

Oxford City Planning Committee

10/06/2024

Application number: 24/01141/POM

Decision due by 25th June 2024

Extension of time 23rd July 2024

Proposal Variation of legal agreement attached to planning permission 21/01449/FUL (Full planning permission for 134 dwellings (use class C3), informal open space including community pavilion, seating and children's play areas, hard and soft landscape and sustainable drainage areas, access, associated roads and infrastructure, car and cycle parking, bin storage, pumping station, substation and associated engineering works. To modify the change to tenure of plots 66 and 67 (2x4BH) to social rent and the tenure of plots 60 and 61 (2x3BH) to shared ownership.

Site address Land South West Of St Frideswide Farm, Banbury Road, Oxford, Oxfordshire.

Ward Wolvercote Ward

Case officer Felicity Byrne

Agent: N/A **Applicant:** Sovereign Network Group

Reason at Committee Variation of a legal agreement associated with permission for a Major development.

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the modification to the legal agreement for the reasons given in the report; and**

1.1.2. **agree to delegate authority** to the Head of Planning & Regulatory Services to:

- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the conditions and informatives attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above.

2. EXECUTIVE SUMMARY

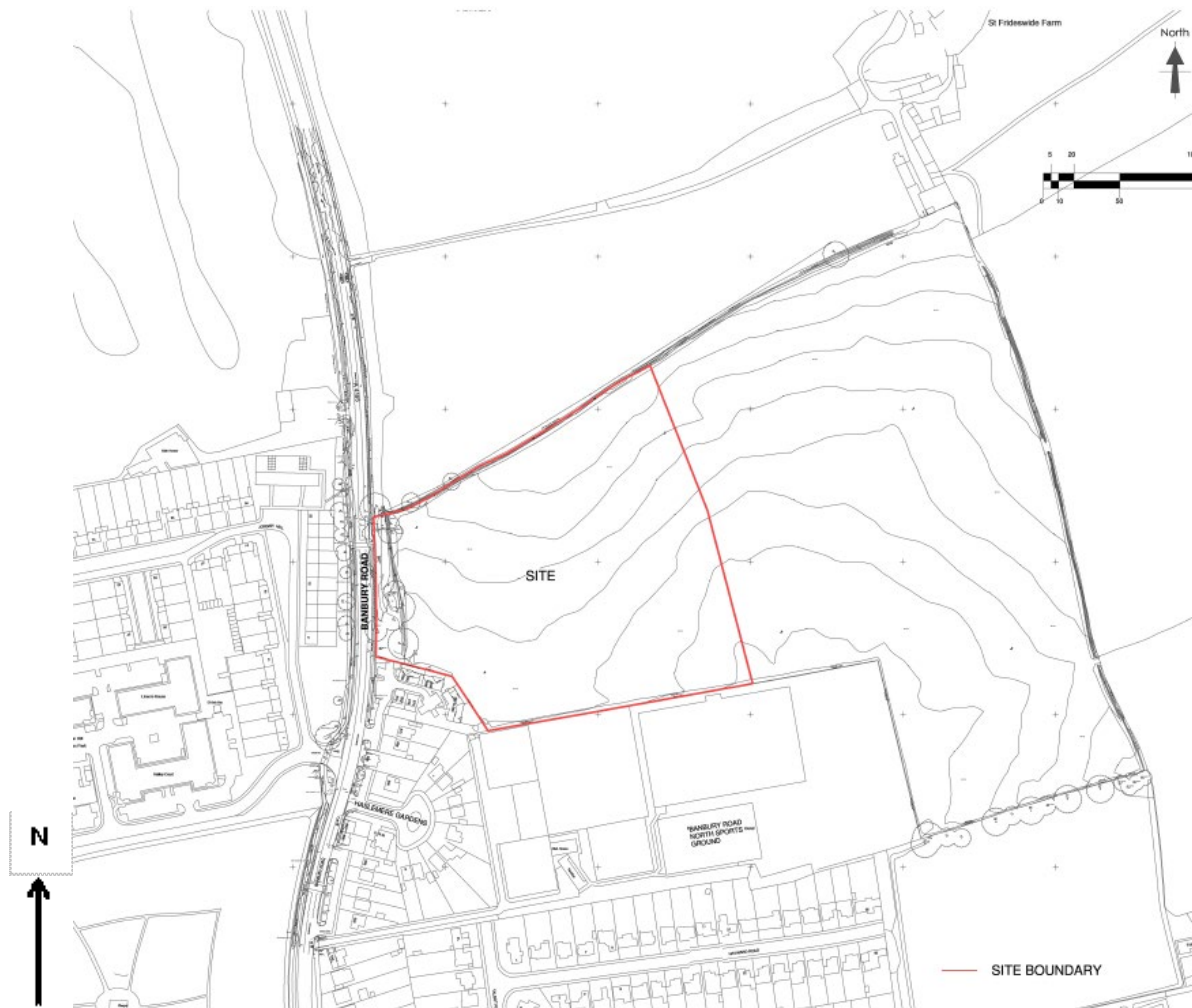
- 2.1. This report considers the proposed modification of the S106 legal agreement that accompanies approval 21/01449/FUL to allow the change to the tenure of plots 66 and 67 (2x4Bed House (BH)) from shared ownership to social rent and the tenure of plots 60 and 61 (2x3BH) from social rent to shared ownership.
- 2.2. Officers conclude that the proposed amendment would not alter the 50% affordable housing provision secured on this site under 21/01449/FUL. The change in tenure would not alter the approved 80:20 shared ownership to social rent split. The change of the two 4bed shared ownership units to social rent and two 3bed social rent units to shared ownership would be acceptable.
- 2.3. The proposed modifications comply with policies H2 and H4 of the Oxford Local Plan 2036.

3. LEGAL AGREEMENT

- 3.1. A deed of variation to the original legal agreement to modify the change of tenure of plots 66 and 67 (2x4BH) to social rent and the tenure of plots 60 and 61 (2x3BH) to shared ownership.

4. SITE AND BACKGROUND

- 4.1. The site is an allocated site for housing under policy SP24 of the Oxford Local Plan 2036. It sits within St Frideswide Farm and is located on the northern most edge of the City Council boundary. To the east is the A4165 Oxford Road between Oxford and Kidlington, to the south are existing sports facilities comprising the Tennis Club and tennis courts and the Hockey Club and pitches. To the north and east are fields within Frideswide Farm allocated within Cherwell District Council for housing and recently granted outline planning permission.
- 4.2. Planning permission was granted for 134 dwellings (use class C3), informal open space including community pavilion, seating and children's play areas, hard and soft landscape and sustainable drainage areas, access, associated roads and infrastructure, car and cycle parking, bin storage, pumping station, substation and associated engineering works on 25th August 2022. Construction is well under way. See Figure 1 which shows the Site Location Plan.



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Ordnance Survey 100019348

Fig. 1 Site Location Plan

5. PROPOSAL

5.1. This is not a planning application. It is an application to modify the accompanying s106 legal agreement attached to planning permission 21/01449/FUL under S106a of the Town and Country Planning Act.

6. RELEVANT PLANNING HISTORY

6.1. The table below sets out the relevant planning history for the application site:

<p>21/01449/FUL - Full planning permission for 134 dwellings (use class C3), informal open space including community pavilion, seating and children's play areas, hard and soft landscape and sustainable drainage areas, access, associated roads and infrastructure, car and cycle parking, bin storage, pumping station, substation and associated engineering works. Approved 25th August 2022.</p>

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	96-101, 123-130, 131-141,			
Conservation/Heritage	195-214			
Housing	60-81	Policy H2- affordable housing Policy H4- mix of dwellings		
Commercial	85-87 90-95			
Natural environment	102-107, 157-175, 180-182, 185-194			
Social and community	118-122			
Transport	108-117			
Environmental	157-175			
Miscellaneous	7-12 123-130, 152-156,			

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 25.05.2024 and an advertisement was published in the Oxford Mail newspaper on 23.05.2024.

Statutory consultees

8.2. None.

Public representations

8.3. None.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Affordable Housing
- Mix of Housing

a. Affordable Housing

9.2. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares. A minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market (defined in the Glossary). At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings (equivalent to 80% of the affordable housing). The remaining element of the affordable housing may be provided as intermediate forms of housing provided that they are affordable in the Oxford market.

9.3. The approved development provided 50% of the 134 units as affordable housing, equating to 67 units. 80% (54 units) of these are social rent and 20% (13 units) shared ownership. The provision was secured via a s106 legal agreement dated 25th August 2022.

9.4. Currently as approved and secured two 4bed units (plots 66 and 67) are designated as shared ownership. The 3bed units on Plots 60 and 61 are designated as social rent units.

9.5. It is proposed to modify the legal agreement to allow the 4bed units to become social rent and the two 3bed units to become shared ownership. This is due to the Open Market Value (OMV) of the four-bedroom units for those looking to buy with Shared Ownership. Even a share as low as 10% is not financially feasible for the people who would qualify for shared ownership under the Homes England Capital Funding Guide (CFG). Thus, these units would most likely remain unsold and unoccupied. However, 3bed units are feasible as shared ownership and could be sold as such.

9.6. The proposed switching of the 4bed units and 3bed units would benefit the Council by providing larger 4 bed houses as Social Rent to help meet the current housing need for these types. The change is therefore considered acceptable in this case.

9.7. The proposed amendment would not alter the approved provision of 50% affordable housing or the 80/20 split between social rented to shared ownership and would help meet the need for larger social rented units. Therefore, the approved development still accords with Policy H2. Officers therefore consider the proposed modification to the legal agreement would also be acceptable.

b. Mix of affordable Housing

9.8. Policy H4 of the OLP requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of affordable dwelling sizes. The approved mix of dwelling sizes for the affordable units is summarised below:

Required Numbers	Proposed Numbers
1 bed 20%-30%	19 x 1 bed - 28%
2 bed 30%-40%	22 x 2 bed - 33%
3 bed 20%-40%	18 x 3 bed - 27%
4 bed 8%-15%	8 x 4 bed - 12%

9.9. There is no change to the mix as set out above and the development still accords with Policy H4.

10. CONCLUSION

10.1. The change of two 4bed shared ownership units to social rent and two 3bed social rent units to shared ownership would be acceptable in this case in accordance with the Oxford Local Plan 2036 and the legal agreement should be amended accordingly.

10.2. It is recommended that Oxford City Planning Committee resolve to agree modification of the legal agreement under section 106a of the Town and Country Planning Act 1990 and under authority delegated to the Head of Planning and Regulatory Services.

11. HUMAN RIGHTS ACT 1998

11.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to modify this legal agreement. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

12.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation, officers consider that the proposal will not undermine crime prevention or the promotion of community.