

**OS Parcel 9100 Adjoining And East Of Last
House Adjoining And North Of Berry Hill Road
Adderbury**

22/03439/OBL

Case Officer: Chris Wentworth

Recommendation: Approve

Applicant: Hayfield Homes Construction Limited

Proposal: Discharge of S106 Schedule 2, Clause 2.1 (affordable housing) and
Schedule 4, Clause 2.1 (training and skills plan) of 19/00963/OUT

Expiry Date: 9 January 2023

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The approved site is to the south of the village of Adderbury, to the north side of Berry Hill Road, close to the A4095 but separated from it by a field and a public right of way (PRoW). The site extends to 4ha in area and was previously agricultural and equestrian land surrounded by field hedgerows and trees. To the eastern side of the site used to be a stable and haybarn and a large part of the land was previously used for associated equestrian purposes. To the south and east of the site are agricultural fields, to the west is residential development in the form of a ribbon of detached houses set back from Berry Hill Road and to the north is further agricultural land with a sewerage treatment works close to the northern boundary of the site, immediately beyond another PRoW.
- 1.2. The approved development is for residential development of up to 40 dwellings. Development has already commenced.

2. OBLIGATIONS PROPOSED TO BE DISCHARGED

- 2.1. This application seeks consent for the discharge of S106 Schedules, specifically Second Schedule, Clause 2.1 related to affordable housing and Fourth Schedule, Clause 2.1 related to a training and skills plan, as contained within the S.106 agreement associated with outline planning permission reference 19/00963/OUT.
- 2.2. Second Schedule, Clause 2.1 states that *"The Owner covenants with the District Council that they; will submit a detailed scheme for the provision, proposed location and construction programme of the Affordable Housing Dwellings, including details of the proposed Affordable Housing Tenure Mix to the District Council for approval by the District Council which when approved becomes the Affordable Housing Scheme"*.
- 2.3. Fourth Schedule, Clause 2.1 states *"Not to commence the development until a TEMP (Training and Management Plan) has been submitted to the District Council and it has been approved in writing by the District Council"*. As development has already commenced, development is presently in contravention of the terms of this S106 obligation.

3. RELEVANT PLANNING HISTORY

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

- 19/00963/OUT – Resubmission of application 17/02394/OUT – Outline application for permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access) – Appeal allowed against refusal Sept 2021.
- 22/00959/REM – Reserved matters application pursuant to outline planning permission 19/00963/OUT to discharge all remaining reserved matters (appearance, landscaping, layout and scale). The outline planning application was not subject to an environmental impact assessment – Approved Nov 2022, when development commenced on site.
- 22/00294/M106 – Modification of S106 (19/00963/OUT) Proposed amendment to Third Schedule - to include wording to enable the Open Space to be managed and maintained by a Management Company. Approved March 2022.

4. RESPONSE TO CONSULTATIONS

4.1 CDC Strategic Housing – No formal comments received.

4.2 CDC Economic Growth – “I have not heard from the developer who I see is progressing the development. This is not necessarily an issue if the aims of the Training and Employment Plan (TEMP) are being achieved. The initiatives mentioned are helpful, but I note reference to Bicester Job Club (which ceased over five years ago) and little reference of Banbury which is far closer to the site - including the Job Fairs being held by Job Centre. A monitoring report of the TEMP would helpfully illustrate progress to date and could also identify any additional help needed. I would be happy to assist - for example, with local connections, to maximise the social and training benefits for the locality”.

5. APPRAISAL

Affordable Housing

5.1 The application has been submitted with an affordable housing scheme dated August 2022 and prepared on behalf of Hayfield Homes. This document outlines the following points:

That the development that is to be provided as affordable housing, will be split 70% Social Rented and 30% Intermediate housing, in accordance with CLP adopted policy. The Section 106 Agreement also stipulates the following affordable housing standards will apply to the development:

- Social Rented Dwellings: 50% to comply with the Building Regulations Requirement M4(2) (Accessible and Adaptable Dwellings);
- Located in clusters of no more than 10 Affordable Dwellings, with no more than 6 Social Rented Dwellings in any one cluster;
- Designed to the same external design as the Market Dwellings of the same type so as to be indistinguishable from the Market Housing; and
- Constructed to the Nationally Described Space Standards for:
 - 1-bedroom 2-person dwellings;
 - 2-bedroom 4-person dwellings;
 - 3-bedroom 5-person dwellings; and
 - 4-bedroom 7-person dwellings.

5.2 In accordance with the above requirements, the development provides for 35% of total dwellings as affordable dwellings, with the following affordable housing mix as outlined below;

House Type		M4(2) compliant	Social Rented	Shared Ownership	Total Affordable Provision
1-bed Maisonette (2 person)	A1 (CT)	✓ (GF unit)	4	0	4
2-bed House (4 person)	A2+	✓	4	3	7
3-bed House (5-person)	A3+	✓	2	1	3
			10 Units	4 Units	14 Units

5.3 The applicant has indicated that the affordable dwellings have been designed as an integral element of the development, and to be indistinguishable from the market dwellings. The location of the affordable dwellings is illustrated on Planning Layout Plan (Drawing Ref: P21-2984-01-V), which was approved under the reserved matters consent.

5.4 The Section 106 Agreement attached to the outline planning consent, stipulates the following triggers for the delivery of affordable housing:

- No more than 30% of the market dwellings (8 market units) are to be occupied until each area comprising the affordable housing has been offered to a Registered Provider (RP) and a binding contract has been exchanged with the RP for the purchase of the affordable housing;
- No more than 60% of the market dwellings (16 market units) are to be occupied until the affordable housing is constructed and made available for occupation; and
- No more than 75% of the market dwellings (20 market units) can be occupied, until all of the affordable dwellings are available for occupation and transferred to a Registered Provider.

5.5 The applicant has indicated within the affordable housing statement that the above obligations will be adhered to in the construction and delivery of the approved residential development.

5.6 Whilst a formal response has not been received by the authorities Housing Strategy team, the LPA consider that the submitted Affordable Housing Statement from Hayfield Homes (dated August 2022) is compliant with and sufficient to enable discharge of Clause 2.1 to the Second Schedule of the approved S.106.

Training and Employment Management Plan (TEMP)

5.7 The application was originally submitted with a Training and Employment Management Plan (TEMP) which provided details on the following:

- The use of local labour during construction;
- The use of goods and services procured from local sub-contractors;
- Set out proof of delivery of job and training opportunities for Cherwell District residents;
- Set out details of sub-contractor delivery of job and training opportunities;

- Gave priority to those not in employment to reduce economic inactivity within the District; and
- Provided a record the delivery of learning opportunities for schools and further/higher education.

5.8 CDC Economic Growth were consulted on this document and whilst they raised no formal objection to it, they did comment upon several inaccuracies within it, including reference to Bicester Job Club which ceased over five years ago and with little reference to Banbury which is far closer to the site - including the Job Fairs held by there in the Job Centre. They went on to state that a monitoring report of the TEMP would helpfully illustrate progress to date and could also identify any additional help needed.

5.9 In response to those criticisms, the applicant provided a revised TEMP document, which remedied the following points:

- Removed reference to the Bicester Job Club;
- Added reference to the Jobs Fair being held by the Job Centre in Banbury;
- Adds an additional measure, relating to a recruitment day on-site, which will be held once the sales/show home is open; and
- Included a monitoring report of progress that has been made in delivering upon the measures identified within the submitted TEMP.

5.10 On the basis that the shortcomings highlighted in the original document have all now been addressed within the revised TEMP document, the LPA raises no objection to this document in its revised form, and it is considered sufficient to discharge Clause 2.1 of the Fourth Schedule of the approved S.106 agreement.

6. RECOMMENDATION

That Clauses 2.1 of the Second and Fourth Schedules of the S.106 agreement associated with planning application reference 19/00963/OUT be both discharged based upon the following:

Second Schedule, Clause 2.1

- Affordable Housing Statement from Hayfield Homes (dated August 2022).

Fourth Schedule, Clause 2.1

- Hayfield (Adderbury) Training and Employment Management Plan (TEMP) Rev A, received under cover of the applicant's email dated 14 June 2023.

Case Officer: Chris Wentworth

DATE: 19th June 2023

Checked By: Andy Bateson

DATE: 20th June 2023
