

**Site Address: Land incorporating former
Holly House, Bath Road, Banbury**

13/01649/F

Ward: Banbury Easington

District Councillor: Fred Blackwell, Kieron Mallon
and Nigel Morris

Case Officer: Rebekah Morgan

Recommendation: To accept the recommendations
as set out in section 6 below.

Applicant: Green Pasture Christian Nursing Home

Application Description: Demolition of existing buildings and erection of new care home,
together with alterations to access, parking provision, landscaping and associated works

Committee Referral: Major

Committee Date: 3rd April 2014

1. Site Description and Proposed Development

- 1.1 The proposal seeks to demolish 5 Park Road and erect a new care home on the site. The building would be constructed over three floors and provide 60 bedrooms with en-suite facilities. The building would follow the irregular form of the site and provide staff/visitor parking and garden areas for the occupiers of the home. The application follows the withdrawal of application 13/00317/F and has been subject of extensive pre-application consultation and negotiation.
- 1.2 Members will recall that this application was discussed at a special committee on the 9th January 2014, where Members resolved to grant planning permission, subject to the satisfactory resolution of the Section 106 matters.
- 1.3 This report is therefore an update to the original report (attached as Appendix A) in relation to the recommendations set out in Section 6 of that report.

2. Application Publicity

- 2.1 Refer to section 2 in appendix A

3. Consultations

- 3.1 Refer to section 3 in appendix A

4. Relevant National and Local Policy and Guidance

- 4.1 Refer to section 4 in appendix A

5. Appraisal

- 5.1 This update deals with the following matter:
 - Planning Contributions

Planning Contributions

- 5.2 The Government policy on the use of planning obligations (s106 requirements) is set out in the NPPF. LPA's must take this guidance into account in their decisions on planning applications and must have good reasons for departing from it. Planning obligations are used for three purposes: to prescribe the nature of the development (e.g. requiring a given portion of housing is affordable); to compensate for loss or damage created by a development (e.g. loss of open space); and to mitigate the

impact of a development (e.g. through increased public transport provision). The planning obligation must be directly relevant to the proposed development, the three key tests being that the requirement should be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

- 5.3 Oxfordshire County Council has set out there final position regarding planning contributions sought in relation to this development. The contributions sought are set out in the table below.

Type of Planning Contribution	Amount	Notes
Library	£2380	50% reduction from original request
Waste Management	£3584	No change from original request
Museum Resource Centre (MRC)	£0	No longer required
Adult Day Care	£30800	50% reduction from original request
Administration and Monitoring Fee	£3750	

- 5.4 In reviewing the above request your officers have taken into consideration the detailed comments submitted the agent, the justification provided by Oxfordshire County Council and the requests for financial contributions that have been sought in relation to two recent care home schemes (13/01643/F and 13/01672/HYBRID). The two schemes referenced were considered by members of the planning committee on 6th March 2014.

5.5 **Library Contributions**

Contributions towards the provision of library services have been consistently sought in relation to care home schemes within the district and without the 50% reduction that has now been offered by the County Council on this development. Oxfordshire County Council has clearly set out a case for seeking library contributions in relation to this development as it will generate an increase in population living in the area and have provided details showing how the requested amount has been calculated.

- 5.6 Officers have considered the comments made by the agent, specifically in relation to the in-house provision that is being made and the likelihood of residents making use of the facilities. Although it is accepted that it may be difficult for a majority of the residents to visit the local libraries themselves, this does not prevent relatives accessing those services on their behalf. Officers consider that the 50% discount that has been offered by the County Council is sufficient to take account of the library facilities that are being provided within the development.

- 5.7 Officers recommend a contribution of £2,380 is sought in relation to libraries.

5.8 **Waste Management**

In relation to waste management two contributions have been requested; a sum of £3584 from Oxfordshire County Council and a sum of £67.50 per unit (total £4,050) from Cherwell District Council.

- 5.9 The agent has stated that waste and recycling collection will be carried out by a private company; therefore officers do not consider it necessary to seek the contribution requested by Cherwell District Council as they will not be responsible for the collection of waste and recycling materials.

- 5.10 Although a commercial company will be used, the County Council is still responsible for providing the waste and recycling facilities where the waste and recycling is disposed of. Therefore, officers consider this contribution to be necessary and related to the development.

- 5.11 Officers recommend a contribution of £3,584 is sought in relation to waste management.
- 5.12 **Museum Resource Centre**
Oxfordshire County Council is no longer requesting any contributions towards the museum resource centre.
- 5.13 **Adult Day Care**
Oxfordshire County Council has sought a contribution of £30,800 (a 50% reduction from their initial request).
- 5.14 Having reviewed applications 13/01643/F and 13/01672/HYBRID officers note that on these applications contributions were not sought towards adult day care services. The proposals of a similar type and scale of development and therefore it is reasonable to expect similar contributions to be sought for all of the applications.
- 5.15 The agent has supplied detailed information setting out the day care facilities that will be provided on site for residents. Given the nature of the development and the on-site facilities, officers consider it unlikely that residents would make use of other day care services in the local community.
- 5.16 In order to take a consistent approach, officers consider it unreasonable to seek financial contributions towards adult day care in relation to this development. Furthermore, as similar contribution hasn't been sought on other recent schemes, your officers feel it would be difficult to justify at an appeal.
- 5.17 It is recommended that a planning contribution is not sought for adult day care.
- 5.18 **Administration and Monitoring Fee**
Oxfordshire County Council has requested a sum of £3,750 for administration and monitoring of the s106 agreement.
- 5.19 Officers have reviewed applications 13/01643/F and 13/01672/HYBRID and note that on these applications the administration and monitoring fee sought is £1,500. Given that the contributions being sought are similar to this application, it would be reasonable to expect the administration and monitoring fees to be similar and there is no clear justification for an increased fee on this development.
- 5.20 Officers recommend a contribution of £1,500 is sought for administration and monitoring.
- Conclusion**
- 5.21 Officers consider that the following planning contributions are necessary and relevant to the proposed development. It is recommended that a total contribution of £7,464 is sought; the individual elements are set out in the table below.

Type of Planning Contribution	Amount
Library	£2380
Waste Management	£3584
Administration and Monitoring Fee	£1500

- 5.22 Officers are satisfied that the planning contributions appropriately mitigate the impact of the development and meet the tests set out in the Community Infrastructure Levy Regulations.

6. Recommendation

Recommendation

1. To approve the application subject to the conditions set out in appendix A
2. To delegate the completion of the legal agreement to Officers.

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