

20th July 2023

FAO Planning and Open Space Services

Cherwell District Council
Bodicote House
White Post Road
Banbury
OX15 4AA

Dear Sir/Madam,

RE: Submission of Play and Incidental Open Space Scheme in accordance with Paragraph 3.1.2 of the Fourth Schedule and Open Space Scheme in accordance with Paragraph 5.1.1 of the Fourth Schedule of the Section 106 Agreement dated 18th December 2019 relating to application 14/01932/OUT.

Site: OS Parcel 7400 Adjoining and South of Salt Way Banbury

Introduction

This cover letter has been prepared by Persimmon Homes (South Midlands) Ltd in order to discharge the obligation required under Paragraphs 3.1.2 and 5.1.1 of Fourth Schedule of the S106 Agreement concerning the submission and approval of scheme for the Play and Open Space areas on each phase. The details pursuant to the above referenced Paragraphs are provided in the following enclosed plans:

- 050 Working Site Layout
- Soft landscaping proposals (Sheets 1-7)
- Detailed LAP proposals (ref. P21-2662_107C)
- Landscape composite plan (ref. P21-2662_108D)
- Development Framework Plan (ref. JJG043/035 Rev Y)

Whilst this requirement falls under the outline permission (planning application reference: 14/01932/OUT), the Play and Incidental Open Space (IOS) Scheme and Open Space Scheme hereby enclosed relates solely to the first phase of residential development (hereafter 'Parcel 1') approved under Reserved Matters application (ref: 22/02068/REM).

Play and Incidental Open Space Areas – Obligations of the Fourth Schedule

Persimmon Homes are required to submit a scheme for the provision, laying out, landscaping and equipping (as appropriate) of the Play and IOS areas within a Parcel. Paragraph 3.1.2 sets out the obligations for the Play and IOS and states:

"The Owner covenants with the District Council that it will:

... 3.1.2 will not Implement any Parcel that contains any Play & IOS Areas until there has been submitted in writing to and approved by the District Council (or deemed approved where such scheme has been submitted it shall be deemed approved where such scheme has been submitted it shall be deemed approved where there is no response from the District Council within six (6) weeks of receipt of the scheme by the District Council) the relevant Play & IOS Areas Scheme for the Play & IOS Areas within that Parcel"



The scheme is required to provide details of: the precise location of the Play and IOS areas within the phase; the timings of the work, including the equipping of the Play and IOS areas and the laying out of the landscaping and provisions to ensure the Play and IOS areas are suitable for disabled users. Table 1 summarises what is being submitted in order to fulfil these requirements for Parcel 1.

Table 1. Summary of details required by Paragraph 3.1.2 of Section 4 of the S106 Agreement and what is being submitted for Parcel 1.

Details Required	Relevant Information
Location of Play and IOS area	<p>Please refer to enclosed plans:</p> <ul style="list-style-type: none"> - Site layout (ref. 050 Working Site Layout) - Soft landscaping plans (Sheets 1-7) - Detailed LAP proposals (ref. P21-2662_107C) - Landscape composite plan (ref. P21-2662_108D) <p>Parcel 1 will include two play areas. The first Local Area of Play (LAP) is located in front of plots 31-35 and consists of a junior and toddler swing, embankment slide, a small Billy Goat Gruff climbing frame and soft wood stepping logs. The LAP is fenced by a 1.2m high bow top railing fence made from mild steel in accordance with RoSPA guidelines and BS EN1176. Two benches and a bin will be provided. Both LAPs will be surfaced from rubber mulch safety surface and the footpaths will be constructed in tarmac surface with pcc edging.</p> <p>The second LAP is situated directly south of Plot 179 and consists of a toddler spica, a crawling pyramid and a timber spring seesaw. The fencing will be the same as LAP 1 and there will be one bench and one bin provided.</p>
Timing of the works	<p>In accordance with the requirements of the S106 Agreement, the first LAP will be installed prior to the 199th occupation and the second LAP will be installed prior to the 299th occupation. All landscaping of the Play and IOS areas will be completed prior to the last occupation in Parcel 1.</p>
Suitability for disabled users	<p>All play equipment and layout proposals are in accordance with the requirements set out under BS EN 1176 and the Disability Discrimination Act. The access gate to both LAPs will be finished in bright yellow paint to aid partially sighted users, however both LAPs feature equipment that may not be suitable for some disabled / wheelchair users, such as a crawling pyramid.</p> <p>Notwithstanding, an inclusive Locally Equipped Area of Play (LEAP) is being designed in consultation with the local community special school - Frank Wise School. This will be completely inclusive and accessible and on located on land adjacent to Parcel 1 (on the 'Gateway Landscaping' site which is controlled by Persimmon Homes and subject to a separate Reserved Matters application ref. 22/01581/REM). The final design is yet to be configured, but the LEAP will feature a play space with play opportunities and support features for all ages and abilities. The inclusive LEAP will be provided by the 199th occupation.</p>



Open Space - Obligations of the Fourth Schedule

Persimmon Homes are required to submit a scheme for the provision, laying out, landscaping and equipping (as appropriate) the balancing ponds, ditches/watercourses/swales, new woodland areas and public amenity space. Paragraph 5.1.1 sets out the obligations for the Open Space scheme and states:

"The Owner covenants with the District Council that it will:

5.1.1 not Implement the Development on any Parcel that contains any Open Space until there has been submitted in writing to and approved by the District Council (or deemed approved where such scheme has been submitted it shall be deemed approved where there is no response from the District Council within 6 weeks of receipt of the scheme by the District Council) the Open Space Scheme for the Open Space on that Parcel (including a phasing programme) for the laying out landscaping and equipping of the Open Space"

The scheme is required to provide details of: the location of any Open Space within the respective phase; a timetable for the carrying out of the works and planting and a timeframe in which a Practical Completion Certificate will be applied for. Table 2 summarises what is being submitted in order to satisfy these conditions for Parcel 1.

Table 2. Summary of details required by Paragraph 5.1.1 of Paragraph 4 of the S106 Agreement and what is being submitted for Parcel 1.

Details Required	Relevant Information
Location of Open Space	<p>Please refer to enclosed plans:</p> <ul style="list-style-type: none"> - Site layout (ref. 050 Working Site Layout) - Soft landscaping plans (Sheet 7) - Development Framework Plan (ref. JJG043/035 Rev Y) <p>Two green corridors dissect Parcel 1. The first (known as the 'Western Greenway') runs the length of the phase (north to south) and is overlooked by numerous plots on each side (e.g. 52-58). The corridor consists of three swales to assist with the site's sustainable drainage capabilities and is crossed by two footpaths to aid connectivity. The second section of Open Space in Parcel 1 (known as the 'Central Greenway') consists of two swales that are located along the eastern boundary of the site (north to south). This is crossed by one footway which will link users directly to the Local Centre. The location of the Greenways is largely in accordance with the approved Development Framework Plan.</p> <p>Both green corridors are framed by a mix of trees, shrubs and aquatic planting and provide an important part of the wider scheme's green infrastructure network that will connect to adjacent development parcels. There are no balancing ponds, new woodland areas or public amenity</p>



	spaces to be included (excluding the LAPs detailed above).
Timing of the works	The swales will be installed during the early phases of construction of Parcel 1 (Summer 2023). All landscaping of the Open Space areas will be completed prior to the last occupation in Parcel 1.
Timeframe for issue of the Practical Completion Certificate	Persimmon Homes estimate that this will be issued within five years from the date of this letter, in 2027.

Summary

Persimmon Homes have compiled this Play and IOS Scheme and Open Space Scheme in accordance with Paragraphs 3.1.1 and 5.1.2 respectively of the Fourth Schedule of the S106 Agreement relating to application 14/01932/OUT. The submission relates solely to Parcel 1 of the scheme, which gained reserved matters approval for 237 homes in May 2023 (ref: 22/02068/REM).

Details provided include the location, appearance, size and timing of the Play, IOS and Open Space facilities that will be provided on Parcel 1. Persimmon Homes therefore seek formal confirmation from Cherwell District Council that all obligations that relate to Play, IOS and Open Space have been discharged.

We trust that the enclosed information is sufficient to support your formal discharge of the obligations referred to above, however if you require any further information please do not hesitate to contact me.

Yours sincerely,

Harriet Jarvis | Planner
Persimmon South Midlands | Aspen House, Birmingham Road, Studley, Warwickshire B80 7BG
Direct line | 01527 361130
Email | harriet.jarvis@persimmonhomes.com **Web** | persimmonhomes.com | charleschurch.com