

**Site:** OS Parcel 6920 East of Oxford Road and Adjoining  
& South of Canal Lane, Bodicote

**22/03452/F**

**Case Officer:** Andy Bateson

**Applicant:** Barton Willmore (now Stantec) on behalf of Mercian Developments Ltd

**Ward** Banbury Calthorpe & Easington

**Councillors** Councillor Clarke, Councillor Harwood & Councillor Mallon

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**Proposal:** Erection of a new 128-bed residential care home (Use Class C2) together with associated access, parking and landscaping, with vehicular and pedestrian access via the existing accessway onto Longford Park Road.

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## **1. Introduction**

- 1.1. This report provides an update following the application being considered at Planning Committee on 13th April 2023.

## **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 22/03452/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. Site Clearance to avoid Bird Nesting season (March – July)
  4. All Planting in First Season following Occupation
  5. Construction Method Statement, including CTMP
  6. No development before approval in writing of a detailed Surface Water Drainage scheme
  7. No development before approval in writing of a CEMP: Biodiversity
  8. Schedule of Materials & Finishes to be approved Prior to Commencement
  9. Mechanical Ventilation details to be approved Prior to Installation
  10. Details of Safe Cycling & Pedestrian Access to be approved Prior to First Occupation
  11. Covered Cycle Parking to be installed Prior to First Occupation
  12. A scheme for EV Charging Points to be approved Prior to First Occupation
  13. Travel Plan to be approved in writing Prior to First Occupation
  14. Installed SuDS & site-wide Drainage to be approved Prior to First Occupation
  15. Details of all Lighting to be approved in writing Prior to Installation

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):

- Public Transport Service Contribution suggested by OCC Transport of £29,458 and agreed by Applicant, to be paid in full prior to first occupation;
- Traffic Regulation Order suggested by OCC Transport of £3,320 and agreed by Applicant, to be paid in full prior to first occupation;
- Travel Plan Monitoring Fee suggested by OCC Transport of £2,563 and agreed by Applicant, to be paid in full prior to first occupation; and
- Primary Care Infrastructure Contribution suggested by the ICB Clinical Commissioning Board, initially of £110,592 but subsequently revised down to: 28 1-bed units x £360/person = £46,080, to be paid in full prior to occupation.

2.2 The terms of the delegation have now all been met by virtue of the completion of an appropriate S106 Deed on 6<sup>th</sup> December 2023 and agreement on two supplemental conditions of approval belatedly requested by statutory consultees subsequent to the Planning Committee, which have been agreed with the Applicant.

Commented [AC1]:

### 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 with Oxfordshire County Council (OCC) as the Local Highway Authority and Local Lead Flood Authority that required resolution through the imposition of conditions and by way of S106 obligations. A 'headline' list of suggested conditions to be imposed should planning permission be granted was presented to Committee in April 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.

3.4 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.

3.5 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 2023. In general terms the NPPF re-focuses on design quality, protecting and enhancing the environment, and promoting sustainable development. A further new NPPF is anticipated imminently but has not yet been published so is not relevant to this consideration.
- 4.2 The published changes in 2023 focused very much on heritage minutiae such as historic statues, plaque, memorial or monument and led to the Government amending Part 11 (heritage and demolition) of Schedule 2 of the General Permitted Development Order (GPDO), to ensure the demolition of a statue, memorial, or monument (“a commemorative structure”) that has been in place for at least 10 years on the date of any proposed demolition, requires Planning Permission from the 21st April 2021. Whilst there is no definition of what comprises a statue, memorial or monument, it evidently has to be ‘commemorative’ in nature.
- 4.3 The aim of the change is to ensure that commemorative structures are not removed without proper consideration and public consultation, and to explore whether retention and explanation of them is an alternative or appropriate approach. This NPPF change is irrelevant to this particular proposal.
- 4.4 Post Committee late representations were made by statutory consultees in respect to Renewable Energy and Water Network capacity upgrades.
- 4.5 The matters raised by consultees were discussed and agreed with the Applicant, hence the addition of Conditions 16 and 17 to the proposed planning permission.

#### **5. Summary**

- 5.1. Apart from the above two consultee requests, which Officers are satisfied have been appropriately addressed through imposition of additional conditions 16 and 17, 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 Care Home proposal on part of the permitted Longford Park development that is consistent with that approved development. On the basis of the resolution of the Committee, satisfactory details in respect of all updated conditions and S106 obligations have now been agreed, with any amendments to those conditions deemed necessary and on this basis, the decision can now be issued.

Case Officer: Andy Bateson

DATE: 11 December 2023

Checked By: Paul Seckington

DATE: 14 December 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. Site Clearance outside of Bird Nesting Period (March to July)	3. Yes
4. Landscape planting in first planting season following occupation	4. Yes
5. Construction Method Statement/CTMP to be approved and implemented	5. Yes
6. Detailed Surface Water Drainage to be approved	6. Yes
7. CEMP to be approved and implemented	7. Yes
8. Schedule of Materials to be approved	8. Yes
9. Mechanical Ventilation to be approved	9. Yes
10. Provision of safe cycling & pedestrian access to Longford Park Road	10. Yes
11. Ten (10no.) covered cycle bays to be provided prior to first occupation	11. Yes
12. Five (5no.) EV charging points to be provided prior to first occupation	12. Yes
13. Travel Plan to be approved and implemented prior to first occupation	13. Yes
14. SuDS to be approved and implemented prior to first occupation	14. Yes
15. Lighting details to be approved and implemented	15. Yes
16. New condition at belated request of consultee	16. Feasibility Assessment/Scheme for provision of on-site Renewable Energy provision to be approved and installed.
17. New condition at belated request of statutory consultee	17. No occupation unless all necessary water network upgrades have been completed to accommodate the new development demands.

**Annex 2 -S106 Agreement**

<b>Committee Report</b>	<b>S106 obligations</b>
<p><b>Public Transport Service Contribution:</b> £29,458 to be paid in full prior to first occupation.</p> <p><b>Traffic Regulation Order Contribution:</b> £3,320 to be paid in full prior to first occupation.</p> <p><b>Travel Plan Monitoring Fee:</b> £2,563 to be paid in full prior to first occupation.</p> <p><b>Primary Care Infrastructure Contribution:</b> £46,080 to be paid in full prior to first occupation.</p>	<p>£29,458 to be paid in full prior to first occupation.</p> <p>£3,320 to be paid in full prior to first occupation.</p> <p>£2,563 to be paid in full prior to first occupation.</p> <p>£46,080 to be paid in full prior to first occupation.</p>