

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

District: Cherwell

Application No: 17/02490/F

Proposal: Variation of conditions 9 (building 129 use class), 13 (building 130 use class) and 17 (revise the timeframe for the installation of a new access) of 16/01805/F

Location: Bicester Heritage Buckingham Road Bicester

Response date: *15th March 2018 (this response updates OCC's original response dated 18th January 2018)*

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 given an 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 - £**
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

This is a revised response to this application due to the fact that no comments were made on the proposed change to condition 17.

The county council has no objection to the proposed change to condition 17 of 16/01085/F. I accept that the “prior to occupation” aspect of the condition is inappropriate given that the application was at least in part for retrospective planning permission – some of the development was already occupied.

However, the issue of the wording of the revised condition has been complicated by the fact that a separate application to vary condition 14 of 16/01805/F (17/02312/F) has, for some reason, changed the wording of condition 17 of 16/01805/F despite this not being requested as part of the application 17/02312/F. The revised wording of condition 17 in permission 17/02312/F is not acceptable to the county council because it does not make any reference to ensuring that the works allow pedestrians and cyclists to make safe and convenient movement to and from the site and the nearby bus stops and existing pedestrian and cycle provision i.e. that a crossing of the A4421 is required. I recommend that through this application, condition 17 of 16/01805/F is re-worded as follows:

Within 12 months of the date of this permission, full details of the improved means of access between the land and the highway on Buckingham Road including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. This improved means of access must incorporate facilities for safe and convenient movement of pedestrians and cyclists at the site access itself and to and from the nearby bus stops and existing pedestrian and cycling facilities. Within 18 months of the details being approved the means of access shall be constructed and retained in accordance with the approved details.

This would ensure that within 2 and a half years of the granting of planning permission, improvements to the site access including provision of safe and suitable access for pedestrians and cyclists will be delivered. This timeframe seems to be a realistic one given the nature of the design and delivery of infrastructure that will be needed.

I understand that it would be unsatisfactory for any action required by the applicant to comply with this proposed condition to prevent the works approved at the site entrance under 17/01847/F from being implemented; I accept that it is not necessary for the works approved under 17/01847/F to have to include a nearby crossing point on the A4421. My view is that the works that will result from the applicant's compliance with the above proposed condition will not conflict with the entrance works. I am sure that an improved pedestrian and cycle route to the site entrance from a suitable crossing point (provided through compliance with the proposed

condition) can tie in perfectly well with the entrance works approved under 17/01847/F. In implementing the entrance works under 17/01847/F, the applicant is strongly advised to check the highway boundary in the vicinity of the site entrance when drawing up the finer design details. Please contact the county council's highway records team. Any works that need to take place on the public highway will need a S278 agreement.

Officer's Name: Craig Rossington

Officer's Title: Senior Transport Planner

Date: 15th March 2018

Original response

Recommendation:

The county council has no objection to the proposal to amend conditions 9 and 13 of planning permission 16/01805/F

Comments:

Conditions 9 and 13 relate to buildings 129 and 130 on the Bicester Heritage site. As far as I can tell from the transport information submitted with the original planning application these buildings are 214 and 162 sqm respectively. Having carefully considered the proposed changes to the conditions, I cannot see how they would have any discernible impact on the traffic flows to and from the wider site. Not least because buildings 129 and 130 represent a very small proportion of the total floorspace that permission 16/01085/F relates to. As such I am not concerned about the change in the traffic flows with regard to the wider transport network.

Officer's Name: Craig Rossington

Officer's Title: Senior Transport Planner

Date: 17 January 2018
