

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

**District:** Cherwell

**Application No:** 19/01746/OUT-3

**Proposal:** Outline planning application (with all matters reserved excluding access) for B1 development (B1a and/or B1b and/or B1c); access and associated landscaping and infrastructure works

**Location:** Land Adj To Promised Land Farm Wendlebury Road Chesterton

**Response date:** *9<sup>th</sup> April 2020*

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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 outweigh 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 - TBC**  
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 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.

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## **Transport Schedule**

**This consultation response should be read in conjunction with the County Council's previous responses dated 21<sup>st</sup> November 2019 and 17<sup>th</sup> March 2020.**

### **Recommendation:**

**No objection subject to conditions**

### **Key points:**

- An additional transport Technical Note (TN), dated 16<sup>th</sup> March 2020, has been submitted by the applicant.
- Improvements to the site access roundabout have been made to ensure safety to cycling and walking provisions adhere to Policy Bicester 12 of the Local Plan where the modes are encouraged in a local and wider context.
- Revised refuse vehicle tracking at the Health and Racquets club access is now acceptable.
- Positioning of the barrier control at the Health and Racquets club access has been adjusted, set back to allow for a large vehicle to sit whilst not overhanging the footway.
- OCC's points of objection to the previous TA have been overcome.

### **Comments:**

#### **Access Arrangements**

In recognition of the growing cycling population and also in consideration that the site frontage is a Sustrans Route 5, provisions for walking and cycling have been reviewed against Oxfordshire's Cycling Design Standards with a focus of promoting and encouraging cycling. OCC called for the Wendlebury Road roundabout to be redesigned, particularly requesting for a more compact roundabout such as a Dutch-style arrangement that prioritises non-motorised modes.

OCC's roundabout design request was rebutted by a Technical Note (TN) dated 16<sup>th</sup> March 2020. It is appreciated that the developer has made some substantial improvements to the roundabout shown under DTA Drawing Ref: 19539 – 18 Rev A. While the scheme shown in the drawings falls short of what we asked for, the submitted TN provides a reasoned justification in safety terms. Key, relevant points from this submission are:

- The submitted roundabout design is as compact as the vehicular swept path movements of HGVs will allow, with single lane entries to allow cyclists to

position themselves on the carriageway whilst discouraging drivers from attempting to pass.

- The design provides a good quality off-carriageway cycle alternative. While this requires northbound cyclists to cross to the eastern footway/cycleway, they would in any case have to cross Wendlebury Road to continue north on the A41, and this crossing point will have fewer vehicle movements than further north near the A41.
- A pedestrian crossing point has been agreed to be provided on the western side, across Charles Shouler way (herein referred to as the Vendee Drive link road). This provision has been agreed with OCC and is illustrated by DTA Drawing Ref: 19539 – 18 Rev C.
- The proposed informal crossings at the roundabout arms, where cyclists would give way to traffic on the carriageway, crossing only one lane in one movement, are in accordance with national Guidance, CD195, for the proposed speed and traffic volumes.
- We accept that consideration should be given to the fact that, if cyclists were to have priority, it can't be presumed that they will stop at the crossing, and whilst the same is true of zebra crossings, the speed of approach of a cyclist is far greater than that of a pedestrian. This means that drivers would need to be aware of cyclists and preparing to brake, a considerable distance from the crossing. HGV sight lines may be an issue.
- We also accept that with the low forecast traffic volumes there would be almost no delay to cyclists at the informal crossings, therefore no loss of convenience.
- There is very little experience of Dutch-style roundabouts in the UK, with none in Oxfordshire or neighbouring counties, and the TRL report on its off-street trial of such a roundabout recommended conducting on street trials at locations where traffic flows are comparatively low (especially of HGV) and cycle and pedestrian flows are comparatively high, so that drivers expect their presence. (The word trial suggests that the layout would be changed if there were safety issues. As this is a developer scheme that begs the question of who would pay to change the scheme?) The report also states that 'any trial should be accompanied by extensive publicity, including ....public information work' The first fully Dutch style roundabout in the UK, that is nearing completion in Cambridge, is in a very different location, well within a suburban built up area - such a location would be far preferable for any trial of such a scheme in Oxfordshire.
- If traffic flows were to materially increase, then the priority is capable of being adapted at a later date.

That is not to say that we necessarily agree with everything in the TN and OCC reserves its position on some of the points raised in the note, particularly in relation to our Cycle Design Standards. The improvements shown in DTA Drawing Ref: 19539 – 18 Rev C have however, been agreed with the HA.

## **Layout**

Apart from the Health and Racquets club, the extent of the rest of this development (including the employment element of the HYBRID application) is outline. The layout for the outline extent of development shall therefore not be considered at this stage.

A revised plan (Drwg No: *A-PL-09-010 Rev P05*) has also been submitted to address the two concerns that we flagged, i.e. refuse vehicle tracking and access barrier set back. The repositioned barrier control which is now set further back to accommodate at least two vehicles or a refuse track to stand whilst not overhanging the shared foot/cycle facility is considered acceptable. Tracking plans are also agreeable.

*Cycle Parking* – Following discussions with DTA, it was agreed to make an increased provision to a 30-cycle parking facility which shall be under cover in a suitable location. This has now been illustrated by Drwg No: *A-PL-09-010 Rev P05* which I wish to say addresses OCC previous concern on this issue.

### **A41 Corridor Safety Improvements**

The applicant requested for additional information on the highway safety scheme to which the HA have sought contributions. A £50,000 contribution has been earmarked from this development towards safety improvements along the A41 Corridor to include the A41/Vendee Drive roundabout.

The calculations here are a proportional contribution to the cost of the overall scheme of works required for the corridor.

The TA acknowledges that the A41 is a highly trafficked corridor which is part reflected in the number of accidents on the route. It is no doubt that this development would add to some degree the likelihood of these accidents. OCC are developing a corridor-wide safety improvement scheme along the A41 junction with the M40 running north up to the Middleton Stoney Road/ Kings End/ Oxford Road roundabout.

This contribution is part of the wider A41 safety improvement scheme. The timing of this application particularly considering its relationship with the A41/Vendee Drive roundabout has prompted a need to focus on the southern part of the scheme (northbound approach to the A41/Vendee Drive roundabout).

The recommended measures for this section shall include extension of the 40mph speed zone further south of the A41 Vendee Drive roundabout; introducing a 50mph buffer further south; associated signage and marking (lane and arrow markings, studs etc); provision of a gated access and platform for mobile speed enforcement vehicle.

### **S278 works**

The following are required to provide safe and suitable access to the development:

- Vehicular access onto site – signed S278 agreement prior to commencement, delivery prior to occupation.
- Shared use cycle/footway on Wendlebury Road and along A41 north of its junction with Wendlebury Road – To be agreed and signed S278 agreement prior to commencement, delivery prior to occupation. This provision shall include raised table treatment on the David Lloyd access, Thames Water treatment site access and the garden centre accesses.

- Realignment of Wendlebury Road to form a standard roundabout between Vendee Drive link road and Wendlebury Road which shall also form access to the development - signed S278 agreement prior to commencement, delivery prior to occupation
- A new single bus stop on a suitable location including shelter along Wendlebury Road.

**Planning Conditions:**

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

1. Condition to Cap the B1a floorspace and also the overall quantum of development to 35%
2. Condition limiting Application 2 (Outline application site) from coming forward unless development for Application 1 has been delivered.
3. Condition for detailed site access including vehicle and pedestrian access to both the Employment and Health Club sites.
4. CTMP
5. Cycle parking for the Health and Racquets club
6. Electric vehicle charging slots
7. Estate roads, parking and turning areas

**Officer's Name: Rashid Bbosa**

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

**Date 26 March 2020**

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## **Lead Local Flood Authority**

### **Recommendation:**

No comment

### **Key issues:**

Please refer to planning application reference 19/01740/HYBRID.

**Officer's Name: Adam Littler**

**Officer's Title:** Drainage Engineer

**Date:** 03 April 2020

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## **Archaeology Schedule**

### **Recommendation:**

No Objection subject to the planning conditions below.

### **Comments:**

We have previously advised that the archaeological desk based assessment would need to be updated to include the results of the archaeological evaluation and to assess the significance of these results in the context of the known archaeological background of the immediate area.

An updated desk-based assessment has now been submitted with this application which includes the details of the previous evaluation. This updated assessment however mis-represents the results of the archaeological evaluation. In particular it makes numerous references to the very small amount of pottery recovered but does not make any reference to the lack of excavation of the majority of features on the site. The evaluation report itself shows that the excavation of almost all of the features within the evaluation trenches was abandoned due to flooding. Dating material was therefore only collected from the surface of features where this was visible from above and accessible. This not only has major implications for the amount of material recovered but also for the interpretation of the features themselves.

This considerable limitation of the evaluation results should have certainly been referenced in the limitations section of this assessment and should have been taken into account in the detailed assessment of the significance of the features identified on the site. No such consideration has been made in this assessment however.

As a result of this the assessment concludes that any Iron Age settlement of the site was likely to be of a temporary and small scale rural nature. The lack of dating of a number of features is used to support the conclusion that the site lay within the hinterland of the Roman settlement. There appears to be no consideration that the lack of dateable material recovered may have been a direct result of so few of the features being excavated.

The site contains a number of linear earthworks clearly visible on Lidar and mapped from aerial photographs. These features do not appear from their form to relate to ridge and furrow. In discussions with Cotswold Archaeology, regarding this desk based assessment, we specifically specified that these features would need to be assessed based on the evaluation results. A number of trenches did record cut features related to these earthworks but were not able to excavate any of them due to flooding issues. As such these features remain undated.

The assessment makes no reference to this however and simply records them as remnants of ridge and furrow. No evidence is provided to support this conclusion however.

In our previous response we also specifically stated that

There has also been no archaeological investigation of the area of the current farm and lakeside cottages and as such the significance of any archaeological deposits on this site has not been assessed. It is therefore important that the assessment considers the identified archaeological deposits within their wider context to be able to assess the potential for significant archaeological deposits being present on this currently un-investigated section of the site.

This updated assessment however contains very little detail on the archaeological interest of this portion of the site, excluded from the evaluation and geophysical survey.

The assessment does state however that '*The archaeological remains within the south-west portion of the Site were excavated prior to the construction of the Faccenda chicken farm*' and '*As such, the archaeological remains within this portion of the Site are likely already truncated or removed in some places as part of the construction of the Faccenda chicken farm complex.*'

In fact, these excavations were limited to a very small area of the farm complex and this assessment does not contain any plan showing the very small extent of these excavation and very little consideration of the archaeological remains that were encountered. In fact, only a very small amount of the overall farm complex would have been disturbed by this excavation.

Overall the DBA offers nothing to assist the determination of the application in terms of the historic environment.

The assessment does however conclude, despite its limitations, that any surviving remains on the site are '*not of a significance to warrant scheduling or preservation in situ and can be recorded through a programme of archaeological mitigation fieldwork.*'

As such a programme of archaeological mitigation would need to be undertaken in advance of any development of the site. This staged programme will need to consist of a phase of evaluation within the farm complex as well as mitigation of the impacts from any development, tree planting, landscaping and any other ground impacts associated with the development. This can be ensured through the attachment of a suitable negative condition as suggested below.

We previously also highlighted that the impact of this development on the setting of the scheduled monument would also be considered. No visualisations of the proposed new development have been included which was agreed between the Planning Officer and the developer against both Historic England's and our advice and we do not agree with this approach.

We would however fully support the advice provided by Historic England on this application and updated desk based assessment.

**Planning Conditions:**

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

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

**Officer's Name: Richard Oram**

**Officer's Title: Planning Archaeologist**

**Date: 3<sup>rd</sup> April 2020**

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