificial Grass Pitch (AGP) to meet all identified training needs. However, this shortage was predicted to increase to 2 full size 3G AGP by 2031.

Figure 30 of the Playing Pitch Strategy (page 66) confirms there is an existing shortfall of 1.2ha in Kidlington of grass pitch provision for football. However, this shortfall increases to 4ha, if the new two



3G grass pitches are not provided (albeit there is no clear justification for this projected increase). If the two 3G pitches are provided, the overall requirement would reduce to 1.5ha.

The required need therefore is between 1.5 – 4ha to meet the current and projected future demand in Kidlington as a whole (up to 2031) (i.e., not just increase in population as a result of the development).

When considering the overall impact of 430 dwellings which is the total dwellings allocated under PR7a, using the Playing Pitch Calculator (referenced at para 3.155 of the Playing Pitch Strategy, October 2018) this would result in a requirement for an additional 1.03 pitches (which equates to circa 0.65 hectares).

Further, the proposed dwellings across the Hill and Barwood applications is 466 in total. Applying the calculation against the total of 466 dwelling, this results in an area requirement of 0.7 hectares of playing pitches. Therefore 3.3ha of the 4ha of formal sports provision will meet the existing unmet need in Kidlington as a whole and 0.7ha will meet the requirements generated by the development, with both Hill and Barwood combined. The costs of addressing an existing shortfall in sports pitch provision, is one which falls upon Cherwell District Council, it is not for an application proposing new development to address a pre-existing deficiency of infrastructure. The laying out of pitches, and their future maintenance, would not be a CIL reg 122 compliant request, as it would not relate to the development proposal.

Barwood will, through their S106, provide and deliver all the land for the 4ha of sports pitches and fund Cherwell District Council to deliver their proportion of the 0.7ha new demand (i.e $0.7\text{ha} \times 79.4\% = 0.56\text{ha}$). The Council will therefore need to secure from Hill, a contribution to the cost of delivering Hill's proportion of the formal sports pitch provision (equivalent to 0.14ha).

I look forward to your confirmation of this letter and subsequent response.

Yours Sincerely,



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