

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

District: Cherwell

Application no: 21/03558/OUT

Proposal: OUTLINE - Residential development for up to 250 dwellings including affordable housing and ancillary uses including retained Local Wildlife Site, public open space, play areas, localised land remodelling, compensatory flood storage, structural planting and access. Details of Amendment: Technical Note - Highways Section 106 and 278 Contribution Review

Location: Land On The North East Side Of Gavray Drive Bicester

Response Date: 19/04/2023

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 -£5000**
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:

- S106 Contributions as summarised in the table below and justified in this Schedule:
- An obligation to enter into a S278 agreement as detailed below.
- Planning Conditions as detailed below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Public transport services	£262,750	December 2020	RPI-x	Towards the improvement of local bus services in the vicinity of the site
Public transport infrastructure (<i>if not dealt with under S278/S38 agreement</i>)	£8,774	December 2020	Baxter	The provision of a bus shelter at the Peregrine Way bus stop in Langford Village or on Gavray Drive
Strategic Transport contribution	£455,879	December 2020	Baxter	Policy BIC 1 scheme of accessibility improvements for the Eastern Perimeter Route – Charbridge Lane section
Travel Plan Monitoring	£1,446	December 2020	RPI-x	To enable the travel plan to be monitored for a period of five years following occupation
Public Rights of Way	£30,000	November 2021	Baxter	Towards improvements to the public rights of way in the vicinity of the development.
Total				

S278 Highway Works:

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

- Site access junctions with Gavray drive including;
 - tighter kerb radii in line with Manual for Streets standards
 - pedestrian and cycle priority over the access junctions
 - provision of informal crossing points at each site access junction
- Parallel crossing over the Gavray Drive arm of the Gavray Drive / A4421 roundabout junction
- Segregated pedestrian and cycle facilities on Gavray Drive.

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.

Comments:

Introduction

This response must be read in conjunction with the previous Transport Schedule contained within the OCC response dated 22 December 2021.

The latest consultation results from the submission of the Technical Note titled “Highway Section 106 and 278 Contribution Review”, dated 10 March 2023. This document deals principally with the S278 requirement for an upgraded pedestrian and cycle route along the south side of Gavray Drive.

This response also reflects on the changes to other S106 and S278 requirements that have evolved during the period since the initial application submission.

Review of S106 and S278 Requests

Table 1.1 of the Technical Note lists the current S106 and S278 items.

The S106 list is agreed as being an accurate summary. Since the original application and OCC response, there have been two amendments as follows:

- Highway Works. Towards safety improvements at the junction of Peregrine Way and Wretchwick Way. It is agreed that this is not required due to the five-year accident record not showing an issue and forthcoming proposed changes to the junction as a result of the consented scheme on the other side of the A4421 (Wretchwick Green). It was originally requested as it had been included in the S106 for the application and Appeal at the same site in 2017/18.
- Public Rights of Way. Towards improvements to the public rights of way in the vicinity of the development. It is agreed that the contribution request has been reduced to £30,000. This has been confirmed by the Principal Officer – Public Rights of Way Access Strategy & Development.

With regard to the S278 schemes, OCC cannot comment on the estimated costs. However, it is worth noting that the Gavray Drive ped/cycle path would involve widening the existing path, rather than a full (re)construction, so the costs may be overestimated.

Since the original application and OCC response, there has been one S278 amendment as follows:

- Signalised pedestrian crossing on Wretchwick Way, north of the Gavray Drive / A4421 roundabout junction where the Public Right of Way exits the east of the development site onto Wretchwick Way. It is agreed that this requirement has been removed for the following reasons. This is with the agreement of the Principal Officer – Public Rights of Way Access Strategy & Development.
 - There would be very few crossing movements generated by the development, particularly as the site will incorporate a significant area of publicly accessible open space
 - The Wretchwick Green development will be providing a signalised crossing just to the south of the Gavray Road roundabout, as well as a signalised junction at Peregrine Way, only 200m further south. Another controlled crossing would mean three sets of signals (plus a roundabout) over a 350m length. This does not seem appropriate on the ring road and may well be resisted by our Traffic Signals team.
 - Wretchwick Green will also be establishing an uncontrolled crossing using the splitter island on the A4421 northern arm of the Gavray Road roundabout, to access the bus stops that they will be installing. Although not on the desire line between 129/16/10 and 105/3/10, it will create an alternative route across.

LTN 1/20 and Gavray Drive

LTN 1/20, Cycle Infrastructure Design, emphasises the need to separate cyclists from traffic and from pedestrians. Summary Principle number 2 states *“Cycles must be treated as vehicles and not as pedestrians. On urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians.”*

Gavray Drive forms the south-west boundary of the site over a distance of approximately 1.0km and will form a pedestrian and cycle link to the town centre and wider active travel network. The existing path on the south-west side is approximately 3.0m wide and has a white line to distinguish between the pedestrian and cycle lanes. 6.5.2 of LTN 1/20 notes *“This form of separation is not well observed...”* while 6.5.3 says *“White line segregation is not recommended...”*

The highway boundary is along the back edge of the existing path over the majority of the 1.0km length. This has been measured in several places to be between 5.1 and 5.2m from the kerb. Therefore, there is insufficient land available to accommodate full standard LTN 1/20 facilities consisting of a 3.0m wide cycle track, physically separated from a 2.0m wide pedestrian path, while maintaining a 0.5m wide buffer from the carriageway.

Internal discussions within OCC have concluded that the most appropriate facilities would be parallel pedestrian and cycle tracks, both 2.0m wide, and a 1.0m wide grass verge buffer that would accommodate the street lighting columns. As there is not space to have any physical segregation between the pedestrian and cycle facilities, it is proposed to differentiate the two sides using surface treatments as well as appropriate signage and markings. This approach has been used at Graven Hill (see Google Streetview image below) although the use of paving slabs is not suggested. A different colour surface for the cycle track is recommended. It may also be possible to introduce a 50mm step between the two tracks (see Figure 6.10 of LTN 1/20).

The works to the existing path would, therefore, comprise a 1.0m widening into the verge and modification to part of the existing surface. Lighting columns would need to be moved within the verge as necessary.

An LTN 1/20-compliant crossing of Mallards Way will be required but is not considered necessary at Whimbrel Close due to the very low volumes of pedestrians, cyclists and traffic at the extreme end of Gavray Drive.



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

Please see previous response and text above.

S278 Highway Works:

Please see previous response and text above.

Planning Conditions:

Please see previous response.

Officer's Name: Roger Plater
Officer's Title: Transport Planner
Date: 03/04/2023