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Suzanne Taylor
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Job Ref: 00078-u
SENT VIA EMAIL

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[CC: planning@cherwell-dc.gov.uk](mailto:CC:planning@cherwell-dc.gov.uk)
CC: developer.funding@oxfordshire.gov.uk

Dear Suzanne,

RE: Pre-commencement matters relating to planning obligation dated 20 January 2020 pursuant to planning permission 14/02121/OUT – Himley Village

We write on behalf of our client Cala Homes (Cotswolds) Limited to make submissions to discharge planning obligations related to the above planning permission. As well as submission of matters for approval, there are also a number of obligations that we wish to discuss potential variations to. Each of these is set out below in respect of each schedule of the S106 Agreement.

Please find attached plan P22-3093_DE_05_D_01 which is the approved Phasing Plan for Condition 7 of the planning permission. This submission relates to the pre-commencement obligations for Phases 1A, 1B (both infrastructure) and 2A (123 residential units)). These Phases all have current applications pending for Reserved Matters under references 23/01493/REM and 23/01586/REM. Submissions relating to later residential Phases 2B and 2C will follow in due course once Reserved Matters Applications have been submitted for those Phases. Phase 3 is not currently subject to any applications.

Schedule 1 – Conditions

Applications to discharge planning conditions will be submitted as required via the Planning Portal. These are in the process of being submitted and approved.

Schedule 2 - Community Contributions

We note that the majority of these contributions are not due to be paid until after 249 occupations. We confirm that, if required, the Temporary Recycling Scheme will be submitted, and the Recycling Contribution and the Waste Contribution will be paid as required, in due course.

Schedule 3 – Sports Pitches

As shown on the approved Phasing Plan, the pitches lie within Phase 3, which is not subject to Reserved Matters Applications at this time and therefore no detailed layout is yet known. Please find attached drawing P22-3093_DE_003__16 Framework Plan, which has been submitted pursuant to Condition 8 to show the masterplan for the wider site and has been overlaid to show the land under our Client's control. Currently there are pre-commencement contributions relating to Sports Pitch 1. Whilst the land proposed for Pitch 1 could technically be transferred at this time, our client does not wish to prejudice the layout of Phase 3 at this time, and it can clearly be seen that the pitches will not be accessible or relate well to the development under later in the delivery programme. We would therefore suggest varying this clause to transfer the land and contributions closer to the point that the Council will actually be able to deliver the pitch, and when there is certainty over the layout of Phase 3. We would welcome a conversation on this point and suggest that a suitable alternative trigger point would be to identify the land parcel and offer the land transfer once the reserved matters for Phase 3 have been approved, prior to Phase 3 implementation.



Schedule 4 – Community Buildings

The Community Building will not be substantially complete and made available prior to implementation. We note that a Temporary Community Facility Specification and Management Scheme are required prior to occupation of the development, for delivery before 50 occupations. The proposed location for this is within the sales area in Phase 2A. However, we would like to discuss varying this trigger point, as 50 occupations seems a low threshold for requiring a community facility. We would suggest that 150 occupations may be a more suitable trigger point.

Schedule 5 – Community Facility Maintenance

It is noted that these contributions are not payable until there have been 300 occupations and will therefore not be triggered by this Phase.

Schedule 6 – Community Development

Contributions are requested for this pre-commencement, with an annual payment thereafter. However, we wish to discuss whether this trigger is appropriate as it would seem more reasonable to pay these once occupations are at a level to require community development work?

Schedule 7 – Non residential uses

These clauses are not triggered by the current application. Our client is aware that some of the clauses will be triggered upon 100 occupations and will make submissions in due course. However, we note that the location of the Health Facility Site is required to be identified as a pre-commencement matter – we query whether this is required when it is outside the area currently subject to reserved matters applications?

Schedule 8 - Skills and training

A Training and Employment Plan is currently being finalised and will be submitted shortly.

Schedule 9 – Affordable Housing

These matters are still under consideration in relation to the reserved matters application and will be provided once agreed.

Schedule 10 – Biodiversity

We do not believe that anything needs to be submitted in this regard, and the requested contributions will be paid at the appropriate time.

Schedule 11 – Zero Carbon

A site-wide Zero Carbon Strategy together with the proposed Zero Carbon Implementation Strategy for Phase 2A are both currently under consideration in relation to the reserved matters application, and will be forwarded once agreed.

Schedule 12 – Cultural Wellbeing

Please find attached the Planning Statement which was submitted to the Reserved Matters application currently under consideration for Phase 2A, and covers matters relating to cultural wellbeing.

Schedule 13 – CMO

This will not be triggered until the first occupation and will be paid at the appropriate time.

Schedule 14 Open Space, Allotments and Drainage

We confirm that the open space in Phase 2A will be transferred to a Management Company

The S106 Agreement states that the location of the allotments must be submitted as a pre-commencement matter. The approved Landscape Parameter Plan 3 Rev H and the approved Phasing Plan shows that there are no allotments within phases 1A, 1B or 2A and as such, it is not proposed to submit further details until applications are submitted for phases 2B, 2C and 3 respectively.

In relation to open space and landscaping, please find attached the proposed Open Space Provision Plan P22-4321_EN_002__05 and Green Space Framework Plan P22-4321_EN_002__06.

Whilst there is a trigger for a play area after 100 occupations, which will be reached within Phase 2A, it is noted that the locations for the play areas on the approved Landscape Parameter Plan 3 all fall outside the land area of Phase 2A. Following discussions last week I understand that it has been agreed in principle that this trigger can be moved to 150 occupations and a small informal natural play space provided within Phase 2A. Once the details have been agreed pursuant to the reserved matters application, an open spaces plan for the Phase will be submitted.

Schedule 15 – Design and Building Standards

We understand that the requirements for a CEEQUAL assessment have since been superseded by BREEAM. We would be grateful to discuss what the Council will require in this respect and discuss a suitable variation to the wording of the S106 Agreement. In respect of the local materials sourcing scheme, this is currently being prepared and will be submitted shortly.

Schedule 16 – Monitoring

We would be grateful if you could please provide a template proforma for the Construction Phase Monitoring Schedule and the Post Occupancy Monitoring Schedule, so that these can be duly completed and submitted to you.

Schedule 17 – County Council Contributions

It is our understanding that the primary school land is not to be transferred any earlier than 290 occupations, so we would like to discuss the pre-commencement primary school contributions and whether the trigger for this should also be later to coincide with the land transfer?

Schedule 18 – Off Site Highway Works

A S278 application has been submitted to Oxfordshire County Council and has been given reference 129.287. We anticipate the likely timescale to be technical approval in September 2024, a completed legal agreement in December 2024, and works complete by March 2025. We will forward documents once approved.

Schedule 19 – On Site Highway Works

As above, a S278 application has been submitted to Oxfordshire County Council. A S38 application will also be submitted as soon as the Reserved Matters application has been approved and will be forwarded to you for your information.

Schedule 20 – Strategic Infrastructure

We confirm that the Major Infrastructure shall not be completed and open to traffic prior to commencement of development, and as such our client shall provide a bond in due course.

Schedule 21 - Not used

Schedule 22 – School Sites

These obligations are not triggered until 50 occupations and will be dealt with in due course. We note that the school site is not due to be offered for transfer until after 290 occupations at the earliest.

Schedule 23 – Land Transfer Schedule

This schedule is not triggered until the school site land transfer is offered.

Yours sincerely,

Katie Parsons Msc LLB(Hons)

Director

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