



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	UPLANDS AREA PLANNING SUB-COMMITTEE: 19 AUGUST 2024.
Subject	AMENDMENTS TO SECTION 106 AGREEMENT OF APPLICATION REF. 22/2429/FUL – PLAY AREA WALTERBUSH ROAD, CHIPPING NORTON.
Wards Affected	Chipping Norton
Accountable Member	Julian Cooper - Chair of Upland sub committee Email: julian.cooper@westoxon.gov.uk
Accountable Officer	Abby Fettes- Development Manager Email: abby.fettes@westoxon.gov.uk
Report Author	James Nelson- Principal Planning Officer Email: james.nelson@westoxon.gov.uk
Summary/Purpose	To enable members to consider whether to proceed with proposed amendments to the Section 106 Agreement associated with application ref. 22/02429/FUL.
Annexes	None.
Recommendation	That the sub-committee resolves to grant planning permission subject to the amended Section 106 agreement.
Corporate Priorities	Meeting the Housing needs of our changing population. Climate action.
Key Decision	No
Exempt	No
Consultees/ Consultation	Full consultation was undertaken in respect of the original application. Consultation with legal and the Strategic Housing and Development Officer has been carried out in preparing the amended Section 106 agreement.

1. EXECUTIVE SUMMARY

- 1.1. A revised S.106 agreement has been prepared by the legal team in consultation with the Applicant, Planning Officers and the Strategic Housing and Development Officer since application ref. 22/02429/FUL was resolved to be approved at this Committee, subject to S.106 agreement. Officers therefore seek confirmation from the Committee that the Council may proceed to issue the consent in accordance with the resolution of November 2022 and subject to the amended S.106 agreement.
- 1.2. At the November 2022 meeting of this Committee, officers set out that the Council would seek to enter into a S.106 agreement to secure the following matters:
 - 100% affordable housing set at 80% of open market value.
 - To provide and market eight Custom/Self-Build dwelling plots.
 - Apply a local connection test to prospective buyers.
 - Provision and maintenance of community open space.
 - Provision of a community car club and electric vehicle charging points.
- 1.3. The following alterations to the terms of the draft S.106 agreement as outlined above have been made:
 - Affordable housing revised from 80% of open market value to 85% prior to customisation.
- 1.4. The strategic housing team have confirmed that the units would remain classified as affordable with a 15% discount on market value, as secured in the S.106 in perpetuity. Homes England are also in support of the affordable classification.
- 1.5. The proposed revision from 80% to 85% was approved at the Executive Committee in November 2023 although this in no way binds the resolution of this Committee.
- 1.6. The scheme would still deliver wider community benefits with the provision and maintenance of community open space (precise use, layout and landscaping to be agreed in accordance with a scheme to be agreed with the Council) delivery of eight Custom/Self-Build units with local connection test through the S.106 agreement.

2. BACKGROUND

- 2.1. On 14th November 2022, the Committee resolved unanimously to approve application ref. 22/02429/FUL for the “Construction of eight custom build semi-detached dwellings, along with formation of a new access, landscaping and associated works” subject to the completion of the S.106 agreement.

2.2. Application ref. 22/02429/FUL has been pending determination since the Committee resolved to approve the application in November 2022, subject to the signing of a S.106 agreement. The application had stalled due to legal complications regarding the transfer of land between the Council and the Applicant.

2.3. A revised S.106 agreement has been drafted as outlined. Given the length of time since the Committee resolved to approve the application and the changes made to the nature of the proposed affordable housing provisions, your officers seek authority to proceed to positive determination of the application subject to the amended S.106 agreement.

3. ALTERNATIVE OPTIONS

3.1. The Committee could decide to not proceed with the amended S.106 agreement. If this were the case, the provisions necessary to make the development acceptable in planning terms would not be secured. In this instance, the application would have to be reconsidered by Members and is unlikely to be supported by Officers.

4. FINANCIAL IMPLICATIONS

4.1. The proposed amendments to the S.106 agreement would result in no additional cost to the Council.

5. CONCLUSIONS

5.1. Your Officers are satisfied that the amended S.106 agreement meets the relevant legal and planning policy tests in that it is necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. It would secure 100% affordable housing provision, albeit on revised terms, secure the Custom/Self-Build element of the scheme, as well as adequately secure the provision and maintenance of community open space.

6. LEGAL IMPLICATIONS

6.1. Council Legal Services has provided advice throughout the application and has drafted the S.106 agreement.

7. RISK ASSESSMENT

7.1. As set out in the above report.

8. EQUALITIES IMPACT

8.1. Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to:

- Race

- Disability
- Gender, including gender reassignment
- Age
- Sexual Orientation
- Pregnancy and maternity
- Religion or belief

8.2. The Council also has a duty to foster good relations, and to consider the impact of its decisions on human rights. The law requires that this duty to pay 'due regard' is demonstrated in the decision making process. The report does not have a particular impact on any of the above groups.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1. Climate and ecological matters covered in November 2022 Committee Report and remain unchanged.

10. BACKGROUND PAPERS

10.1. Application ref. 22/02429/FUL and associated papers.

(END)