

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

District: Cherwell

Application No: 18/02169/F

Proposal: Temporary change of use of the eastern part of southern taxi way for use in connection with established and lawful car processing operations.

Location: Heyford Park, Camp Road, Upper Heyford, Bicester OX25 5HD.

Response date: 14th February 2019

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 - £100**
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 for the following reasons.

- A Transport Statement or Transport Assessment is required.
- The proposals could delay the construction of the loop road.
- The proposals could affect the alignment of Aves Ditch public right of way.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement to mitigate the impact of the development plus planning conditions and informatives as detailed below.

Section 106 Contributions

Contribution	Amount	Price base	Index	Towards (details)
Travel Plan Monitoring	£1,240	February 2019	RPI-x	Monitoring of updated Travel Plan hereby conditioned for a period of five years.
Total	£1,240			

Key points

- A Transport Statement or Transport Assessment is required.
- The proposals could delay the construction of the loop road.
- The proposals could affect the alignment of Aves Ditch public right of way.

Comments

Transport Strategy

Although this is a proposal for a temporary permission to replace a lapsing temporary permission, the County would expect to see either a Transport Statement or Transport Assessment to accompany this planning application as the context has changed considerably since 2014. **Reason for objection.**

Public Transport

The proposed temporary use would appear to conflict with the current Heyford Park masterplan which envisages the creation of a loop road to support a new commercial area in the very near future.

There is strong concern that this temporary use will delay the construction of the loop road, which is of fundamental importance in delivering the Bus Strategy for Heyford Park. **Reason for objection.**

Transport Development Control

The Planning and Heritage Statement states that: *“The proposals seek planning permission for the continued and extended use of the eastern part of the southern taxiway...”*. However, the application documents do not seem to demonstrate the geographical extent of this extended use. In this connection it appears from the Planning and Heritage Statement that there will be an increase in car processing capacity from the currently permitted 6,000 vehicles per annum to 8,000 vehicles per annum. Associated with this, the application form reveals that there will be an increase of 849 car parking spaces from the current 7,020 to a proposed 7,869.

The noted increases in capacity and car parking indicate a significant intensification of activity at the application site. However, no attempt has been made to quantify this increased activity in terms of additional vehicle movements, and the impact that this will have on the surrounding road network. A Transport Statement or Transport Assessment is required. **Reason for objection.**

Travel Plans

The 2012 Paragon Travel Plan is out of date and should be updated to bring it up to the latest standard. The County's Travel Plan guidance can be obtained from the Travel Plans Team. Contact: TravelPlan@Oxfordshire.gov.uk. This can be carried out in discharge of a condition of planning permission.

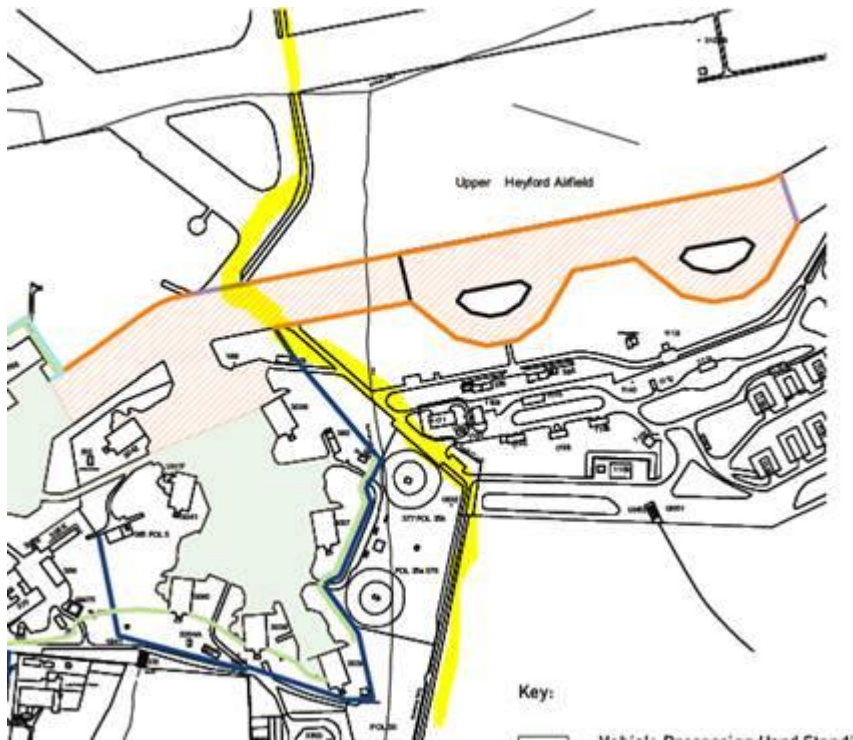
A Travel Plan monitoring fee of £1,240 will be required.

Rights of Way

The Planning & Heritage Statement references the LVIA as well as the current hybrid application. It also assumes that Aves Ditch will end up being routed south of the bomb store rather than the approved route north of the bomb store. This is reflected in the impact matrix.

I feel this assumption could be misplaced as there are known explosive separation distances and ecological constraints on the grassland and water body, and alternative route for Aves Ditch bridleway, south of the bomb store. For these reasons the current-approved route of Aves Ditch north of the bomb store should form the basis for decision making, with the associated greater impact of the development on users of that route. The bund is proposed to be 1.5m high. This is understood to be too low to afford mitigation for cyclists and especially equestrians and no additional mitigation is proposed. **Reason for objection.**

This proposal could prevent the reopening of Aves Ditch on something approaching its historical line as set out in the sketch below. The possibility of this is included in the County's response to the hybrid application, as it links to the ecological and explosives constraints for the proposed route south of the bomb store. At this stage the need for this cannot be discounted as Aves Ditch has not yet been reopened and so this development could prejudice this provision. **Reason for objection.**



S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended)

£1,240 Travel Plan Monitoring Fee indexed from February 2019 using RPI-x.

Justification: The existing Travel Plan requires to be updated. This must be monitored over a 5-year period to measure and maximise its effectiveness.

Calculation: The fee is based on an at-cost estimate of the County staff time required. Each of three biennial monitoring and feedback procedures, to be undertaken annually following first occupation, would require an expected total of 31 hours of officer time at £40 per hour. Total £1,240.

Planning Conditions

In the event that permission is to be given, the following planning condition should be attached.

Prior to occupation of the development the existing Travel Plan for the site shall be updated in accordance with the Local Highway Authority's published guidelines and submitted to the Local Planning Authority for approval. Thereafter the Travel Plan shall be implemented for the duration of the temporary permission.

Officer's Name: Chris Nichols

Officer's Title: Transport Development Control

Date: 13 February 2019
