

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

**District:** Cherwell

**Application no:** 23/01080/OUT

**Proposal:** Variation of Condition 4 (approved plans and documents), Condition 30 (highway design) and Condition 34 (employment floor space limit) of 17/02534/OUT relating to the erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace (now Under Use Class E); associated vehicle parking, landscaping, highways, infrastructure and earthworks (Original Application accompanied by an Environmental Statement)

**Location:** Land North Of Bicester Avenue Garden Centre, Oxford Road, Bicester

**Response Date:** 25/07/2023

---

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: 23/01080/OUT**

**Location:** Land North Of Bicester Avenue Garden Centre, Oxford Road, Bicester

---

## **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.

**Application no: 23/01080/OUT**

**Location:** Land North Of Bicester Avenue Garden Centre, Oxford Road, Bicester

---

## Transport Schedule

**Recommendation: No objection subject to a legal requirement linking to the original s106 agreement.**

I have reviewed the documents submitted in support of this application and have the following remarks.

The application does not propose to change the quantum of the development from what is currently permitted, neither does it intend to materially alter the agreed access arrangements. With this in mind, the planning statement supporting this application provides a reasoning for the need to vary conditions 4, 30 and 34 of 17/02534/OUT.

Out of these planning conditions, Condition 30 is one whose specificity is regard to highways. This condition currently states, *“Prior to the first occupation (other than for construction purposes) of any newbuilding the means of access between the public highway (A41) and the development as shown in drawing no. 170211- 08 Rev. A shall have been fully formed, laid out and constructed such that it is available for use. Reason - To ensure that the means of access to the development is safe and suitable for the likely traffic volumes in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011- 2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.”*

In justifying the need to vary Condition 30, the applicant points to their ongoing progress on the s278 agreement (as obliged by the s106 for the planning consent) with the HA which have resulted in agreed minor alterations to the original access plans. The amended plans have superseded those that were referenced in the consent hence the need to vary Condition 30 to make reference to the agreed plans.

Condition 30 is proposed to read, *“Prior to the first occupation (other than for construction purposes) of any newbuilding the means of access between the public highway (A41) and the development as shown in drawing no. LDB-BWB-HGT-XX-SK-C-1001 S1 Rev P1 (Proposed Highway Arrangement) shall have been fully formed, laid out and constructed in general accordance with the above plan, such that it is available for use.”*

Drawing no: *LDB-BWB-HGT-XX-SK-C-1001 S1 Rev P1* has been submitted in support of this application. It is agreed that the changes between this drawing and the drawing no. *170211- 08 Rev A (for the original application)* would be considered non-material.

There is an existing S106 Agreement that relates to the original outline consent. I note that this application does not intend to require the agreed matters to be altered or changed.

OCC are satisfied that the impacts of the proposed variation of conditions 4, 30 and 34 of planning permission 17/02534/OUT will not materially impact the highway network in a traffic and safety point of view.

**Officer's Name: Rashid Bbosa**

**Officer's Title: Senior Transport Planner**

**Date: 25/07/2023**