

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

**District:** Cherwell

**Application No:** 17/02312/F

**Proposal:** Variation of Condition 14 of 16/01805/F - For Buildings 131 and 135 only.

**Location:** Bicester Heritage Buckingham Road Bicester

**Response date:** 18<sup>th</sup> December 2017

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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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## **Information**

### **Recommendation of approval contrary to OCC objection:**

If the district planning authority is minded to recommend approval of the application contrary to an objection made by OCC in this response, OCC should be grateful if you would notify OCC (via MPAT) prior to planning committee, to explain why material considerations outweigh OCC's objections and also give OCC the opportunity to make further representations.

### **Outline applications and contributions**

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

### **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.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - £XX**  
This is an estimate of the amount required to cover the extra 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 an s106 agreement is completed or not.

### **CIL Regulation 123**

Due to pooling constraints for local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.

That decision is taken either because:

- OCC considers that to do so it would breach the limit of 5 obligations to that infrastructure type or that infrastructure project or
- OCC considers that it is appropriate to reserve the ability to seek contributions to that infrastructure type or that infrastructure project in relation to the impacts of another proposal.

The district planning authority should however, take into account the whole impact of the proposed development on the county infrastructure, and the lack of mitigation in making its decision.

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## **Transport Schedule**

### **Recommendation:**

Objection

### **Comments**

Given that the previous application for which consent was obtained did not provide sufficient and robust justification for vehicular movements (to which the Highway Authority objected), Condition 14 to that consent (Ref: 16/01805/F) was to ensure that the development retains more or less a similar land use structure to have less or nil impact onto the local transport network.

The *cover letter* accompanying this application includes a summary of anticipated additional vehicular movements based on a worst case scenario of use of the proposed buildings as calculated from TRICS. The parameters used are not known and no additional information has been supplied on how the trip rates have been reached.

Variation of Condition 14 of 16/01805/F as sought by this application would give flexibility of use of buildings 131 and 135 which would likely increase the net traffic generation to levels that have not been satisfactorily assessed.

**Officer's Name: Rashid Bbosa**

**Officer's Title: Transport Engineer**

**Date: 17 December 2017**

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