

Planning and Development

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Your Ref: Longford Park S106 amendment

21st April 2023

Dear Alice Harper,

Longford Park – Proposed amendment to S106 attached to permission 05/01337/OUT

I write further to your letter of 3rd February 2023 addressed to my former colleague Alex Chrusciak, which requested the following amendments to the terms of the S106 relating to the Local Shopping Centre and Healthcare Site at Longford Park, Banbury.

1. The S106 definition for “Local Shopping Area” currently specifies the following meaning: *“an area adequate to accommodate a convenience store of between 200 and 400 square metres and four units of a maximum of 150 square meters and forming part of the Mixed Use Area.”* The amendment sought to the definition is: **“an area adequate to accommodate a convenience store of between 200 and 400 square metres, a day nursery up to 600 square metres and other units up to a maximum of 200 square meters each, forming part of the Mixed Use Area.”**

This amendment seeks to allow a day nurse and would also increase the allowable size of the smaller units within the Local Shopping Area from up to 150m² to up to 200m². The suggested justification for this revised definition is that: ‘such revised definition would reflect the scheme being proposed to be delivered by the development consortium and is supported by end-user demand for units in the current economic market’.

2. Clause 11.3 to the S106 relates to the “Local Shopping Area” and currently specifies: *“Any sale or agreement for lease or lease of the Local Shopping Area shall be subject to a requirement that the purchaser or prospective tenant shall construct the units comprised in the Local Shopping Area within a reasonable period approved in writing by the District Council at least to a basic shell standard to the reasonable satisfaction of the District Council.”*

The LPA has previously indicated that it is flexible on the timing of what would be a 'reasonable period' for construction of units within the Local Shopping Area and the consortium has responded by suggesting that: "the local centre construction would commence **within 5 years of a planning consent being granted** by CDC."

3. Clause 14 of the S106 includes requirements relating to a "Healthcare Site", which is currently defined as: "*an area capable of accommodating a 320 square metre surgery.*" It is **proposed that Clause 14 and its definition is removed**, resulting in there being no requirement for a healthcare site at Longford Park.

The suggested justification for this revision is that: 'Since 2009, the set-up of healthcare facilities has evolved, and the requirement specified in the S106 is no longer reflective of healthcare provider requirements. Having discussed with many potential end users, including the NHS' Integrated Commissioning Board (ICB), a Healthcare Site as defined would not now be fit for purpose due to its size, with larger multi-use healthcare facilities being more commonplace. Separately, the consortium of housebuilders marketed both the Local Shopping Area and Employment Land through external parties without either resulting in any end user wishing to deliver the Healthcare Site. Hightown Surgery were the only party to express any preliminary interest but after they decided not to progress a scheme, there has been no further substantive interest to demonstrate that a Healthcare Site could be provided at Longford Park'.

With respect to request 1:

The suggestion that the 'Local Shopping Area' definition in the S106 be amended to allow for the provision of a 600m² Day Nursery and afford greater flexibility in the size of other retail units in the centre to be up to 200m² rather than 150m² is accepted by the LPA. The marketing undertaken demonstrates that such minor amendments would better reflect current economic circumstances and demands and would facilitate a speedier opening of facilities.

With respect to request 2:

I can confirm that the Council is agreeable to the suggestion that "within 5 years of a planning consent being granted" represents a 'reasonable period' as referenced in Clause 11.3 to the S106.

With respect to request 3:

I can confirm that the suggestion that Clause 14 of the S106 be deleted is accepted. The LPA has independently confirmed that both the ICB and local GP Surgeries in Banbury no longer have any interest in providing a small surgery of 320m² at Longford Park and the consortium's marketing of the site has revealed no other interest in providing such a facility. In such circumstances, it is no longer appropriate to maintain this requirement and the LPA is agreeable to the deletion of this Clause.

Yours sincerely



Andy Bateson

Development Management Team Leader (Major Development North)