

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

**District:** Cherwell

**Application No:** 18/02169/F-2

**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

**Response date:** 25<sup>th</sup> April 2019

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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 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 reason.**

- The proposals could affect the alignment of the 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 as detailed below.

#### **S106 Contributions**

Section 106 contributions are as set out in the County's response to this planning application dated 14 February 2019.

### **Key points**

- The construction and location of the security fencing must not impede the construction of the Bomb Stores bus loop.
- The proposals could affect the alignment of the Aves Ditch public right of way.

### **Comments**

#### **Public Transport**

The County's interpretation of the plans submitted is that all of the proposed storage and processing area is to the north of the proposed bus loop, although the proposed security fencing may impinge on the northern part of the roadway for the bus loop. Therefore the objection on public transport grounds is no longer sustained.

However, the early construction of the bus loop is of fundamental importance in delivering the agreed bus strategy to separate the Oxford and Bicester bus services and provide two turning loops. Therefore the construction and exact location of the security fencing must not impede the construction of the Bomb Stores bus loop. This can be achieved is discharge of a condition of planning permission.

#### **Transport Development Control**

The planning application is accompanied by a technical note responding to some of the County's highways related comments. The technical note states that there are currently between 16 and 25 HGV arrivals each day, which is taken to equate to between 32 and 50 HGV movements each day. It is asserted that this level and pattern of activity will not change as a result of the expanded operation due to the intended increased efficiency of HGV loading. No evidence is offered to support this claim. However, it is considered that an increase in HGV movements proportionate

to the increase in capacity would not bring about a significant adverse impact on the surrounding transport network.

### **Rights of Way**

The applicant's comments regarding Aves Ditch are noted. However, the reference to future Section 106 agreement is disingenuous as there is an extant and overdue condition to reinstate the route of Portway and Aves Ditch. The route of Aves Ditch bridleway is not yet agreed, set out, opened and certified and this is counter to the condition. At this stage Aves Ditch could well be reopened on its historic alignment, which would be prejudiced by the continuing temporary permission. **Reason for objection.**

It is therefore considered unreasonable to extend this failure to discharge the condition by reference to a masterplan and a new Section 106 agreement from 2021. This application and any further development on the entire Heyford Park site should not be permitted until Aves Ditch and Portway are reopened. **Reason for objection.**

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

Section 106 contributions and compliance with Regulation 122 of the Community Infrastructure Levy are as set out in the County's response to this planning application dated 14 February 2019.

### **Planning Conditions**

Planning conditions are as set out in the County's response to this planning application dated 14 February 2019.

Prior to the commencement of the development a plan showing the location and construction of the security fencing such that it does not interfere with the construction of the Bomb Stores bus loop shall be submitted to the Local Planning Authority for approval. Thereafter the security fencing shall be located and constructed according to the details shown on that plan.

**Officer's Name: Chris Nichols**

**Officer's Title: Transport Development Control**

**Date: 25 April 2019**

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