

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB COMMITTEE:

MONDAY 6TH OCTOBER 2014

**UPDATE REGARDING PLANNING APPLICATION REF 13/1547/P/FP, ALDI,
BANBURY ROAD, CHIPPING NORTON**

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Phil Shaw, Tel: (01993) 861687)

1. PURPOSE

To update members regarding the progress of the legal agreement and seek authorisation to change one of the heads of terms agreed when the application secured a resolution to approve.

2. RECOMMENDATION

That the requirement to provide a footpath no longer be followed and that a sum of monies towards other measures to improve access to the site be authorised in its place.

3. BACKGROUND

3.1. Members will recall that when they resolved to approve the application the County Council had sought to improve connectivity of the site through either a pedestrian link through to the London Road or general improvements to the bus service to Chipping Norton. In that OCC claimed ownership of the land where the footpath link was to be provided the developer chose that option as it enabled direct delivery of the benefit and it was in this form that the resolution to approve was framed.

3.2. Unfortunately it has transpired since the resolution to approve that OCC had in fact transferred ownership of the land required for the footpath to a third party who was not amenable to allowing the footpath to be created on their land. The developer is understandably excited that OCC has in effect caused them to go along a specific route when there is in fact no reasonable prospect of that course of action being delivered. Officers have therefore brokered an alternative arrangement where the "either/or" option of the footpath or other improvements be reinvestigated. Agreement has now been reached between OCC and the developer as to the terms. However, because these terms do not conform to the wording of the resolution, the matter needs to be referred back to Members for them to confirm their acceptability.

3.3. The amended resolution would now secure:

- A S106 contribution of £35,000 index linked;
- Such contribution towards improving the access by sustainable modes to the site and as such any monies paid and received shall not to be used other than to improve within the town the accessibility of the site for users by non-car modes;
- Index linked using the "Baxter" Index from September 2014;
- The contribution is to be paid on implementation;
- If the monies paid across to the County Council are not used within the later of 5 years after payment or 5 years after occupation (i.e. trading) at the site, then such unspent contributions shall, upon written request, be returned to the payer.

3.4. This contribution is considered by officers to represent an equivalent benefit to the direct provision of the footpath and as such is considered acceptable.

4. ALTERNATIVES/OPTIONS

The Council could choose not to change the resolution (which would mean the consent could not be implemented) or to grant planning permission with no improvements to accessibility (which would run counter to the aims of the NPPF). However, either option would reduce the benefits of the approval of the scheme and as such these are not recommended.

5. FINANCIAL IMPLICATIONS

None.

6. RISKS

None additional to the comment in section 4 above.

7. REASONS

To ensure that the legal agreement matches a resolution of Members as to the required benefits/mitigation in respect of the development.

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Date: 22 September 2014

Background Papers:

Application ref 13/1547 and associated correspondence between OCC and the developer.