

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

District: Cherwell

Application no: 21/03267/OUT

Proposal: Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping

Location: South East Of Baynards House Adjoining A43, Baynards Green

Response Date: 8th December 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.

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.

Commercial – use class	m²
B8	170000
Other Ancillary Office (Use Class E(g)(i))	10000

Application no: 21/03267/OUT

Location: South East Of Baynards House Adjoining A43, Baynards Green

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.

Application no: 21/03267/OUT

Location: South East Of Baynards House Adjoining A43, Baynards Green

Transport Schedule

Recommendation:

Objection for the following reasons:

- Further transport modelling is required to assess the traffic impact of the scheme and test the mitigation scheme proposed.
- Points of objection from our previous response remain outstanding.

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 set out in our previous response and additional, as required, to secure necessary mitigation.

Comments:

A technical note has been submitted which seeks to respond to some of the outstanding queries and points of objection from earlier responses to applications 21/03267/OUT and 21/03268/OUT. It does not claim to address all of them. Notably it does not mention the requirement for further work to demonstrate the feasibility of the cycle/pedestrian link between the sites and Bicester.

The note references the fact that the Baynards Green element of the Growth Deal scheme will no longer be going ahead. This scheme was assumed within the 2026 and 2031 reference cases of the Bicester Transport Model, and so the model will need to be re-run without the scheme. I note that this has been confirmed by National Highways.

In the absence of the Growth Deal scheme at Baynards Green, DTA have carried out an initial assessment of the junction in its existing form using 2026 and 2031 Bicester Transport Model flows and Junctions 10 modelling software. The modelling output has not been checked, but I note that National Highways have checked that the geometric parameters in the model are correct. The output indicates that the junction will experience long queues during peak periods, particularly on the A43, and on the B4100 E in the pm peak. However, it should be noted that the reference cases from which the model flows are taken, assume the Growth Deal scheme is in place – see above comment – so the actual flows will be different.

A scheme to mitigate the development's traffic impact at the Baynards Green junction has been proposed (Drawing DTA 17213-25a-GA): essentially a roundabout larger than existing, without traffic signals except to provide a signalised pedestrian and cycle

crossing of the A43 S arm. Junctions 10 has been used to provide an initial test, which shows minimal queueing and delay. However, again note the comment regarding the flow data used. The initial assessment will need to be re-run using flows from the BTM updated reference case, and ultimately it will need to be tested as a scenario within BTM and the resulting flows used to test the detailed operation of the local network using the National Highways J10 VISSIM model.

For completeness and to aid understanding, the technical note should show the flows clearly on a network diagram – with and without development, and net flows for clarity, and should include the technical note from Tetrattech as background to the modelling.

It will be for National Highways to lead on the approval of the design, but I have the following initial comments:

- The footway/cycleway appears to go outside the highway boundary on the B4100 western arm:



- This will need to be addressed in the design, as the footway cycleway link is necessary to make the development acceptable and to provide safe access to the western site.
- Where land allows, the footway/cycleway should have a greater separation from the carriageway.
- The scheme would require land within the site to be dedicated as highway.
- A drawing should be provided showing the proposed scheme alongside the development access roundabout, so that we can see the interrelationship between the two.
- It isn't clear whether the developer would intend to deliver the scheme under a S278 agreement – this should be clarified.
- I am concerned that the split into three lands on the northbound approach to the roundabout looks quite short, especially given the position of the crossing.

- A Stage 1 Safety audit will need to be provided.

The technical note acknowledges that a sensitivity test will be required in order to assess the impact of the development in combination with the planning application by Tritrax Symmetry on the land adjacent and opposite on the B4100 E. In the event that both applications are allowed, it is likely that the scheme necessary to mitigate the impact of both developments would be different. It will therefore be necessary to agree a mechanism which allows for different schemes, depending on what application(s) get(s) approved, and a mechanism for delivery of the potentially larger scheme if both applications are approved. For this reason, both applicants should work together to propose a joint mitigation scheme.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 08/12/2022

Application no: 21/03267/OUT

Location: South East Of Baynards House Adjoining A43, Baynards Green

Lead Local Flood Authority

Recommendation:

Objection

Detailed comments:

Rev A consultation response technical note has been reviewed.

Unable to find FRA/drainage strategy in the submission.

The outline planning permission for the erection of building, office, floorspace, associated infrastructures and access roads. The LLFA has not received a drainage strategy for all the items mentioned for the planning permission.

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: Kabier Salam

Officer's Title: LLFA Planning Engineer

Date: 30/11/2022