

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

District: Cherwell

Application no: 24/01372/F

Proposal: Employment development (Use Classes E(g)i and/or E(g)ii and/or E(g)iii), and associated infrastructure, access (including diverted public right of way), parking, and landscaping

Location: Bicester Gateway Business Park, Wendlebury Road, Chesterton

Response Date: 10/07/2024

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.

Application no: 24/01372/F

Location: Bicester Gateway Business Park, Wendlebury Road, Chesterton

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) 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.

Application no: 24/01372/F

Location: Bicester Gateway Business Park, Wendlebury Road, Chesterton

Transport Schedule

Recommendation:

Objection for the following reasons:

- In order to provide safe and suitable access for all users, in accordance with the NPPF, an extension to the cycleway on Wendlebury Road past the site access is required.
- A connection between the site and the cycle provision that is to be improved along the northern edge of the site is required.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions as detailed below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Strategic Transport Contribution	£539,673	February 2024	Baxter	Strategic Transport Improvements to relieve traffic and congestion on the A41 – South East Perimeter Road
Public transport infrastructure	£18,712	April 2022	Baxter	Real Time Passenger Information displays at the pair of A41 bus stops at the Holiday Inn Express
Travel Plan Monitoring	£9,220	April 2024	RPI-x	To monitor the framework and individual Travel Plans for a period of 5 years

Other obligations:

- Off-site highway works – see below
- On site highway works – see below

Comments:

Traffic Impact

The traffic impact of the proposals is not expected to exceed the impact assessed and approved under the Outline permission for the site, ref 16/02586/OUT. The junction capacity analysis of the access junction and roundabout at Wendlebury Road / Charles Shouler Way demonstrates that those junctions are forecast to operate within capacity with the addition of the proposed development.

The development would contribute towards the impact of cumulative traffic growth within Bicester. It is noted that for the outline permission, a contribution towards Strategic Transport Improvements to the A41 was agreed. The need for these Strategic Improvements to transport in Bicester remains and therefore OCC requests that the previously agreed contribution is secured against this current application. The contribution of £367,725 secured from 16/02586/OUT at October 2010 prices has been uplifted to February 2024 prices using Baxter index and the uplifted figure is £539,673.

Access - Road Agreements

The priority access junction for the site appears to be suitable, appropriate visibility splays are provided according to the recorded speeds in this location and the swept path analysis demonstrates that large vehicles would be able to safely enter and exit the site.

A Stage 1 Road Safety Audit has been carried out and it is noted that the two items highlighted in that Audit have been rectified in the current layout. This includes extending the 30mph speed restriction on Wendlebury Road to a point south of the access junction. This will require a Traffic Regulation Order (TRO) and a contribution to cover the fees associated with advertising, consulting on and (if approved) making the TRO is requested. The TRO fee can be secured and payment made through the necessary S278 Agreement.

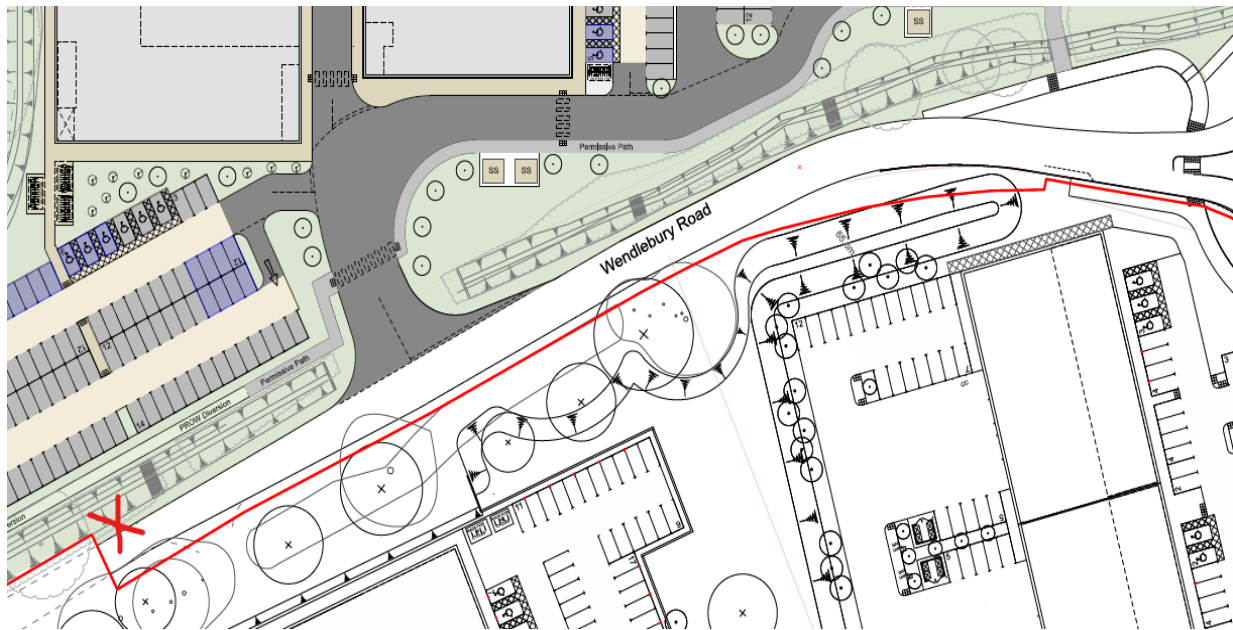
Pedestrian and Cycle Access

As previously agreed for the Outline permission, the existing narrow shared use facility along the southern edge of the A41 (along the northern edge of the development site) will be widened and visibility for pedestrians will be improved. These works will be undertaken through a S278 Agreement.

Within the site a section of permissive path is proposed to link the diverted Public Right of Way with the shared use facility at the junction of Wendlebury Road and Charles Shouler

Way. This is necessary in order to prevent pedestrians having to walk along the carriageway, which would be subject to increased HGV usage as a result of the development. However, this provision would not be of great use for northbound cyclists already on the Wendlebury Road who will have to navigate the new site access and conflicting traffic movements.

As listed on the drawing the Wendlebury Road is a Cycle Route which cyclists will continue to use. Therefore the County requests that the developer extends the footway/cycleway across the frontage to south of the access. The cycleway across the new access should be a set-back design in line with LTN 1/20. The cyclists would then be able to leave the carriageway in the location below. **Reason for objection**



An additional cycle connection between the site and the improved cycle facility alongside the A41 to the north of the site should be provided to improve permeability, convenience and encourage use of active travel. **Reason for objection**

Public Transport

The development is within a convenient walking distance to the pair of bus stops located on the A41, near to the Holiday Inn Express. These stops currently lack Real Time Passenger Information (RTPI) displays which improve user experience and encourage public transport use. A contribution was secured from the extant Outline permission towards installing RTPI displays at these bus stops and the same contribution is sought from this application.

Car Parking

Car parking is proposed to be provided in line with Oxfordshire County Council's adopted

parking standards for the proposed use class. 25% of all spaces are to be provided with EV charging facilities, in line with the required standards.

Cycle Parking

The level of cycle parking is also proposed to be provided in line with the required standards. These will be secure and covered. Cycle parking should be conveniently located close to the main building entrances and well overlooked. Staff locker and shower facilities should also be provided.

Public Rights of Way

OCC Countryside Access team has reviewed the application and concluded that the proposed diversion of the PROW on the site appears reasonable. The diversion is however subject to a separate legal mechanism where the route, width, infrastructure and surface details will need to be agreed.

Travel Plan

A Framework Travel Plan will be required for the site. This should be produced prior to first occupation and meet the criteria contained within Appendix 7 of the OCC guidance document 'Transport for New Developments – Transport Assessments and Travel Plans March 2014'. A travel plan monitoring fee of £3,265 (RPI index linked April 2024) is required to enable the travel plan to be monitored for a period of five years.

A Framework Travel Plan has been produced to support this application; however, it currently does not contain the level of detail required to meet OCC criteria. It is therefore advised that the applicant consults Appendix 7 of the guidance document to ensure all criteria has been met before revising and resubmitting.

In addition to the Framework Travel Plan, because of the sizes of the individual units (outlined within the Design and Access Statement),

Unit 13 – 4,573sqm

Unit 14 – 3,122sqm

Unit 15 – 4,234sqm

A full Travel Plan will be also required for each unit. These travel plans should meet the criteria outlined within Appendix 5 of the OCC guidance document. They should be produced prior to occupation of each of the units and refer to the overarching aims, objectives, and targets of the Framework Travel Plan. A travel plan monitoring fee of £1,985 (RPI index linked April 2024) is also required for each unit.

Further information and advice can be sought from the Travel Plans Team at OCC travelplan@oxfordshire.gov.uk

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£539,673 Strategic Transport Contribution indexed from February 2024 using Baxter Index

Towards: The Bicester South East Perimeter Road

Justification: The A41 corridor on which the development site sits is already predicted to be under strain in the assessment year of 2026 from the cumulative impact of growth.

A South East Perimeter Road has been identified and will be required by the end of the Local Plan period to mitigate the severe impact of this cumulative growth.

As a result, a Strategic Transport Contribution is required, in addition to any local mitigation that may also be necessary. It is considered that the most appropriate piece of strategic infrastructure for this contribution to be allocated against is the South East Perimeter Road, as the site will directly benefit from its construction.

The western section is one of three sections of the SEPR all of which shall be part delivered by developments around Bicester. This link shall run between the western end of the Graven Hill safeguarded route and the A41 north of Wendlebury, which would be close to the proposed development.

Calculation:

The level of contribution sought is directly proportionate to that which was secured under the extant permission for the site ref 16/02586/OUT. The contribution of £367,725 secured from 16/02586/OUT at October 2010 prices has been uplifted to February 2024 prices using Baxter index and the uplifted figure is £539,673

£18,712 Public Transport Infrastructure Contribution indexed from April 2022 using Baxter Index

Towards:

Real Time Passenger Information displays at the pair of A41 bus stops at the Holiday Inn Express

Justification:

The provision of suitable bus stop infrastructure is necessary in order to encourage the use of public transport for travel to and from the site, increasing convenience and confidence in using public transport. This is in line with the policy requirements set out below:

Local Plan Policy SLE 4 states that; *'All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.'*

Paragraph 110 of the NPPF states that developments should be located and designed where practical to give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Connecting Oxfordshire: Oxfordshire County Council's Fourth Local Transport Plan 2015-2031 (LTP4) [adopted in September 2015] includes the following policies:

Policy 3

Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.

Policy 17

Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

Policy 34

Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;*
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.*

Calculation:

The figure is directly related to the infrastructure and maintenance costs for the provision of 3 x RTI displays at a cost of £9,356 per unit (inclusive of maintenance). As such it is fairly and reasonably related in scale and kind to the development.

£9,220 Travel Plan Monitoring Fee indexed from April 2024 using RPI-x

Justification:

The travel plan aims to encourage and promote more sustainable modes of transport with the objective of reducing dependence upon private motor car travel and so reducing the environmental impact and traffic congestion. A travel plan is required to make this development acceptable in planning terms.

A travel plan is a 'dynamic' document tailored to the needs of businesses and requires an iterative method of re-evaluation and amendment. The county council needs to carry out biennial monitoring over five years of the life of a Travel Plan which includes the following activities:

- review survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Government guidance, 'Good Practice Guidance: Delivering Travel Plans through the Planning Process' states that: 'Monitoring and review are essential to ensure travel plan objectives are being achieved. Monitoring for individual sites should ensure that there is compliance with the plan, assess the effectiveness of the measures and provide opportunity for review.... Monitoring must be done over time – it requires action and resources.'

In accordance with this Guidance, it is the view of the county council that without monitoring the travel plan is likely to be ineffective. Therefore, monitoring of the travel plan is required to make the development acceptable in planning terms.

The government's Good Practice Guidance has been archived but has not been superseded with any other guidance on the practicalities of implementing travel plans. The county council's own published guidance: Transport for new developments; Transport Assessments and Travel Plans, also includes the requirement for monitoring.

Further, the Good Practice Guidance states that 'local authorities should consider charging for the monitoring process and publish any agreed fee scales'.

Section 93 of the Local Government Act 2003 gives the power to local authorities to charge for discretionary services. These are services that an authority has the power, but not a duty, to provide. The Travel Plan Monitoring fee is set to cover the estimated cost of carrying out the above activities and is published in the county council's guidance: 'Transport for new developments; Transport Assessments and Travel Plans'.

As with most non-statutory activities, councils seek to cover their costs as far as possible by way of fees. This is particularly required in the current climate of restricted budgets. Without the fees the council could not provide the resource to carry out the activity, as it is

not possible to absorb the work into the general statutory workload. In the case of travel plan monitoring, the work is carried out by a small, dedicated Travel Plans team.

The travel plan monitoring fee is therefore required to make the development acceptable in planning terms, because it enables the monitoring to take place which is necessary to deliver an effective travel plan.

Calculation:

The fee charged is for the work required by Oxfordshire County Council to monitor a travel plan related solely to this development site. They are based on an estimate of the officer time required to carry out the following activities:

- review the survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Oxfordshire County Council guidance –***Transport for new developments: Transport Assessments and Travel Plans*** sets out two levels of fees according to the size of the development. This development falls into the smaller category.

The figure for each travel plan is based on three monitoring and feedback stages (to be undertaken at years 1, 3 & 5 following first occupation), and assumes officer time at an hourly rate. Please note that this is considered a fair rate, set to include staff salary and overheads alone.

£3,110 (RPI April 2024 index linked) travel plan monitoring fee for the Framework Travel Plan

£1,985 (RPI April 2024 index linked) x 3 travel plan monitoring fee for each subsidiary Travel Plan.

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

3m wide shared use cycle track alongside A41 between Charles Shouler Way and the unnamed road leading to Chesterton to the southwest via the disused A41 slip road and providing access to all plots on the development site. as shown in Drawing Ref: S1502-S278-01 H, dated 21.02.24

Including:

- Improved visibility for pedestrians between the shared use facility and Charles Shouler Way
- Realignment of ditch to accommodate widened shared use facility

- 3m shared use track utilising the disused slip lane to the west of the development site
- Connecting footways onto the unnamed road leading to Chesterton

Highway works to Wendlebury Road, including:

- formation of site access junction with LTN 1/20 compliant set back for cycleway,
- extension of cycleway from the Wendelbury Rd / Charles Shouler Way roundabout junction along Wendlebury Road to a point south of the site access junction with a suitable transition between the cycleway and carriageway at agreed point,
- extension of 30 mph speed restriction along Wendlebury Road to a point south of the junction with the unnamed road leading to Chesterton,
- Widening of Wendlebury Road to 7.3m from the site access junction to the Wendelbury Rd / Charles Shouler Way roundabout. Taper back southwards from centreline of new access junction.

Notes:

This is to be secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.

The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments, including commuted sums, that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works. An **additional payment** as set out below has been identified in relation to this development:

- Traffic Regulation Order fee

Planning Conditions:

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

Construction Traffic Management Plan

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

Framework Travel Plan

Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Travel Plans

Prior to the first occupation of the development hereby approved, individual Travel Plans for the three units, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and reflecting the measures set out in the Framework Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Officer's Name: Tim Peart

Officer's Title: Transport Development Lead

Date: 09 July 2024

Application no: 24/01372/F

Location: Bicester Gateway Business Park, Wendlebury Road, Chesterton

Lead Local Flood Authority

Recommendation:

Comments

Detailed comments:

The scheme is entirely in line with the LLFA's requirements.

Officer's Name: Diane Rotherham

Officer's Title: Flood Risk Engineer

Date: 25/06/2024

Application no: 24/01372/F

Location: Bicester Gateway Business Park, Wendlebury Road, Chesterton

Archaeology

Recommendation:

Objection

Conditions:

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

1. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2023).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2023).

Detailed comments:

The site lies in an area of considerable archaeological interest and potential, immediately west of an area of intense Roman occupation, and north of the Scheduled Roman Town at Alchester. An archaeological evaluation on the site has shown that Roman activity extends into the southeastern part of the development site, however the report on this evaluation has not been submitted. To ensure that the archaeological potential of the site can be fully considered in the determination of this application, the approved archaeological evaluation report should be submitted.

The applicant has submitted a WSI for the proposed archaeological works required, should this scheme be granted permission. This WSI has not been approved by the County Archaeological Service and so there are a number of comments to address before we can accept it.

1.3 This point should be updated since the WSI was not submitted to the curator for approval

4.18 OCAS will need to be informed of the discovery of any human remains

5.4 The approved report should also be submitted to the Oxfordshire HER along with any GIS (shape) files

When these points are addressed, and the evaluation report submitted, we can approve the WSI and update our conditions.

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

Date: 21st June 2024