

Case Officer: Imogen Hopkin

Applicant: Fellside Estates

Proposal: Change of Use of part of building to form 10no apartments (Use Class C3) including the partial demolition and alterations to the rear elevation, an external staircase, and internal alterations

Ward: Banbury Cross And Neithrop

Councillors: Councillor Becky Clarke MBE, Councillor Matt Hodgson, Councillor Dr Chukwudi Okeke

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 28 July 2023

Committee Date: 13 July 2023

RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a Grade II listed building, Borough House, located within Banbury Conservation Area. The building is late Victorian, dating to around 1893, and was previously the Municipal Technical School and Mechanic's Institute. The building is three storeys and the ground floor of the site has a framing business and an employment consultancy business. The first and second floor have been in use as an office for over 20 years.
- 1.2. Part of the building is associated with Banbury Library to the south-east, which is also a Grade II listed building, and the property to the north-west is the Freemasons Hall. Adjacent to the Freemasons Hall is an access to a rear courtyard area, bound by properties along Marlborough Road, High Street and Albert Street.
- 1.3. Opposite the site, to the south-west is a car park at a higher land level that serves a few shops.

2. CONSTRAINTS

- 2.1. The application site is within Banbury town centre and Conservation Area, is a Grade II listed building, and immediately adjacent to a Grade II listed building.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the conversion of part of the ground floor and basement, the first and second floor of the building, partial demolition, a rear extension, external staircase and internal alterations to result in 10 self-contained flats.
- 3.2. The basement would have 1 x 1 bedroom flat, the ground floor would have 1 x 1 bedroom flat, the first floor would have 3 x 1 bedroom flats and 1 x 2 bedroom flat, the second floor would have 2 x 1 bedroom flats and 2 x 2 bedroom flats.

3.3. There is a concurrent listed building consent application for the internal and external alterations to facilitate the proposed use.

4. RELEVANT PLANNING HISTORY

4.1. There is various planning history relating to the partial change of use of the building. The following planning history is considered the most relevant to the current proposal:

Application: 18/00999/F	Permitted	24 th September 2018
Suite 10: Change of Use from A2 (Professional and Financial) to B1 (Offices)		

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **16 June 2023**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- Small contribution of housing numbers fails to outweigh the loss of a viable and popular town centre business
- Existing retail and office uses still in place and do not require alterations to the building
- Concerns about bin storage, collection and parking

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **No objections** and supports the change of use.

OTHER CONSULTEES

7.3. CDC BUILDING CONTROL: **No objection** but suggest the Fire Service should be consulted. Smoke vent should be provided, and commercial areas on the ground floor do not have sufficient separation from the main stair escape route.

7.4. CDC RECREATION AND LEISURE: **No objection** subject to S106.

- 7.5. CDC LAND DRAINAGE: **No drainage comments.**
- 7.6. CDC CONSERVATION: **Objects** as it would result in less than substantial harm to the heritage assets with no public benefit. The Officer objected to the sub-division of the large rooms, resulting in the loss of the historic plan form that would have a harmful impact on the significance of the listed building. The proposed fire escape and staircase has an overly modern and complicated design that results in a detrimental design to the building.
- 7.7. CDC STRATEGIC HOUSING: No affordable housing required.
- 7.8. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of cycle parking, travel plan, parking arrangement, electric vehicle charging points.
- 7.9. OCC EDUCATION: No contributions needed.
- 7.10. OCC ARCHAEOLOGY: **No objections** as there are no archaeological constraints.
- 7.11. OCC WASTE: **No objection** subject to S106 contributions.
- 7.12. OCC LIBRARY: **No objections** to the principle, although clarification required for the temporary fire exist arrangement during construction.
- 7.13. LEAD LOCAL FLOOD AUTHORITY (LLFA): **Objects** due to no drainage strategy, calculations for Qbar greenfield run off rate and for storm events up to and including the 1:100 year, plus 40% climate change.
- 7.14. THAMES VALLEY POLICE DESIGN ADVISOR: **No objection**, subject to condition relating to 'Secured by Design' principles.
- 7.15. THAMES WATER: **No objections.**
- 7.16. FIRE SERVICE: **Awaiting comments.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- BSC 1 – District Wide Housing Distribution
- BSC 2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD6 – Sustainable Flood Risk Management

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- Banbury 7 – Strengthening Banbury Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21 – Conversion of Buildings in Settlements
- C21 – Proposals for the Re-use of a Listed Building
- C23 – Retention of Features Contributing to Character and Appearance of a Conservation Area
- C28 – Layout, Design and External Appearance of New Development
- C30 – Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Banbury Conservation Area Character Appraisal

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, heritage, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety
- Drainage
- S106
- Other matters

Principle of Development

Policy Context

- 9.2. The CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.88 states: *‘By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth’.*
- 9.3. Policy BSC 1 of the CLP 2015 sets out the distribution of housing growth throughout the Cherwell District Council area up to 2031, stating 22,840 homes are to be delivered during the plan period, with 7,319 of those to be delivered within Banbury.
- 9.4. The NPPF’s key objective is to support the achievement of sustainable development through the planning system; recognising the need to secure gains in the overarching objectives (economic, social and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should also contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2015 which looks to support sustainable development.

Assessment

- 9.5. The proposal is within the built up limits of Banbury, in a sustainable location and accords with the Council's overall housing strategy. Therefore, notwithstanding the District's current housing land supply position of 5.4 years supply of housing for the period 2022-27 as reported in the Council's 2022 Annual Monitoring Report (AMR), the general principle of development, in sustainability terms, may be considered acceptable in terms of the location within Banbury.

Conclusion

- 9.6. The principle of new residential development is acceptable in Banbury town centre, as it is a sustainable location, and conversions are an appropriate way to secure new residential properties. However, overall acceptability is dependent on other material considerations including heritage impact, design, residential amenity and highway safety, discussed further below.

Design, heritage and impact on the character of the area

Heritage Legislative and policy context

- 9.7. The site is a Grade II listed building, is within the Banbury Conservation Area, and affects the setting of the Grade II listed Banbury Library.
- 9.8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.9. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.10. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.

Policy

- 9.11. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 9.12. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes

and the use of traditional building materials and detailing and form that respond to the local vernacular.

- 9.13. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.14. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

Assessment

- 9.15. No alterations are proposed to the frontage of the building.
- 9.16. To the rear of the building is proposed a new 4 storey rear extension, which would replace smaller, existing rear elements. The proposal would extend the existing gable, which is not the best form of design, due to many gables to the rear elevation; however, it is noted it replaces a modern rear extension, and does appear more cohesive. As such and in isolation, this element would result in a neutral impact to the significance of the listed building and Conservation Area, and would therefore not surmount to a reason to refuse the application.
- 9.17. The Conservation Officer has assessed the scheme and advises the existing building has *“large spaces, with very tall ceilings, with large-scale historic windows, forming an important part of the character of these large rooms”*. The Conservation Officer advises that the sub-division of these open plan rooms would result in the loss of the historic plan form, which would have a harmful impact on the significance of the listed building. The other internal changes proposed with the blocking/removal and opening up of new openings results in a cumulative impact with the sub-division which results in a mid-range amount of less than substantial harm. This relates to internal alterations, which do not constitute development under Section 55 of the Town and Country Planning Act, therefore not forming part of the assessment of the full planning application. The assessment of the internal alterations are carried out through the listed building consent application – 23/00402/LB.
- 9.18. The proposed rear fire escape and staircase projects forward of the rear building line at ground floor. The Conservation Officer raised concerns that it would appear overly modern and complicated in its design, as it cascades from the second floor to the ground floor, with the excessive projection. These concerns were relayed to the applicant’s agent but unfortunately plans to amend this element have not been forthcoming, so it is unclear whether this is the only way safe exit from the library can be achieved. The rear fire escape and staircase results in a contrived, overly complicated design, which should not be supported on a Grade II listed building.

Conclusion

- 9.19. For the reasons set out above it is considered that the proposal would result in harm to the significance of the Banbury Conservation Area and the Grade II listed building. Officers do not consider that the public benefit of the use of the building for 10 flats outweighs the identified harm. The harm identified relates to the overly complicated rear fire exit and staircase proposed. The application therefore results in a poor design, and provides no evidence of alternative solutions for the fire exist, which together compound the less than substantial harm identified, along with no meaningful public benefit to outweigh this harm. As such, the proposal is contrary to Policy ESD15 of the CLP 2015, saved Policies C23 and C28 of the CLP 1996, and Government guidance contained within the NPPF.

Residential Amenity

Policy

- 9.20. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states, amongst other things, *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.'*
- 9.21. Cherwell's Residential Design Guide SPD highlights that flats should benefit from amenity space, by way of balconies, rooftop gardens or shared gardens.
- 9.22. The Government has Technical Housing Standards – Nationally Described Space Standards sets out, amongst other things, the minimum floorspace for new dwellings. The Council have not adopted this document, although it provides a useful starting point for assessment of what amounts to a reasonably sized dwelling.

Assessment

- 9.23. Flat number 7, on the second floor, has a floor area of 56.5m², and is sited across two storeys. The requirement for a 2 storey, 1 bedroom, 2 person flat for the Nationally Described Space Standards is 58m². This is a shortfall of the standards, although a minor one to which a pragmatic approach could be taken, given that all of the other proposed flats are compliant with the Nationally Described Space Standards.
- 9.24. All habitable rooms within the flats are served by appropriately sized windows, and therefore benefit from an appropriate receipt of light.
- 9.25. There is no outdoor, private residential amenity area provided for the 10 flats proposed, as they are served by a parking area. Cherwell's Residential Design Guide SPD states that flats should be served by balconies, roof gardens or shared gardens. It is appreciated this is a conversion scheme to a listed building, so there is limited scope to introduce new elements to overcome this issue. The absence of green space within the site further highlights that the overall design could be enhanced to provide a good level of amenity for future occupiers. However, it is noted that People's Park is around 0.3 miles from the site (5 minute walk), and Spiceball Park is 0.5 miles from the site (10 minute walk). Therefore, a balanced approach could be taken to this element, and would not surmount to a reason to refuse the application.

Conclusion

- 9.26. The proposal could have an improved level of amenity secured for future occupiers of the site, although the shortfalls of the site in respect of amenity are not considered to surmount to a reason to refuse the application on this basis.

Highway safety

Policy

- 9.27. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, and other transport elements and the content of associated design standards reflects the current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

- 9.28. In addition, paragraph 111 highlights that development “*should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.

- 9.29. Paragraph 112 of the NPPF highlights the need to prioritise pedestrian and cycle movements, along with creating spaces that are safe, secure and attractive.

Assessment

- 9.30. The proposal suggests there is 10 parking spaces to serve the 10 flats; although the site plan indicates 8 spaces. The Local Highway Authority (LHA) has commented on the scheme, and have advised the same, and highlighted that the scheme should benefit from 10 parking spaces. They do not consider this a reason to object to the application, as a parking arrangement and travel plan could be submitted via a condition, if the application were to be approved.

- 9.31. It is noted the site is in a highly sustainable location, as it is within walking distance of Banbury Bus and Train Stations. There is a cycle store identified on the basement plan, and the LHA has requested this can be conditioned.

Conclusion

- 9.32. Overall, officers agree that the residual cumulative impact of the development on the highway network is not considered to be severe in the context of paragraph 111 of the NPPF.

Drainage

Policy

- 9.33. The Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of the NPPF states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be*

supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.34. Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits*

9.35. Turning to the Development Plan, Policy ESD6 of the CLP 2015 essentially replicates national policy in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

Assessment

9.36. The application included a Flood Risk Assessment and Drainage Strategy, which the Lead Local Flood Authority (LLFA) were able to assess. LLFA officers objected to the application, requiring an indicative drainage strategy to show how the site will drain, along with the surface water discharge rate. Further, they requested calculations for Qbar greenfield/brownfield run off rate, and calculations for storm events up to and including the 1:100 year storm event, plus 40% climate change.

Conclusion

9.37. In the absence of the clarification of the drainage and flood risk, insufficient information has been provided to demonstrate the application would not result in an adverse effect on draining and flood risk, therefore contrary to Policy ESD6 of the CLP 2015 and the Government guidance contained within the NPPF.

S106

9.38. Paragraph 54 of the NPPF states that *“local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;*
- b) Directly related to the development; and*
- c) Fairly and reasonably related in scale and kind to the development.”*

9.39. Policy INF1 of the CLP 2015 relates to Infrastructure. This Policy states, amongst other things, that the *“Council’s approach to infrastructure planning in the District will identify the infrastructure required to meet the District’s growth, to support the strategic site allocations and to ensure delivery by:*

- Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

9.40. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements

9.41. The application includes draft heads of terms of an agreement, Appendix 1, which includes the following:

- Offside sport (indoor and outdoor) and recreation contributions;
- Community hall contributions;
- Education contributions; and
- Household waste and recycling contributions.

It is expected that these matters will be negotiated during the course of the planning application process.

9.42. The agent has suggested a S106 agreement could be entered into if the application were to be supported, although no discussions or negotiations about the draft heads of terms have occurred at this stage. In the event that permission was to be approved for this development, it would be subject to an agreed S106 being in place. As such, in its current form, the application is contrary to Policy INF1 of the CLP 2015 and the guidance outlined in paragraph 54 of the NPPF.

Other Matters

9.43. Building Control Officers have highlighted that the proposal may not secure the necessary fire escape routes, or fire protection, and have advised to consult the Fire Service for comment on the application. Consultation has been carried out, although a response has not yet been received. If the proposal fails to secure adequate means of escape or fire protection, this may result in an additional reason to refuse the application due to the impact on the safety of future occupiers of the site.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive Impacts – Economic

10.2. The proposals will contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would support facilities and employment in businesses, shops and services within the area.

Positive Impacts – Social

10.3. Through S106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Positive Impacts – Environmental

10.4. The proposal includes an alternative use for an existing building to create additional housing, and would be more environmentally friendly than creating new build houses.

Negative Impacts

10.5. The proposal results in less than substantial harm to designated heritage assets through the convoluted, poor design of the rear staircase

Conclusion

10.6. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.7. The harm on the designated heritage assets does not outweigh the need for the limited number of housing that would be secured through this development. As such, the public benefit is limited, and would not tip the balance in favour of the development.

10.8. The insufficient information on drainage and flood risk means the application cannot be readily approved until it demonstrates there would be no adverse impact in the future.

10.9. In terms of planning obligations, the heads of terms for a section 106 has been briefly drafted, although not discussed by either parties. A reason for refusal relating to the lack of a completed Section 106 agreement is therefore also recommended.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. By virtue of the contrived rear fire escape to serve the library, the proposal would

demonstrate less than substantial harm to the designated heritage assets, with no public benefit. Therefore the proposal has a detrimental impact on significance of the Grade II listed building, and would detract from the views within, the character and appearance of the Banbury Conservation Area resulting in harm to both heritage assets. The harm identified significantly outweighs any public benefits. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and guidance contained within the National Planning Policy Framework.

2. There is insufficient information provided to demonstrate that the proposal would not have an effect on drainage and flood risk. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the CLP 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Imogen Hopkin

TEL:

APPENDIX 1 – Heads of Terms for Section 106 Agreement/undertaking

Planning Obligation			Regulation 122 Assessment
Detail	Amount	Trigger point	Regulation 122 Assessment
Waste Management	£940.00	TBC	<p>Necessary – The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p>Directly related – Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of waste management.</p>
Community hall facilities	£6,651.76	Prior to the first occupation of any dwelling on site.	<p>Necessary – Contribution towards improvements / enhancements of existing community facilities in the locality.</p> <p>Directly related – For use of future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>

Outdoor Sports Provision	£20,170.30	Prior to the first occupation of any dwelling on site.	<p>Necessary – Off-site contribution towards enhancement of outdoor sports facilities through the development of 3G artificial pitches in the locality.</p> <p>Directly related – For use by future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation.</p>
Indoor Sports Provision	£4,862.14	Prior to the first occupation of any dwelling on site.	<p>Necessary – Off-site indoor sport contribution towards Banbury Indoor Tennis Centre and/or improvements of leisure centre provision in the locality.</p> <p>Directly related – For use by future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to</p>

			enhance the sustainability of communities – enhancing quality of existing facilities and improving access.
--	--	--	--

