

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

District: Cherwell

Application No: 21/00653/M106

Proposal: Modification of Section 106 in connection with planning application ref 14/01932/OUT: To de-link Implementation (including S278 Works) from technical approval of the S38 so the S278 works can commence in June

Location: OS Parcel 7400 Adjoining And South Of, Salt Way, Banbury

Response date: *17th March 2021*

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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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;
- ;
- 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:

- All other obligations and conditions on the planning permission 14/01932/OUT remaining in force
- Agreement of a Deed of Variation.

Comments

According to the existing S106 agreement, the S278 highway works to create the junction with the A361 cannot commence until a S38 agreement has been made for the link road (a road through the site between Bloxham Road and the adjacent site, leading to White Post Rd). The S278 works are ready to proceed but the link road does not yet have a detailed planning permission.

There is no technical reason why the S278 works can't proceed before the link road S38, although the link road layout must be fixed before the design of adjacent parcels can be agreed.

The proposed change to the S106 agreement appears acceptable in principle, subject to legal agreement, and amends the trigger such that construction on adjacent parcels cannot commence prior to the S38 agreement, which will fix the detailed alignment of the link road.

As a further protection, Condition 7 of the outline permission stipulates that the first application for approval of reserved matters shall include full details of the link road.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 9 March 2021
