

# 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:** 29th December 2023

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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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## **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:**

- A legal requirement linking to the original s106 Contributions
- A £3,652 contribution towards administering the consultation for a TRO to reduce the speed limit along the A41 between Vendee Drive roundabout and the Esso roundabout from 40mph to 30mph.
- An obligation to enter into a s278
- Planning Condition(s)

**Comments:**

This s73 planning application proposes to amend Conditions 4, 30 and 34 of planning approval 17/02534/OUT. The application does not propose to change the quantum of the development from what is currently permitted.

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 Condition 30 is one that concerns highways. This condition currently states,

*“Prior to the first occupation (other than for construction purposes) of any new building 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.”*

Prior to this application, progress on the s278 agreement had identified the need to further improvements on the A41 Oxford Road/ Lakeview Drive junctions over what was in the agreed plans in order to align with current standards for pedestrian and cycle facilities. This application gives the opportunity to consider these improvements to the A41 Oxford Road/ Lakeview Drive junction.

As such, Drawing no: LDB-BWB-HGT-XX-SK-C-1002 Rev P4 has been submitted in support of this application. I note that this design is a considerable improvement on the consented junction design (Drawing no. 170211- 08 Rev A) including the earlier arrangements submitted by the developer under this application, in that pedestrians could cross Lakeview Drive in two rather than four stages, and cyclists in one stage. This change was something OCC requested, partly in response to feedback from BBUG and other consultees, and would represent an improvement on the current situation, which requires pedestrians and cyclists to cross Lakeview Drive in three stages.

In addition to the above, the following measures shall also be required to make the development accord with the current standards.

- The consented outline application (ref: 17/02534/OUT) proposed a 3m wide shared use footway/ cycleway along the A41 eastern side of Oxford Road between its junction with Pioneer Way and Lakeview Drive junction. The current guidance however requires a horizontal buffer/ verge between paths and the adjacent highway should with 40mph speed limit. Acknowledging the growing urbanisation of this area and for the need to make the proposals compliant to the current guidance, it has been considered necessary to reduce the adjacent A41 speed limit to 30mph from the Vendee Drive roundabout into Bicester. A contribution would thus be needed to cover the administration costs towards a TRO consultation for this purpose. A unilateral undertaking shall suffice.
- The width of the current shared footway/ cycleway along the southern frontage of Lakeview Drive between its junction with the A41 Oxford Road and the roundabout leading to Tesco is not clear from the submission. This section shall need to be 3m wide to ensure safe usage of both pedestrians and cyclists accessing the site from the A41 Oxford Road in accordance with LTN 1/20 and Oxfordshire's Cycling Design Standards. This arrangement shall be covered by a planning condition.

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.

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. However, the improved junction works shall need to be covered by a deed of variation.

### **S278 Highway Works:**

An obligation to enter into a s278 Agreement will be required to secure improvement works as illustrated by the BWB Drawing ref: LDW-BWB-HGT-XX-SK-C-1002 Rev P4.

This is to be secured by means of s106 with restrictions not to implement development until the 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.

**Planning Conditions:**

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

Means of Access

Prior to first use or occupation of the development hereby approved, full details of the shared use path along the southern side of Lakeview Drive between the A41 Oxford Road/ Lakeview Drive junction and the Tesco roundabout shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details and shall be retained and maintained as such thereafter.

Reason - In the interests of sustainability and highway safety, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework as well as Local Standards.

**Officer's Name: Rashid Bbosa**

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

**Date:** 28/12/2023