

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

**District:** Cherwell

**Application No:** 20/00293/OUT

**Proposal:** Outline application (Phase 1B) including access (all other matters reserved) for approximately 4,413 sqm B1 office space (47,502 sqft) GIA, approximately 273 residential units (Use Class C3) including ancillary gym, approximately 177 sqm GIA of café space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/ 8,550 sqft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards

**Location:** Bicester Gateway Business Park, Wendlebury Road, Chesterton

**Response date:** 23<sup>rd</sup> March 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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## **Assessment Criteria** **Proposal overview and mix/population generation**

OCC's response is based on a development as set out in the table below. The development is taken from the application form.

<b>Residential</b>	<b>No.</b>
1-bed dwellings	178
2-bed dwellings	95
3-bed dwellings	0
4-bed & larger dwellings	0
Extra Care Housing	0
Affordable Housing %	30%
<b>Commercial – use class</b>	<b>m<sup>2</sup></b>
A1	
B1	4,413
B2/B8	
Development to be built out and occupied out over	3 years

Based on the completion and occupation of the development as stated above it is estimated that the proposal will generate the population stated below:

Average Population	402
Primary pupils	21
Secondary pupils	12
Sixth Form pupils	1
SEN pupils	0.3
Nursery children (number of 2 and 3 year olds entitled to funded places)	4.18
20 - 64 year olds	320
65+ year olds	41
0 – 4 year olds	15

**Application no: 20/00293/OUT**

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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 - 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 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.

**Application no: 20/00293/OUT**

**Location:** Bicester Gateway Business Park, Wendlebury Road, Chesterton

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## Transport Schedule

**Recommendation:**

**Objection for the following reasons:**

- The application does not provide for a high degree of integration and connectivity between the site and existing developments contrary to Policy Bicester 10 of the Cherwell Local Plan 2011- 2031
- The assessment of traffic impact is not considered sufficiently robust

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives as detailed below.

- **S106 Contributions** as summarised in the table below and justified in this Schedule.
- **S278 works.**
  
- **Planning Conditions** as detailed below.

S106 Contributions

<b>Contribution</b>	<b>Amount £</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Highway Works	<b>TBC</b>	<b>TBC</b>	<b>Baxter</b>	Highway safety improvement measures on the A41
Strategic Transport contribution	<b>TBC</b>	<b>TBC</b>	<b>Baxter</b>	The Bicester South East Perimeter Road
Traffic Reg Order <i>(if not dealt with under S278/S38 agreement)</i>	£3,120	January 2020	RPI-x	The cost of administering a Traffic Regulation Order to enable relocation of the existing 40mph/National speed limit on Wendlebury Road from its committed location to a

				point circa 150m south of the development southern access (required visibility permitting).
Travel Plan Monitoring contribution	£4,691.28	December 2019		The cost of monitoring the travel plans
<b>Total</b>				

### **Key points:**

- Inadequate pedestrian/cycle infrastructure taking into account the residential use
- Traffic impact assessment is not sufficiently robust
- The assessment of the access junctions is not sufficiently robust
- Vehicular accesses into the site have not been tracked for refuse and delivery service vehicles.
- Relocation of the committed 40mph speed zone would be required to a position about 150m to the south of the site access for safety improvement.

In 2017, outline planning permission was granted under planning Ref 16/02585/OUT for a scheme to develop a 149-bedroom hotel (therein referred to as Phase 1a) and 14, 972 sqm of B1 office development referred to as Phase 1b. Phase 1a, the hotel development is now under construction and nearing completion.

This application now seeks outline planning permission for development of approximately 4,413 sqm of B1 office space, 273 residential units (Use class C3) including ancillary gym and approximately 177 sqm of café space (Use class A3) on consented Phase 1b site.

### **Comments:**

#### **Policy**

##### **National Planning Policy Framework (NPPF)**

Revised NPPF para 108:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: ...

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

Revised NPPF para 109:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Revised NPPF para 111:

“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

### Cherwell District

Cherwell Local Plan Policy SLE 4: Improved Transport and Connections:

“The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections... New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.”

In the Cherwell Local Plan under Policy Bicester 10: Bicester Gateway it states:

“Infrastructure Needs...

Access and Movement – M40, Phase 2 improvements to Junction 9. Contributions to improvements to the surrounding local and strategic road networks, including safeguarding land for future highway improvements to peripheral routes on this side of the town.”

However, M40 Phase 2 improvements to Junction 9 have now been completed.

Under Key site specific design and place shaping principles it states:

- “Layout that enables a high degree of integration and connectivity between new and existing development particularly the mixed use urban extension at South West Bicester to the west, the garden centre to the north, and, further to the north, Bicester Village retail outlet and Bicester town centre.
- Provision and encouragement for sustainable travel options as the preferred modes of transport rather than the private car, and provision of a Travel Plan. Good accessibility to public transport services should be provided for.
- Provision for safe pedestrian and cyclist access from the A41 including facilitating the provision and upgrading of footpaths and cycleways that link with existing networks to improve connectivity generally, to maximise walking and cycling links between this site and nearby development sites and the town centre.
- Accommodation of bus stops to link the development to the wider town.

- Maximisation of walking and cycling links to the adjoining mixed use development at South West Bicester as well as the garden centre to the north.
- Contribution to the creation of a footpath network around Bicester.
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities.”

#### Oxfordshire Local Transport Plan 4 (LTP4)

In Oxfordshire County Council’s Local Transport Plan 4, Policy BIC1 in the Bicester Area Strategy states:

“BIC1 – Improve access and connections between key employment and residential sites and the strategic transport system by:

- Continuing to work with Highways England to improve connectivity to the strategic highway. We will continue to work in partnership on the A34 and A43 strategies, as well as Junctions 9 and 10 of the M40 to relieve congestion
- Delivering effective peripheral routes around the town.

Southern peripheral corridor: provide a South East Perimeter Road to support the significant housing and employment growth in Bicester. In the longer term, link capacity issues along Boundary Way are assessed as being a major transport issue for the town. Land is safeguarded at Graven Hill for the section of road to the south of this site, joining the A41 at the Pioneer Road junction – this prevents development on the land that would be required, but does not remove the need for full assessment, justification and planning processes to be undertaken. This will need extending westwards to join the A41 north of M40 Junction 9. The preferred alignment for this extension has been approved as a connection from the Little Chesterton junction across to Graven Hill. The solution will also include a new link through the South East Bicester development site from the A41 Pioneer Road junction up to Wretchwick Way, providing connectivity through the site, in particular for buses.”

#### **Access**

The application proposes two vehicular accesses to be taken off Wendlebury Road. It is noted that the section between the A41 Junction with Wendlebury Road up to the Vendee Drive link road where it joins Wendlebury Road has been subject to a successful TRO consultation to reduce the road speeds from the current national speed limit to 40mph. This TRO however does not extend to Phase 1b site frontage which implies that south of the Vendee Drive link road is national speed limit, including both accesses.

Drawing Ref: 46463/5501/001 within the TA shows the site access arrangements with visibility splays of up to 90m on the southern site access. Whilst the right-hand visibility from the southern site access is adequate for speeds within a 40mph zone, I feel the position of the proposed speed zone change should be extended further south to ensure that approaching vehicles are within the required 40mph.

No vehicle tracking has been presented to demonstrate that suitability for appropriate vehicle use. I would expect that access being a detail at this stage should be tracked for refuse and delivery service vehicles. **(reason for objection)**

In light of this new application which introduces a substantial amount of residential land use into the mix, OCC as local HA considers that there is a need to improve on the agreed pedestrian and cycle infrastructure to particularly cater for movements likely to be generated by the residential element. With residential development, there is a greater likelihood of walking and cycling trips to/from the local area at all times of day, and by a wider range of users including the young and the old. To this end, I note proposals made by the TA for an improved crossing facility across the Vendee Drive link road (on approach to the Vendee Drive roundabout) to link the shared use facilities on this development and hotel frontages respectively. Given that this requires pedestrians to cross up to two lanes of westbound traffic (flared lanes) and another eastbound lane from the A41/Vendee Drive roundabout, the informal crossing shown in the indicative masterplan visual is not considered suitable as the only pedestrian access to a residential development.

The application does not propose to provide a pedestrian/cyclist facility along Wendlebury Road and I consider that without this the development would not conform to provisions of Policy Bicester 10 of the Cherwell Local Plan and also 108 (b) and 110 (a) of the Revised NPPF (July 2018). **Reason for objection**

Because of the residential element on site, it is highly likely that some residents may choose to walk to the Bicester Avenue Home and Garden Centre along Wendlebury Road and other local amenities such as Tesco superstore. Rather than using the A41 provision, residents may prefer to use a quieter route and shorter route along Wendlebury Rd. It would not be encouraging a high degree of sustainable travel to require residents wishing to access these facilities to use the A41 shared pedestrian and cycle infrastructure.

Also, in consideration of the site frontage being along a Sustrans Cycle Route, the site access arrangements need to show provision of a shared use cycle track/footway on the development side of Wendlebury Road that tie into the committed/existing facilities. A solution is required that does not cause undue inconvenience for the users of the existing cycle route or expose residents and visitors that may choose to access the site from this frontage to unacceptable road safety risk. It is also necessary to cater for likely movements between the development and the employment that would emerge at the back of Bicester 10 Ph2 allocated. Pedestrians would not take the detour to walk via the A41 and back via Vendee Drive. Equally, it would be considered unsafe to expect pedestrians to walk in the carriageway of Wendlebury Road.

Cherwell Design Guide, which is a SPD for Masterplanning and architectural design guidance for residential developments stipulates that *'Pedestrian movement should be accommodated on footways on the street giving access to property fronts. In some instances, short stretches of footpath may be appropriate to provide additional pedestrian links between streets.'*



The access plan also proposes a pedestrian and cycle bridge at the north western corner to link the site to the existing pedestrian/cycle facility on the A41. This bridge lies within highway land. Because of this, its detail is required to meet DMRB standards. While OCC would not object to the bridge being provided,

### **Parking**

Much as arrangements of parking are not usually dealt with at outline planning permissions, here it is instrumental to the forecasting of trip generation. It is noted that 33 of the residential units shall be car-free residential flats. In absence of any form of parking control on the surrounding road network, it is likely that occupants and/or visitors to these units would not be deterred from parking along adjacent roads – which in events of this happening would create unacceptable road safety risks due to reduced visibility and obstruction of footways and cycleways. In my opinion, although this is a relatively sustainable site in transport terms, this is not a location that easily lends itself to car free living. In practical terms it is on the edge of town with a reasonable walking distance, to local facilities, but these are far from ‘on the doorstep’, Highly convenient public transport options are limited to the bus, as the rail stations are a substantial walking distance from the site. While pedestrian and cycle facilities exist along the A41, they don’t provide for an attractive walk or cycle, and I believe the cycle journey times indicated in the TA are understated because of the number of traffic signals to negotiate. Also Bicester itself has limited cultural and entertainment opportunities that are unlikely to attract those wanting to pursue an urban lifestyle.. It would only work if the applicant’s vision of an ‘innovation community’ as described in the TA is realised. The travel plan, and parking management measures would need to be stringent, and the car club presence would need to be guaranteed. I am concerned as to how this level of control could be secured through planning conditions or what would happen if the car free units were not marketable.

The application must demonstrate how overspill parking from the development shall be prevented from using the P&R site or parking obstructively on the local road which is not suitable for parking. A robust car parking management plan must be provided to reassure the county council that this cannot happen.

On the basis of the information provided, this is a **reason for objection**

Details of cycle parking shall be reviewed at subsequent planning applications.

### **Traffic Impact**

Development on this site was subject to infrastructure requirements agreed to be delivered under s106 obligations of the consented outline application (16/02586/OUT). These include;

- Capacity improvements at the Vendee Drive/A41 roundabout including increased flare length to 32m on the approach from Vendee Drive link road and increased entry width to 8.2m on the approach from Vendee Drive
- Mini-roundabout junction at the junction of Wendlebury Road and Vendee Drive link road, including speed limit reduction on approach arms with associated lighting and signage

- A 3m wide shared use footway/cycleway linking Vendee Drive link road and the Chesterton slip road to the site along the A41.

Apart from the 3m wide footway/cycleway provision, this application seeks to remove these obligations on the basis that the trip generation and impact at the junctions would be lower than the original proposals. I do not agree that the forecast trip generation is sufficiently robust (see below). Also, even with the trip rates proposed, the assessment of the Vendee Drive Roundabout in the TA shows that in 2026, the development traffic would take it over capacity. The agreed Vendee Drive Roundabout capacity improvements should therefore be provided. **Reason for objection**

Since the mini roundabout on Wendlebury Road was agreed, planning applications for Phase 2 of Bicester 10 have come forward (currently under consideration) showing a larger roundabout that would be provided by that site. Nevertheless, any agreement for this development should include an obligation to provide the mini roundabout unless otherwise agreed with the Highway Authority (for example if the Phase 2 roundabout had already been provided).

It should also be noted that subsequent developments have considered these highway improvements as committed.

### Trip Generation and Distribution

The application proposes very low residential trip rates, reflecting the 'Innovation Community' vision. While the TA states that these have been agreed with OCC I am not convinced of this. They are lower than trip rates recently agreed for a site near the northeastern corner of Kingsmere, which has a resolution to grant permission. That site is in a substantially more sustainable location. The TA does not seem to include a TRICS analysis showing how the trip rate has been derived. Additionally, it is not robust enough to assume that because the 33 residential units do not have provision of a parking space would not generate vehicular trips to/from the site. This may come in form of taxis or pick up from friends. **Reason for objection**

I agree with the comparative approach taken in assessing the likely impacts of this development to what was agreed under the consented scheme. A comparison has been made between the weekday peak period trip generation of the consented B1 office development and the current proposed mixed-use development. Table 8.1 of the TA provides an outlook of what is a baseline (consented) trip rate to the proposed.

The journeys to work distribution have been sourced from the 2011 census dataset for Cherwell 015 MSO area, similar to what was considered reasonable and also adopted by the neighbouring employment developments. Assignment of trips on the road network is also acceptable.

### Junction Capacity Assessment

The TA has undertaken junction capacity assessment models using the industry standard Junctions 9 suite, which has ARCADY and PICADY software. The assessed junctions include:

- Vendee Drive roundabout

- Wendlebury Road/ Vendee Drive link road junction
- Wendlebury Road/ Unnamed road to Chesterton junction

In all of these assessments, the highway capacity assessments have considered the future year 2026 with and without development traffic scenarios, referred to as 'reference' case and 'with development'.

The assessment of the Vendee Drive roundabout in 2026 shows that with the development it is over capacity. Therefore, I do not accept that the previously agreed mitigation scheme at the junction is no longer required. **Reason for objection**

While it is consented for a mini-roundabout to replace the priority junction at the Wendlebury Road/ Vendee Drive link road junction, I notice that future scenario capacity assessments undertaken still assume this junction as a priority-controlled junction.

The indicative masterplan shows that the residential units shall be accessed via the southern access whereas the offices and café would be served by the northern access. Besides the café, the residential development and the offices have the potential to generate opposing tidal flow trips i.e. outbound movements from the southern access and inbound movements at the northern access. In reference to Table 8.3 of the TA, 95.4% of traffic associated with both the residential and office land uses will be distributed to/from the north of the site along Wendlebury Road. It is therefore reasonable to assume that the outbound trips associated with the residential land use shall have priority over the right turning movements associated with the office development. This dynamic could affect operations and capacity on adjacent junctions. Taking the Vendee Drive link road with Wendlebury Road is only 100m away and any queue lengths emerging from a right turning vehicle at the northern access would be limited to 14 PCU's.

With this in mind, I note that no capacity and/or operational assessments have been undertaken on the development accesses. I would like to see how the two access (with outbound movements from the residential access against the inbound movements at the office associated access. Whilst loading all the peak hour development traffic through a single access would have implications of a robust assessment, this on the other hand would undermine the movement dynamics associated with two accesses a few metres of each other.

As a result, on this basis and in accordance with the National Planning Policy Framework (NPPF), OCC object to the development, as the impact on the adjacent network (in terms of capacity and congestion) has not been properly appraised.

The cumulative impact of Local Plan growth development in Bicester will be severe if appropriate contributions are not secured from all development sites towards the strategic transport infrastructure required to mitigate the increase in transport movements.

Strategic transport modelling demonstrates the benefits that the South East Perimeter Road (SEPR) will bring to the A41 /Oxford Road:

- The A41 Oxford Road is a key corridor in Bicester where junctions along its length are impacted significantly as a result of the growth of Bicester, including Bicester 10. The Application Site will increase the proportion of peak hour traffic through this corridor.
- The SEPR has been identified as a key piece of strategic infrastructure that will bring direct relief to the A41 corridor, thereby facilitating improved operation of junctions directly impacted by Bicester 10.
- Modelling has demonstrated the benefits that the SEPR would bring to the A41. In the AM peak:
  - Over 1000 vehicles (pcu's) that would otherwise use the A41 Oxford Rd northbound through Vendee Drive would route via SEPR (eastbound)
  - Around 930 vehicles (pcu's) that would otherwise use A41 Boundary Way and turn left on A41 Oxford Rd southbound past Bicester 4, would route via SEPR (westbound)
  - Therefore, over 1930 vehicles (pcu's) would use the SEPR that would otherwise route along A41 past the Bicester 10 site.

It is acknowledged however that the capacity released on the A41 by the SEPR will itself encourage some traffic that might otherwise choose NOT to use the A41, to divert along the corridor. When taking diverted traffic into account, the net reduction in traffic on the A41 would be around 1130 pcu's.

At present the western section of the proposed SEPR is not fully funded and so contributions towards this are required for mitigating Bicester Gateway's proposals. Other future developments in the area would also be expected to contribute, as did the original permission for phase 1 (16/02586/OUT) of development at Bicester 10. The required contribution has been determined following guidance in the Cherwell Developer Contributions SPD (February 2018) using a formula that has been used to negotiate with Bicester 4 developers.

### **SEPR Western Section**

The following formula was used to calculate a contribution rate for towards the SEPR from Bicester 4 developers:

SEPR Western Section

X = £21.3m (October 2015 cost estimate) for SEPR Western Section

Y = £585,127.83 (estimated held or secured s106 contributions)

Z = £14,185,800 (notional 66.6% match funding)

E = Bic 4, Bic 10 (phase 2) and Wretchwick Green, amounting to 7463 peak hour trips in total (Wretchwick Green = 1773, Bicester 4 = 2032 and Bicester 10 = 3658 based on floor space compared with Bicester 4).

Contribution per unit therefore = £874.86

The TA says that the contribution secured through the S106 on the consented development should be revised in light of the lower trip generation. It is considered that the same contribution rate as above should be applied to this development. The amount cannot be calculated until the trip generation has been agreed.

### **Accident Appraisal**

Para 3.6.8 of the TA recognises a fatality collision that claimed two lives in June 2019. Prior to this, there have been a number of accidents at the A41/Vendee Drive roundabout in the last 5 years, mainly minor and near misses. Some northbound vehicles appear to fail to give way to vehicles on the roundabout circulatory. OCC are currently developing a scheme aimed at improving safety along the A41, from the approach to Vendee Drive Roundabout extending to Middleton Stoney Road, Oxford Road and Kings End roundabout. The scheme will include gradual speed reduction and enforcement schemes on the northbound approach to the Vendee Drive roundabout.

Other improvements shall go to revisions in lane marking and associated signage to signing and lane improvements; provision of a gated hardstanding area for police enforcement vehicles is also considered here.

In recognition that this development (albeit the consented scheme) will put additional trips through the Vendee Drive junction and A41 corridor, it is reasonable to expect the current safety risk to be exacerbated. Additionally, the introduction of a residential land use will increase the risk to vulnerable road users. As such it is considered appropriate for this development to contribute proportionately to the A41 corridor safety improvements.

### **Travel Plan**

In light of the stated sustainable aspirations of the development, the travel plan needs to include a very high level of intervention, with targets and measures agreed at planning stage rather than left to condition. The travel plan may need to be secured through a S106 agreement.

The submitted travel plan has been checked against our approved guidance. Our comments on the submitted travel plan are included below.

- The positive attitude towards the baseline is to be applauded but we still feel the figure in Table 4.3 which lists the baseline residential model split as being 32%, is extremely optimistic. Are there any other developments in the UK which have managed to achieve a similar figure?
- It is doubtful whether the Bicester car club has managed to establish itself to make this possible as mentioned in Para 5.3.2. Could there be more clarification on this please?
- The application proposes only 4 Electric charging point provision. This is a very low provision which must be revised upwards.

- Para 5.4.3 Just to make it clearer it might be better to call the framework travel plan coordinator the FTPC?
- Para 5.4.5 - Although some of the employees based on the site may be able to use the same travel information pack as residents this will only be applicable if they are based on site otherwise, they will need supplementary information as they will be travelling to the site rather than from the site.
- Table 6.1 - Once again these targets may be too optimistic
- Para 7.4.1 - Any site occupiers who are above travel plan thresholds will be expected to pay monitoring fees as well as develop travel plans.
- Para 7.5.1 - This might not work as a travel plan will be required within three months of occupation.
- Para 7.5.3 - We would rather that they carry out a baseline survey on occupation and use these figures within the travel plan.
- Within a month of any survey taking place a monitoring report will need to be sent to the Travel Plan Team at Oxfordshire County Council detailing progress against identified targets.
- Table 8.2.1 - The Action Table will need to be more developed. It must contain a credible mixture of short, medium, and longer-term actions that will help the FTP to meet its targets. Every action should have a named representative who will be responsible for ensuring that it is carried out, a start and end or review date and they should be grouped under headings such as; measures to reduce single occupancy car use, measures to increase walking, measures to increase cycling, measures to increase car share etc.
- A copy of the travel survey that will be used should be included in the FTP appendices.

A link to our guidance is included below.

<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TravelAssessmentsandTravelPlans.pdf>

### **Public Right of Way (PRoW)**

The site is traversed by a public footpath to the south of the site. Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. The site offers the opportunity to improve the connectivity and accessibility of walk and cycle routes and the footpath may be eligible for diversion to meet the applicant's needs. The Proposed improvements should be discussed and agreed with Oxfordshire County Council

Standard measures for applications affecting public rights of way

1. **Correct route of public rights of way:** Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground. The Definitive Map and Statement is available online at

[www.oxfordshire.gov.uk/definitivemap](http://www.oxfordshire.gov.uk/definitivemap).

2. **Temporary obstructions.** No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.
3. **Route alterations.** The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible – usually through the local planning authority.
4. **Vehicle access (construction):** No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.
5. **Vehicle access (Occupation):** No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.
6. **Gates / right of way:** Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

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

**£TBC Strategic Transport Contribution** indexed from January 2020 using Baxter Index

**Towards** the South East Perimeter Road

**Justification:** The A41 corridor on which the development site sits is already predicted to be under strain in the assessment year of 2026 from the cumulative impact of growth. The South East Perimeter Road will be required by the end of the Local Plan period to mitigate the severe impact of this cumulative growth

As a result, a Strategic Transport Contribution from the Bicester 10 Local Plan growth allocation is required, in addition to any local mitigation that may also be necessary. It is considered that the most appropriate piece of strategic infrastructure for this contribution to be allocated against is the South East Perimeter Road, as the site will

directly benefit from its construction. The western section is one of three sections of the SEPR all of which shall be part delivered by developments around Bicester. This link shall run

between the western end of the Graven Hill safeguarded route and the A41 north of Wendlebury, which would be under 2km from the proposed development. This is illustrated by Figure 2 of the Bicester Area Strategy in LTP4.

The contribution will be calculated proportionately on the same basis as that which will be secured from the Bicester Office Park

### **£TBC Highway Works Contribution**

**Towards:** Highway safety improvements on the A41 corridor

**Justification:** In recognition that this development (albeit the consented scheme) will put additional trips through the Vendee Drive junction and A41 corridor, it is reasonable to expect the current safety risk to be exacerbated. Additionally, the introduction of a residential land use will increase the risk to vulnerable road users. As such it is considered appropriate for this development to contribute proportionately to the A41 corridor safety improvements.

A scheme of improvements is being developed and calculations will be provided as soon as possible. Proportionate contributions will be requested from other development.

**£3,120 Traffic Regulation Order Contribution** indexed from January 2020 using RPI-x

**Towards:** The cost of administering a Traffic Regulation Order to enable relocation of the proposed 40mph/National speed limit on Wendlebury Road. This shall cover the extent of the site frontage extending about 150m south of the southern access.

### **Justification:**

Extending the 40mph zone would require approaching vehicles to reduce traffic speeds from 60mph, an acceptable level within the vicinity of the site access and is considered necessary to make the development acceptable in planning terms. It is thought that locating the marker about 150m away from the closest site access is sufficient set back to enable approaching drivers to adjust their speeds to within safety margins.

Therefore, this TRO is necessary to provide safe and suitable access to the development in accordance with the National Planning Policy Framework.

The contributions are fair and reasonably related in scale and kind to the development. This is a fixed fee for administrative costs and does not include funding for any physical works (which are required as part of the S278 to be delivered by the developer).

**Travel plan monitoring contribution as detailed above together with other provisions related to the travel plan**



**S278 works to include:**

- Two bellmouth accesses off Wendlebury Road with associated pedestrian and cycle facilities that must link onto the existing infrastructure.
- Capacity improvements at the Vendee Drive/A41 roundabout including increased flare length to 32m on the approach from Vendee Drive link road and increased entry width to 8.2m on the approach from Vendee Drive
- Mini-roundabout junction at the junction of Wendlebury Road and Vendee Drive link road, including speed limit reduction on approach arms with associated lighting and signage
- A 3m wide shared use footway/cycleway linking Vendee Drive link road and the Chesterton slip road to the site along the A41.

**Planning Conditions:**

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

**Site Access - Full Details**

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on Wendlebury Road and the A41 pedestrian bridge including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

*Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework*

**Details of Turning for Service Vehicles**

Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework*

**Car Park Management Plan**

Prior to the first occupation of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the local planning authority. Thereafter, the entirety of the development on Phase 1B shall operate in accordance with the approved car park management plan.

*Reason - To ensure that the proposals do not have an adverse implication on the operation of the nearby Park & Ride or create parking problems in the immediate locality*

**Pedestrian/cycle Facilities**

No development shall commence until full details of combined footway/cycleways serving the site along both the A41 and Wendlebury Road, including details of the pedestrian/cycle bridge linking the site to the A41, have been submitted to and approved in writing by the local planning authority. The approved pedestrian and cycle

facilities shall thereafter be provided prior to the first occupation of any development unless otherwise agreed in writing by the local planning authority.

*Reason - In the interests of ensuring that suitable access is provided to the development that prioritises sustainable travel in accordance with the requirements of Policies Bicester 10 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1*

**Public footpath**

No development shall commence until full details of the alignment and improvements the public right of way through the site including ..... have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall thereafter be provided prior to the first occupation of any development at the site..

**Travel Plan (this may need to be secured as an obligation)**

Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

*Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.*

**Officer's Name: Joy White**

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

**Date: 19 March 2020**

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**Application no: 20/00293/OUT**

**Location:** Bicester Gateway Business Park, Wendlebury Road, Chesterton

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## **Lead Local Flood Authority**

### **Recommendation:**

Objection

### **Key issues:**

- Proposed drainage, flood risk, SuDS usage not aligned with National or Local Standards.
- FRA is not accepted as of sufficient standard by the LLFA.

### **Detailed comments:**

Pumping is proposed with a controlled discharge rate of 3.5l/s. The LLFA does not advocate pumping of surface water. Robust justification must be provided to satisfy the LLFA that this is the only viable option. This must include full details of the pumping system, i.e. primary, secondary pump, telemetry. Modelled evidence as to what will happen in the event of pump failure, exceedance and mitigation. Pumping is not accepted.

Soakage tests do not conform to BRE365, each pit should be filled three times. The values provided in the FRA are extrapolations of one fill and therefore are not reflective of actual ground conditions. Soakage tests are not accepted.

40% Climate Change allowance needs to be applied to calculations. Calculations must clearly demonstrate greenfield run-off rate for all relevant return periods as with attenuation.

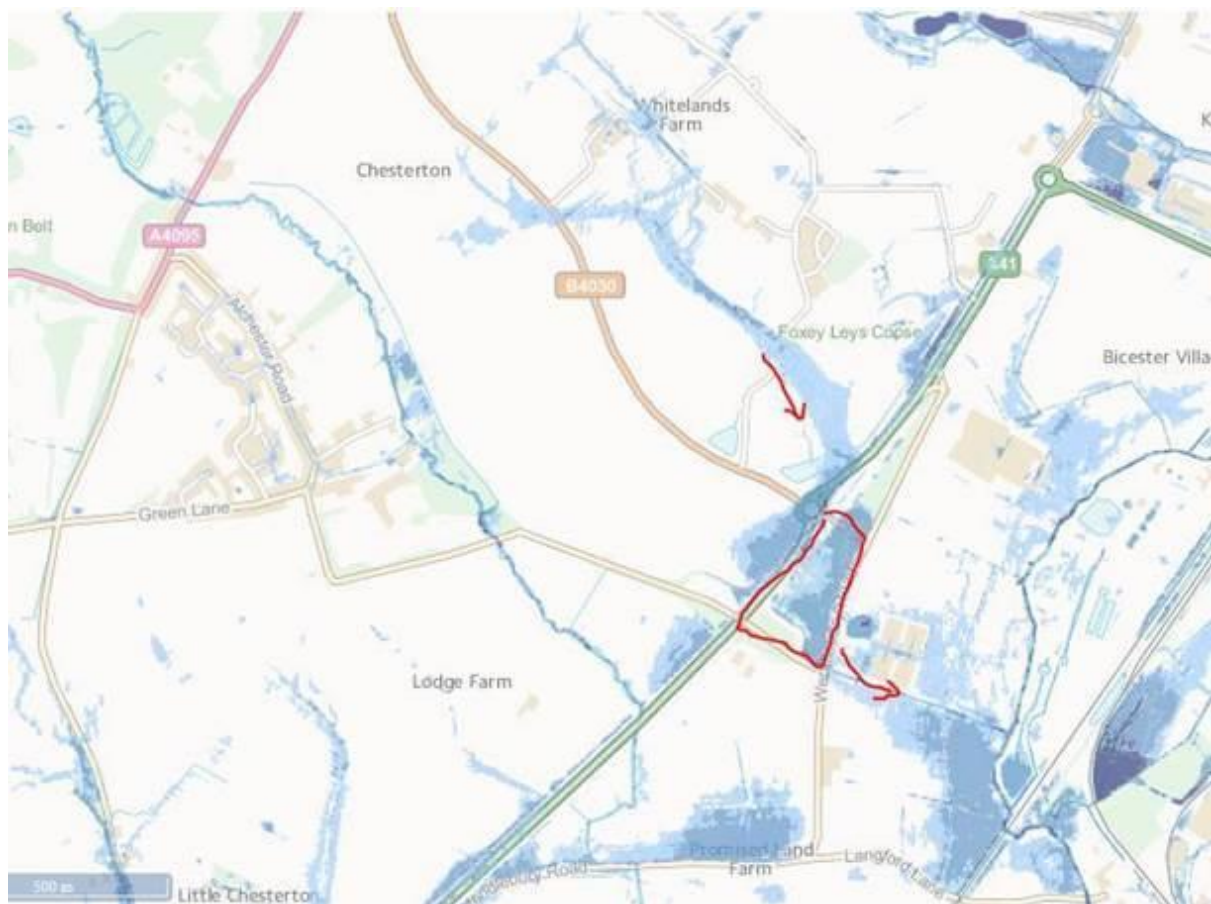
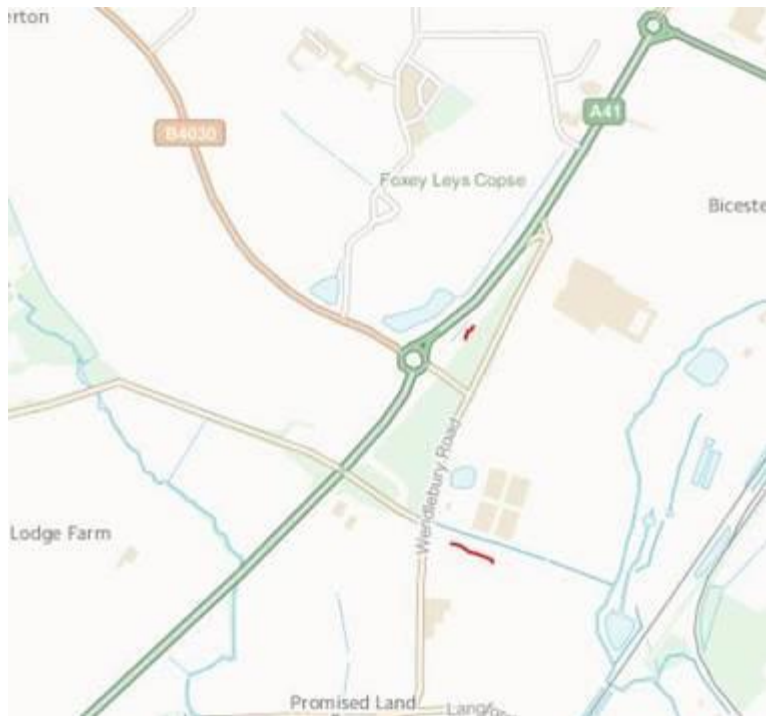
Land Drainage Consent for discharge to the ditchline needs to be investigated with the LPA and evidence provided to the LLFA.

Cross sectional drawings of all drainage related features must be supplied.

Paragraph 8.10.11 cannot be conditioned as it does not reflect what is shown on the drawings which demonstrate a tank to pump system.

Paragraph 8.9 shows not indication of the swale as described in the text.

Modelling of the watercourse flows in 1D and 2D should be undertaken to demonstrate there is no risk of flooding elsewhere in the catchment as per the guidance set out in NPPF. See the following:



The provided survey shows the ordinary watercourse. This discharges into culvert part way across the site. No mention of culverting of watercourse in FRA for which it will be necessary to seek permission for and easements.



**Application no: 20/00293/OUT**

**Location:** Bicester Gateway Business Park, Wendlebury Road, Chesterton

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## Education Schedule

### Recommendation:

#### **No objection subject to:**

- **S106 Contributions** as summarised in the tables below and justified in this Schedule.

Contribution	Amount £	Price base	Index	Towards (details)
<b>Primary and Nursery</b>	<b>£557,233</b>	<b>333 (related to 3Q19)</b>	BCIS All-In TPI	The cost of building a new primary school in SW Bicester, including additional nursery provision.
<b>Secondary (including sixth form)</b>	<b>£423,943</b>	<b>333 (related to 3Q19)</b>	BCIS All-In TPI	The cost of building a new secondary school in Bicester.
<b>Total</b>	<b>£981,176</b>			

In all cases, a matrix provision would be required to address the outline nature of the development proposal.

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

**£557,233 Primary School Contribution** indexed using BCIS All-In Tender Price Index Value 333 (published 25 October 2019)

#### **Towards:**

The cost of building a new primary school in SW Bicester, which would include additional nursery provision.

#### **Justification:**

The proposed development is located in the designated area for St Edburg's CE (VA) Primary School, which relocated and expanded to 2 form entry in 2016. Numbers are growing rapidly (the Reception and Year 1 Year groups are at or close to capacity according to October 2019 Pupil Census data), and are expected to increase further. The school is now over-subscribed from within its designated area.

Oxfordshire County Council has a statutory duty under Section 7 of the *Childcare Act 2006*, and extended by the *Childcare Act 2016*, to ensure that there is sufficient childcare and early education provision. Early years capacity in the Bicester area currently only just meets the needs of the local population, and additional capacity

will be required to meet the expected increase in demand due to the cumulative effect of planned and permitted housing growth in the area.

A new primary school with additional nursery provision is planned for the nearby Kingsmere development. This would ensure there is sufficient primary school capacity in South West Bicester to meet the expected increase in demand from housing growth in the area, including from this application. The proposed development would therefore be expected to contribute towards the cost of building this school, in proportion to its expected primary and nursery pupil generation.

**Calculation:**

Number of nursery and primary pupils expected to be generated (=4.18+21)	25.18
Estimated per pupil cost of building a new primary school, based on a 2- form entry school with nursery	£22,130
25.18 * £22,130	<b>£557,233</b>

**£423,943 Secondary School Contribution** indexed using BCIS All-In Tender Price Index Value 333 (published 25 October 2019)

**Towards:**

The cost of building new secondary schools in Bicester.

**Justification:**

Secondary schools in Bicester are currently at capacity in the younger year groups; there was a shortage of Year 7 places for the September 2019 intakes resulting in the need for a “bulge” class at an existing school. Demand is expected to increase further due to the cumulative effect of planned and permitted housing development in the Bicester area. To mitigate the impact of this increase, new secondary schools are planned, and the proposed development would therefore be expected to contribute towards the cost of building these new schools, in proportion to its expected secondary and sixth form pupil generation.

**Calculation:**

Number of secondary and sixth form pupils expected to be generated (=12+1)	13
Estimated per pupil cost of building a new secondary school	£32,611
13 * £32,611	<b>£423,943</b>



The above contributions are based on a unit mix of:

178 x 1 bed dwellings  
95 x 2 bed dwellings

It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation. As the application does not provide a breakdown of the number of each type of unit in relation to affordable and market housing, the figures have been based on 70% of the unit mix above for market housing, and 30% of the unit mix above for affordable housing.

**Officer's Name: Joanne Booker**

**Officer's Title: School Organisation Officer**

**Date: 28 February 2020**

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**Application no: 20/00293/OUT**

**Location:** Bicester Gateway Business Park, Wendlebury Road, Chesterton

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## **Archaeology Schedule**

### **Recommendation:**

Objection for the following reason/s:



The results of an archaeological evaluation will need to be submitted along with any planning application for this site in line with paragraph 189 of the National Planning Policy Framework (2019).

### **Comments:**

The site is located in an area of archaeological considerable archaeological interest immediately north of the scheduled Roman Town of Alchester (SM 18). The Roman Road north from the Town to Towcester forms the eastern boundary of the proposed development area. Another Roman Road, Akeman Street, forms the southern boundary of the site.

An archaeological excavation during the A41 widening recorded a significant amount of extra mural settlement on the southern edge of the proposed development area consisting of stone building foundations, roadways, pits and ditches. These were recorded immediately south of the area of this proposed development. A cemetery was found immediately to the north of this site, on the northern side of the A41. Evidence of Iron Age settlement was also recorded along with archaeological features dating to the post Roman period.

An archaeological evaluation has been undertaken on this proposed site which has recorded a number of archaeological deposits dating to the Roman period, spanning the 1st to 4th centuries AD with activity concentrated in the 2nd to 4th centuries AD. These included probable floor surfaces and a possible oven or kiln along with a number of ditches and pits.

This evaluation was undertaken for a previous application (16/02586/OUT) however and the evaluation trenches were located to investigate the specific proposed site plan for this previous development. The area of dense Roman settlement immediately north of the scheduled monument is considered to be of demonstrably equivalent significance to this scheduled site and as such a method statement setting out how this area would be reserved in situ was agreed and submitted with the previous application. As a result of this we recommended in our advice dated 31<sup>st</sup> January 2017 that,

‘A programme of archaeological investigation and mitigation will still be required for the rest of the site but following the removal of the area of dense Roman deposits we are satisfied that this can be secured through an appropriately worded condition’

This new proposed has however removed this area of preservation as agreed for the previous application and includes areas that were not investigated by the archaeological evaluation for this previous application.

It is therefore likely that the southern areas of this site will contain further archaeological deposits considered to be of demonstrably equivalent significance to a scheduled site which may need to be considered subject to the same policies for designated sites as set out in footnote 63 of the National Planning Policy Framework (2019). This will need to be fully assessed and considered before any planning decision is taken for the site in line with the National Planning Policy Framework (2019).

In accordance with the National Planning Policy Framework (NPPF 2019), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation of these un-investigated areas.

This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

**Officer's Name: Richard Oram**

**Officer's Title: Planning Archaeologist**

**Date: 20<sup>th</sup> February 2020**

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