

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

District: Cherwell

Application no: 21/02286/F

Proposal: Construction of a coffee unit with drive-thru facility and indoor seating with associated access, car parking, landscaping and servicing parking

Location: Land North West Of Launton Road Roundabout Adjoining, Skimmingdish Lane, Caversfield

Response date: 6th May 2022

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 to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

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.
- **Administration and Monitoring Fee - TBC**
This is an estimate of the amount required to cover the 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 a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more
- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

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Transport Schedule

Recommendation:

No objection subject to:

- **An obligation to enter into a S278** agreement as detailed below.
- **Planning Conditions** as detailed below.
- Off-site highway works - to provide footway/cycleway access to the development from the existing facilities on the A4421 as shown on drawing 4364-SK-06 D

Key points

- Updated consultation response subsequent to the previous response dated 2nd September 2021.

Comments:

Since the previous consultation response from the Highway Authority discussions have been held with CDC and the applicant in order to address the comments and queries raised at the last consideration by the Planning Committee.

The previous submitted drawing 4364-SK-05 has been revised to provide for a 3m wide shared use path providing for cycle access and the retention of the 0.5m verge buffer to the carriageway, this is now shown on drawing 4364-SK-06 D.

Shared use or segregated paths –

It has been raised that the cycle provision accessing the site from the existing cycle provision on the west side of the A4421. It is well understood that the guidance in LTN 1/20 has a preference for segregated facilities in urban areas where the number of pedestrians is relatively high.

OCC have considered this matter carefully and had the opportunity to discuss with one of the authors of the national guidance and with representatives of Active Travel England which will become a statutory consultee on major planning applications. The consensus was that the type of provision is specific to the context and specifically the

number of pedestrians and the number of cross movements along the length of the route. In the case of pedestrian movements the numbers are likely to be low even allowing for an general upshift in this mode and there are no cross movements as the lengths are very short, also reducing the speed of cyclists. The Highway Authority are satisfied that the proposed provision is suitable for this location and development type.

Crossing provision –

In addition to the above, the national guidance suggests that a controlled crossing of the southern arm of the roundabout may be required due to the level of traffic flow (there is an existing Toucan crossing on the northern arm) however this would be a significant piece of infrastructure for a relatively small development. In order to provide further information on this matter the applicant has commissioned an independent Road Safety Audit of the scheme to consider this issue and the general highway safety of the proposals. This audit process has not identified any safety concerns with the scheme and the Highway Authority are satisfied following this process that safe and suitable access to the site for all modes will be provided.

Future highway schemes – Eastern corridor

I understand that concerns have been raised on the sites impact on any future highway scheme that may make use of the existing 'stub' on the north side of the Charbridge Road roundabout with reference made to the emerging LTCP5.

The site is allocated for development within the Local Plan and therefore consideration for any potential conflict with highway schemes has been undertaken through that process.

The LTCP outlines the County Council's long term vision for transport in the county and the policies required to deliver this. The LTCP does not address specific area based issues or include scheme proposals at this stage. The document is also currently in draft form for consultation.

Further more detailed work will be undertaken on area transport strategies and for Bicester the Eastern Corridor is an area that is likely to seek additional highway capacity. Any future schemes are however likely to focus on additional capacity for all modes in line with LTCP objectives rather than new road building.

In summary OCC are satisfied that the development of the site would not unduly impact on future transport schemes for the area.

Summary –

Subsequent to the previous consultation response OCC have carefully considered the proposed access arrangement for non-motorised users and sought the views of experts in that field in forming a consultation response. In addition, a Road Safety Audit has

been undertaken for the proposed highway works which has not identified any concerns. Therefore the Highway Authority have no objection subject to the following planning conditions and S106 agreement.

Planning Conditions:

1) Prior to the development being brought in to use the cycle and vehicle parking facilities as shown on drawing 15987-105 Rev P shall be completed in all respects and thereafter maintained available for use for the duration of the development.

Reason: In the interests of highway safety and to encourage sustainable transport modes.

2) Prior to works commencing on site a Construction Traffic Management Plan shall be submitted to the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local Residents, particularly at peak traffic times

3) The development shall be operated in accordance with the submitted Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to promote sustainable modes of travel.

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- Improved connections to walking and cycling network

Notes:

This is to be secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.

The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments, including commuted sums, that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

Officer's Name: Oliver Eden

Officer's Title: Principal Transport Planner

Date: 29th April 2022

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Archaeology

Recommendation:

We previously commented on this application in August 2021, the response is copied below. These amendments do not address the concerns raised in our previous advice.

Conditions:

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

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 (2021).

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 (2021).

Detailed comments:

The site is located in an area of considerable archaeological interest immediately north west of an area where recent archaeological excavations have recorded a complex of enclosures, trackways and field systems. The majority of these features were undated but relate to a wider system of similar features, recorded as part of the same rail improvement works in the immediate vicinity, which have been dated to the Roman period. What finds have been recorded from this array of enclosures and field systems also correspond with a Roman date.

An archaeological evaluation has been undertaken on this proposed site which also recorded a series of undated linear features. The report for this evaluation suggested that these undated features related to the use of the site as an allotment based on the fact they were undated but contained no other evidence to support this. The undated features in fact are very similar in their depths, form and arrangement to the Roman features recently recorded in the immediate vicinity. It is therefore highly likely that these identified archaeological features also relate to this wider Roman landscape.

The applicant has submitted a desk-based assessment from Pegasus Planning Group for the site which concludes that there are no archaeological impacts associated with this proposed development. This assessment however relies heavily on the evaluation report and its assertion that these features related to the modern use of the site as an allotment. The assessment does not make any mention of the recent archaeological work in the immediate vicinity however.

Pegasus did consult our Historic Environment Record Officer to request data and they were advised to contact me directly to enquire about any specific sources that would need to be included. They were also informed that they would need to agree a written scheme of investigation for this assessment in line with the Chartered Institute for Archaeology's standard and guidance for desk-based assessments.

Unfortunately, they did not contact us to discuss the scope or to agree any written specification for the site and so we were unable to inform them of this recent work. As a result of this omission we do not agree that the assessment accurately represents the known archaeological interest and potential of the site and do not agree with its conclusion.

This proposed site is likely to contain further aspects of the Roman field system features and enclosures identified to the south which would be disturbed by any development on the site. A programme of archaeological mitigation will need to be undertaken on the site ahead of any development.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition as suggested above.

Officer's Name: Victora Green

Officer's Title: Planning Archaeologist

Date: 29th April 2022