



Cala Homes (Cotswolds) Limited
Second Floor, INNOVOX
Oxford Technology Park
Technology Drive
Kidlington
OX5 1GN

Suzanne Taylor
Principal Planning Officer
Cherwell District Council
Via email only

10th January 2025

Dear Suzanne,

Request to vary Schedule 7 (Non Residential Uses) relating to Planning Obligation dated 20th January 2020 pursuant to Outline Planning Permission 14/02121/OUT at Himley Village, Bicester

Further to our recent discussions, I write on behalf of Cala Homes (Cotswolds) Limited to request to vary obligations within Schedule 7 (Non Residential Uses) of the above referenced Section 106 Agreement. I set out below the proposed variations.

Principal Retail Store

Paragraphs 1.1 – 1.1.2

Currently reads: *“1.1 – to submit and secure the written approval of the District Council for both a Qualifying Application and a Marketing Strategy for the Principal Retail Store no later than the earlier of:*

1.1.1 the expiration of one calendar year from the date of Implementation of the Development, or

1.1.2 the Occupation of any more than 100 dwellings.”

Cala would like to amend the text at Paragraph 1.1.1 from *“expiration of one calendar year”* to now read *“expiration of five calendar years”* and Paragraph 1.1.2 from *“the Occupation of 100 dwellings”* to now read *“the Occupation of any more than 500 dwellings.”*



Paragraph 1.2

Currently reads: *“not to Occupy or cause or permit the Occupation of any more than 100 Dwellings unless and until the District Council has issued a Qualifying Permission and approved a Marketing Strategy for the Principal Retail Store in writing.”*

Cala would like to amend the text at Paragraph 1.2 from *“the Occupation of any more than 100 dwellings”* to now read: *“the Occupation of any more than 500 dwellings.”*

Paragraph 1.3 – 1.3.2

Currently reads: *“1.3 – to implement the Marketing Strategy as approved for the Principal Retail Store from the date of the later of the*

1.3.1 – issue of a Qualifying Permission including the Principal Retail Store and

1.3.2 – the approval of the Marketing Strategy for the Principal Retail Store Until the Principal Retail Store is let.”

Cala would like to remove Paragraph 1.3.1, the qualifying permission clause so that the marketing strategy can begin once it has been approved by the Council. Cala would also like to amend Paragraph 1.3 to require the Marketing Strategy to be implemented within 3 months of approval by the Council.

Paragraph 2.1

Currently reads: *“The Owners and Developer shall Service and Substantially Complete the Principal Retail Store in accordance with the relevant Qualifying Permission no later than the Occupation of any more than 400 dwellings.”*

Cala would like to amend the text at Paragraph 2.1 from *“the Occupation of any more than 400 dwellings”* to now read: *“the Occupation of any more than 750 dwellings.”*



Paragraph 2.2

Currently reads: *“not Occupy or cause or permit the Occupation of any more than 399 Dwellings unless and until the Principal Retail Store is Serviced and Substantially Completed.”*

Cala would like to amend the text at Paragraph 2.2 from *“Occupation of any more than 399 dwellings”* to now read: *“Occupation of any more than 750 dwellings”*.

Paragraph 2.2 (a)

Currently reads: *“the Principal Retail Store shall be Serviced and Substantially Completed prior to the Occupation of any more than 500 Dwellings.”*

Cala would like to amend the text at Paragraph 2.2 (a) from *“Occupation of any more than 500 Dwellings”* to now read: *“Occupation of any more than 750 dwellings.”*

Paragraph 2.2 (b)

Currently reads: *“No more than 499 Dwellings shall be Occupied unless and until the Principal Retail Store has been Serviced and Substantially Completed”*.

Cala would like to amend the text at Paragraph 2.2 (b) from *“No more than 499 Dwellings shall be Occupied”* to now read *“No more than 749 Dwellings shall be Occupied”*.

Paragraph 3 – 3.1.2

Currently reads: *“3 – The Owner and Developer shall*

3.1 – submit and secure the approval of the District Council for

3.1.1 – a Qualifying Application and

3.1.2 – a Marketing Strategy for



The Ancillary Retail Stores prior to the Occupation of any more than 500 dwellings.”

Cala would like to amend the text at Paragraph 3.1 from “*prior to the Occupation of any more than 500 dwellings*” to now read “*prior to the Occupation of any more than 501 dwellings*”.

Paragraph 3.2

Currently reads: “*3.2 – not Occupy or cause or permit the Occupation of any more than 500 Dwellings unless and until the District Council has both*

3.2.1 – granted a Qualifying Permission and

3.2.1 – approved the Marketing Strategy

For the Ancillary Retail Stores.”

Cala would like to amend the text at Paragraph 3.2 from “*not Occupy or cause or permit the Occupation of any more than 500 Dwellings*” to now read “*not Occupy or cause or permit the Occupation of any more than 750 dwellings*”.

Paragraph 3.3 – 3.3.2

Currently reads: “*3.3 – to implement the Marketing Strategy as approved for the Ancillary Retail Stores from the date of the later of the*

3.3.1 – issue of a Qualifying Permission including the Ancillary Retail Stores and

3.3.2 – the approval of the Marketing Strategy for the Ancillary Retail Stores

Until the Ancillary Retail Stores are let.”

Cala would like to remove Paragraph 3.3.1, the qualifying permission clause so that the marketing strategy can begin once it has been approved by the Council.



Paragraph 5.1

Currently reads: *“The Owners and the Developer shall submit and secure the written approval of the District Council for a Marketing Strategy for the Approved Mixed Uses (other than the Principal Retail Store and the Ancillary Retail Stores) in the Mixed Use Area prior to the Occupation of any more than 100 dwellings.”*

Cala would like to amend the text at Paragraph 5.1 from *“prior to the Occupation of any more than 100 Dwellings”* to now read *“prior to the Occupation of any more than 750 Dwellings”*.

Paragraph 9.1

Currently reads: *“To submit and secure the approval of the County Council and the District Council to the proposed location of the Nursery on or before the Occupation of any more than 100 Dwellings at the Site and not to cause or permit the Occupation of more than 100 Dwellings until the proposed location of the Nursery has been approved by the County Council and the District Council.”*

Cala would like to amend the text at Paragraph 9.1 from *“the Occupation of any more than 100 dwellings”* to now read *“the Occupation of any more than 501 dwellings”*.

Paragraph 9.4 – 9.1.2

Currently reads: *“9.4 – to implement the Marketing Strategy as approved for the Nursery (subject as provided in Paragraph 9.5) from the date of the later of the*

9.4.1 – issue of a Qualifying Permission Nursery and

9.4.2 – the approval of the Marketing Strategy

Until a contract has been entered into with a provider to operate the Nursery.”



Cala would like to remove Paragraph 9.1.1, the qualifying permission clause so that the marketing strategy can begin once it has been approved by the Council.

If you could please confirm in writing that you are in agreement to our proposed Deed of Variation for the proposed changes above and we will request for our Solicitor to draft the document.

Yours sincerely



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Cc:

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