

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

District: Cherwell

Application no: 21/03266/F

Proposal: Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping

Location: OS Parcel 2636 NW Of Baynards House, Ardley

Date: 24 November 2021

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:

Objection for the following reasons:

- The transport assessment is not adequate to demonstrate that the logistics site the proposed works would serve, would not have a severe impact on the operation of the highway network.
- Safety concerns about the B4100 roundabout alignment
- Consideration not given to the design in the context of the future improvement scheme at Baynards Green.

Key points

- The development has not taken into account the committed 'Growth Deal' scheme of capacity improvement at Baynards Green roundabout, which will involve enlarging and signalising the roundabout, both in terms of road safety, and capacity modelling.
- The transport assessment has not adequately tested the impact on the adjacent junctions, using available transport models, including the various elements of M40 J10 which are closely linked.
- The site access roundabout has very straight approaches, which could be a safety hazard and should be reviewed.

This application is for the enabling works for 180,000sqm GIA of logistics space, located to the west of the A43, stretching between the M40 and the B4100, which has been applied for via a separate outline application that also includes these access arrangements. The proposed access is via a new roundabout onto the B4100.

A separate outline application has been received from the same applicant for a further 100,000sqm GIA of logistics space to the east of the A43, again with access via a new roundabout onto the B4100. A transport assessment has been provided, assessing the impact of each site, and the cumulative impact of the two sites together.

Access arrangements

A new roundabout junction is proposed onto the B4100. A drawing has been provided showing how this meets DMRB standards. However, OCC has concerns about the straightness of the approaches on the B4100, especially given the national speed limit. Experience of similar layouts of recently constructed roundabouts on high speed roads has shown that some drivers fail to appreciate the roundabout until the last minute, leading to collisions or driving over the roundabout. Further work is needed to adjust the alignment of the B4100 on approaches. This is challenging due to the land on the northern side of the B4100 not being available. This has not been picked up in the Road Safety Audit provided, but OCC would welcome further discussions given their experiences elsewhere. Consideration could be given to a reduction in the speed limit along the site frontage extending to Baynards Green roundabout.

Drawings have been provided showing the new roundabouts in the context of the current highway network including Baynards Green Roundabout, and in the context of the proposed redesign of Baynards Green, which is being taken forward by National Highways and currently due for completion in 2024 (the 'Growth Deal' scheme referred to in the Transport Assessment). However, the Road Safety Audit has not taken into account the new accesses in conjunction with the new layout. This must be addressed.

Further discussion will be needed with OCC about the extent of adoption. Normally OCC does not adopt cul de sacs into industrial estates, but if this is to be formally part of a bus route that will need to be considered.

Public rights of way

Footpath 109/5/10 is proposed to be diverted as it passes through the site. OCC would like to see this dedicated as a bridleway at the same time as any diversion, which would allow for cycling, and complete a missing link between Stoke Lyne Bridleway 367/29 and Ardley Bridleway 109/2. This could be a 3m wide tarmac path with a verge on either side. See map and annotations below. This comment is made without prejudice to the desirability/outcome of any application to divert PRow. The existing/altered footpath connection to opposite the services should be retained.

The preferred alignment would be as shown below, and make use of the 3m wide cycle connection to the site, although as stated above, it would be better within the site rather than alongside the B4100. An improved crossing point leading across the B4100 into the service area site, would provide an onward connection to bridleway 367/29. As the area of highway land on the western side of the service area access is quite wide, it should be separated from the access road by a verge until it can connect with the access road at a safe point.



It is suggested that a bridleway/cyclepath margin is provided for within the red line of the site rather than trying to upgrade footpath 367/28 which has a potentially hazardous road crossing.

As part of the S278 works, it is also requested that the bridleway crossing of the B4100 at the western end of the site, is improved by creating a more level and suitably surfaced landing area on the northern side, as well as veg clearance to provide improved visibility

Context

The outline application proposes a pedestrian/cycle link along the B4100 to Bicester. This is critical to the sustainability of the site. As this link would only serve the logistics site (there being no development further west along the B4100) it would be more attractive to users if provided within the site, behind the hedge. A crossing of the access road should be placed on the desire line to the western building.

This application only covers works within the site and along its frontage onto the B4100. As stated above, it should only be granted permission if the logistics site it serves, is also granted permission. Our response to the outline planning application sets out the requirements in terms of further information, conditions and obligations required to make the logistics development acceptable.

Notably, the access arrangements in this application only cover vehicular access and do not include the required pedestrian/cycle path between the site and Elmsbrook.

Informative: No works on the public highway can take place before a S278 highways agreement is entered into with OCC. 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 agreement. A detailed survey of the highway boundary should be carried out to ensure that the adopted highway abuts the land holding. This may not be the case where there is a ditch, and all highway record plans provided by OCC contain a caveat about this. Such 'gaps' can lead to significant delays to S278 agreements.

Planning Conditions:

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

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

The enabling works hereby approved shall not commence unless and until planning permission is granted for the development they are intended to serve.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 3 November 2021

Application no: 21/03266/F

Location: OS Parcel 2636 NW Of Baynards House, Ardley

Lead Local Flood Authority

Recommendation:

Objection

Detailed comments:

Unable to find FRA in the submission.

Where car parking spaces and access roads are proposed, water quality standards must be met. Proposed development needs a water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual.

Proposed development must meet local standards, L19, "At least one surface feature should be deployed within the drainage system for water quality purposes, or more features for runoff which may contain higher levels of pollutants in accordance with the CIRIA SuDS Manual C753. Only if surface features are demonstrated as not viable, then approved proprietary engineered pollution control features such as vortex separators, serviceable/ replaceable filter screens, or pollution interceptors may be used"

Furthermore, a detailed surface water management strategy must be submitted in accordance with the [Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire](#)

In line with this guidance, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site as much as possible.

The applicant is required to provide a Surface Water Management Strategy in accordance with the following guidance:

The [Sustainable Drainage Systems \(SuDS\) Policy](#), which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff,

they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The [Sustainable Drainage Systems \(SuDS\) Policy](#) also implemented changes to the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the [Oxfordshire flood tool kit](#) website. The site also includes specific flood risk information for developers and Planners.

The [National Planning Policy Framework \(NPPF\)](#), which was updated in July 2021 provides specific principles on flood risk (Section 14, from page 45). [National Planning Practice Guidance](#) (NPPG) provides further advice to ensure new development will come forward in line with the NPPF.

Paragraph 159 states; "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

As stated in Paragraph 160 and 161 of the NPPF, we will expect a sequential approach to be used in areas known to be at risk now or in the future from any form of flooding.

The [Non-statutory technical Standards for sustainable drainage systems](#) were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the "[Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire](#)" to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA [SuDS Manual \(C753\)](#), and we expect all development to come forward in line with these principles.

In line with the above guidance, surface water management must be considered from the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at an outline stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

[Drainage Pro-Forma](#)

Officer's Name: Sujeenthan Jeevarangan

Officer's Title: LLFA Planning Engineer

Date: 18 November 2021

Application no: 21/03266/F

Location: OS Parcel 2636 NW Of Baynards House, Ardley

Archaeology

Recommendation

Objection

Key issues:

The site is located in an area of archaeological interest on the site of a medieval and post medieval green mentioned in historical records. An archaeological desk based assessment will need to be undertaken for the site to assess the potential of any proposed development to impact on archaeological deposits and heritage assets. The results of an archaeological field evaluation will also need to be submitted along with any planning application for the site.

Legal agreement required to secure:

Conditions:

Informatives:

Detailed comments:

The site is located in an area of archaeological interest immediately south of the site of a medieval and post medieval green mentioned in historical records. The area of the green has been suggested to be either the site of medieval jousting or a camp site for these jousts, horse racing and a rendezvous site during the C17th civil war. A number of possible Bronze or Iron Age banjo enclosures have been recorded in the vicinity of the site from aerial photographs and a ring ditch has been recorded 500m north east of the site.

An archaeological desk-based assessment will need to be undertaken for the site to assess the potential of any proposed development to impact on archaeological deposits and heritage assets.

A written scheme of investigation has been agreed for this desk-based assessment and a short statement on the historic environment has been submitted with this application. This submitted document however does not however appear to contain the whole assessment as set out in the agreed WSI. This will need to be submitted.

A programme of archaeological evaluation will need to be undertaken on the site and the report submitted ahead of the determination of any planning application. 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 evaluation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

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: Archaeology Lead
Date: 27 October 2021