

# OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

**District:** Cherwell

**Application no:** 24/00097/F

**Proposal:** RETROSPECTIVE - Material Change of Use of land to use as a residential caravan site for 12 gypsy/traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant

**Location:** Land South Side Of, Widnell Lane, Piddington

**Response Date:** 05/02/2024

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This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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## Assessment Criteria

### Proposal overview and mix /population generation

OCC's response is based on a development as set out in the table below. The development is based on a SHMA mix.

| <b>Residential</b>       |   |
|--------------------------|---|
| 1-bed dwellings          | 2 |
| 2-bed dwellings          | 3 |
| 3-bed dwellings          | 5 |
| 4-bed & larger dwellings | 2 |

Based on the completion and occupation of the development as stated above it is estimated that the proposal will generate the population stated below:

|   |          |
|---|----------|
| Average Population  | 29.26000 |
| Nursery children (number of 2- and 3-year olds entitled to funded places) | 0.77000  |
| Primary pupils  | 3.47000  |
| Secondary pupils including Sixth Form pupils                              | 2.72     |
| Special School pupils   | 0.07251  |
| 65+ year olds   | 3.07000  |

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## **General Information and Advice**

### **Recommendations for approval contrary to OCC objection:**

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via [planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)) as to why material consideration outweighs OCC's objections, and to be given an opportunity to make further representations.

### **Outline applications and contributions**

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

### **Where a S106/Planning Obligation is required:**

- **Index Linked** – in order to maintain the real value of S106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee - TBC**  
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

**Security of payment for deferred contributions** - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more

- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

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## **Transport Schedule**

### **Recommendation:**

#### **No objection subject to:**

- **Planning Conditions** as detailed below.
- Note should be taken of the **informatives** stated below.

### **Comments:**

This is a retrospective application; however, an identical application (20/01122/F) was submitted before the development took place.

OCC Highways objected to the previous application on the grounds that there was an unacceptable risk to pedestrian safety due to Widnell Lane being unlit and having no pedestrian facilities. This objection was considered in the Committee Report but it was concluded that the application could not be refused on this basis. The application was refused (and the subsequent appeal was dismissed), although there were no highways or transport reasons for refusal.

OCC Highways would object again, for the same reason, to this latest application but the precedent has been set that this is not a justifiable reason for refusal. Indeed, the Inspector was aware of highway safety concerns, among other things, but decided that there was no reason to come to a different conclusion to the Council [Local Planning Authority] on these matters.

### **Planning Conditions:**

In the event that permission is to be given, the following planning conditions should be attached:

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays and any gates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation, the means of access

shall be constructed and retained in accordance with the approved details, and no gates shall be installed other than as per the approved details.

**Informative:**

No works within the highway (including the verge) will be permitted unless a legal agreement for the works under S278 of the Highways Act 1980 is first entered into with Oxfordshire County Council as Local Highway Authority.

**Officer's Name: Roger Plater**

**Officer's Title:** Transport Development Management Officer

**Date:** 1 February 2024

**Application no: 24/00097/F**

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**Lead Local Flood Authority**

**Recommendation:**

No Comments

**Officer's Name: Shada Hasan**

**Officer's Title: LLFA Engineer**

**Date: 5th February 2024**

**Application no: 24/00097/F**

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## **Archaeology**

### **Recommendation:**

The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

**Officer's Name: Victoria Green**

**Officer's Title:** Planning Archaeologist

**Date:** 30th January 2024