

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

District: Cherwell

Application no: 21/03644/OUT

Proposal: Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue

Location: OS Parcel 6372 South East of Milestone Farm, Broughton Road, Banbury

Date: 29 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.

Assessment Criteria

Proposal overview and mix /population generation

OCC's response is based on a development as set out in the table below.

Residential	
1-bed dwellings	6
2-bed dwellings	13
3-bed dwellings	21
4-bed & larger dwellings	9

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	122.29
Nursery children (number of 2- and 3-year olds entitled to funded places)	3.31
Primary pupils	14.92
Secondary pupils including Sixth Form pupils	11.70
Special School pupils	0.30
65+ year olds	12.77

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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 the following.

- S106 Contributions as summarised in the table below and justified in this Schedule.
- An obligation to enter into a Section 278 agreement as detailed below.
- Planning Conditions as detailed below.
- Note should be taken of the informative stated below.

Section 106 Contributions

Contribution	Amount £	Price base	Index	Towards
Highway works	£62,772	Q1 2018	BCIS	A361 Bloxham Road / Queensway / Springfield Avenue junction improvements.
Public transport services	£51,499	2020	RPI-x	Strengthening and enhancement of the B5 bus service.
Public Rights of Way	£30,000	November 2021	Baxter	Improved surfacing and furniture to footpath 120/24.
Public Rights of Way	£5,000	November 2021	Baxter	Surfacing, furniture and other measures to nearby public rights of way network.
Total	£149,271			

Key points

- A highway works contribution will be required.
- The traffic impact of the development generated trips on the surrounding road network will be negligible.
- A Construction Traffic Management Plan will be required.
- A public transport services contribution will be required.
- A Travel Information Pack will be required.
- Rights of way contributions will be required.

Comments

Transport Strategy

It is noted that this site is not allocated for development in the current Cherwell District Council Local Plan. Cherwell has sufficient land allocated to fulfil its current 3-year land supply. It appears the site may have been proposed as part of the call for sites for the ongoing Local Plan review.

While it is recognised that each application must be taken on its own merits, it is also important to note that a similar application for 49 houses directly to the east of this site was granted on appeal last year.

With vehicular access proposed for both sites from Balmoral Avenue to the south it is essential that the cumulative effect of the two sites on the local road network and on pedestrian and cycle movements is not overlooked. Improved pedestrian and cycle access will be vital to improving the accessibility of the site as a whole.

Traffic from the site will distribute eastwards along Broughton Road towards the Bloxham Road/Queensway/Springfield Avenue key corridors and junctions, which are shown to be significantly over capacity by the end of the plan period. The Banbury Area Transport Strategy in Oxfordshire's Local Transport Plan outlines proposed improvements to these parts of the town's network under Policy BAN 1. Whilst the severe impact here cannot be solely attributed to this development, a strategic contribution is required to mitigate the cumulative impact of planned growth.

The emerging Banbury LCWIP (Local Cycling & Walking Infrastructure Plan) has identified Footpath 120/24 to the north of the site as a potential route linking the villages to the west of Banbury to the town. It will also be key for cycle facilities along Broughton Road itself to be improved to encourage more sustainable means of transport for residents of villages to the south-west and from this development.

Footpath 120/24 is also a key pedestrian route to Bretch Hill, where the nearest bus stops are located. As the footpath could provide a good option for east/west connectivity and provide easy access to the bus stops on Bretch Hill it is imperative that it be improved. The proposals demonstrate a footpath linking the development and Footpath 120/24 together so improvements to it would be a common sense approach to providing an effective east/west connection to the wider Banbury area.

Transport Development Control

The planning application is accompanied by a Transport Statement (TS). This is considered to be an appropriate level of submission for a development proposal of this quantum. The County would comment on the TS as follows.

- Section 2.4 presents a personal injury collision analysis. It is noted that the data presented is "*...for the last available five-year period from 01/01/2013 to 31/07/2018.*" This does not comprise the latest available dataset. The latest available dataset from the County is for the period 01/01/2015 - 31/07/2021. This data reveals that the personal injury accident pattern in the study is slightly different to that presented in the TS. However, the severity and location of accidents is similar and does not cause concern in relation to the additional traffic that would be generated by the development proposals.
- Paragraph 2.7.9 states that: "*The 2011 census journey to work data suggests that 72% of residents within the MSOA work in the Cherwell area.*" It is not clear how the data presented in the TS leads to this suggestion. It also unclear as to the relevance of this suggestion.
- Table 7. The trip rates presented are already accepted by the County in its response the consultation for the adjacent development site under planning application No.20/01643/OUT.
- Table 8. Trip generation seems to be based on 47 dwellings whereas the planning application is for 49 dwellings. This inconsistency does not have a significant effect on the traffic impact assessment.
- Section 5. Demonstrates that the traffic impact of the development generated trips on the surrounding road network is negligible.

Given the location of the development site a Construction Traffic Management Plan will be required. This can be submitted in discharge of a condition of planning permission.

Public Transport

The County will require a public transport contribution at its standard rate of £1,051 per dwelling indexed from 2020 using RPI-x, as follows: £1,051 x 49 = **£51,499**. This will contribute to the enhancement of the B5 bus service. This contribution rate has been updated since the contribution sought from the adjacent development site under planning application No.20/01643/OUT but is otherwise commensurate with that contribution.

The Transport Statement has correctly identified that the nearest bus stop is about 250m away, and that there are also bus stops about 500m away. However, for some reason it only lists the services at the stops further away, where the service provision is indeed poor. Service provision at the nearest stop is better, and the contribution will go towards enhancing route B5 which serves these stops.

The adjacent site has a footpath connection to northern section of Balmoral Avenue. This site needs appropriate paths to connect into that to provide access to the Chepstow Gardens bus stop on Bretch Hill. It is essential that the route is usable and

safe at all times. It should be surfaced, lit, of suitable width, with vegetation fully cut back to ensure good visibility.

Travel Plans

For a development of 49 dwellings, a Residential Travel Information Pack should be produced prior to occupation and then distributed to all residents at the point of occupation. This is to ensure all residents are aware of the travel choices available to them from the outset. Further information regarding the required criteria can be found within the County's guidance document.

Covered cycle parking should be included within residential boundaries, either within garages or garden sheds. These provisions can be presented at the reserved matters stage.

Rights of Way

The site includes part of Banbury footpath 120/24 and an internal footway connection is proposed to this footpath and southwards to Balmoral Avenue and continuing as a perimeter trail type route. It is noted that no eastbound connection for pedestrian and cycle access is being proposed to connect from this internal path to the neighbouring development permitted under 20/01643/OUT. This should be reconsidered to improve permeability of the site.

With regard to the treatment of the footpath 120/24 to the north of the site, this should be surfaced to the same specification. This should be the subject of a Section 106 contribution of £30,000 to allow the County's Countryside Access team to create a year round usable path by improving surfacing and furniture.

In addition a Section 106 contribution of £5,000 is requested to help mitigate the increased pressure on the nearby public rights of way network off the site predominately to the west of the site. This contribution would be spent on surfacing, furniture and other measures within approximately 2km of the site.

Road Agreements

Access arrangements appear to be acceptable in principle. Matters relating to Section 278 requirements are set out below.

- No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design and acceptable adoption standards will be subject to a full technical audit.
- The Highway boundary needs to be checked with Oxfordshire County Council Highway Records (highway.records@oxfordshire.gov.uk) to determine whether or not it coincides with the site boundary at the proposed access junction. The highway boundary is usually identified along the roadside edge of the ditch.

- OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway.
- The new tie-in to the existing road will create a straight section greater than the 70m recommended allowance. A traffic calming feature should be introduced on Balmoral Ave.
- Footways should be provided on the new section of road to link to the existing footways either side.
- Where there is not a footway adjacent to the carriageway i.e. a shared surface carriageway, a minimum 800mm maintenance margin is required.
- A long section indicating the vertical alignment will be required to determine appropriate carriageway and footway gradients. These will need to be DDA compliant i.e. maximum 1:20 or 5%.
- The Service corridor will need to be a minimum 2m wide under the footway or verge.
- There are no visibility splays indicated. Junction and Forward Visibility Splays must be in accordance with the County's Design Guide and dedicated to the County if they fall out of the existing highway boundary.
- The County requires a swept path analysis for an 11.6m refuse vehicle for all manoeuvres in forward gear passing an on-coming or parked family car throughout the layout. The carriageway will require widening on the bends.
- The carriageways that are straight for over 70m will require some form of traffic calming to ensure vehicle speeds are less than 20mph.
- Shared surfaces width will be a minimum of 6m and a minimum of 800mm maintenance margin is required either side of the shared surface. A blocked paved surface or similar will be required for shared surfaces.
- A Stage 1 Road Safety Audit in accordance with GG119 (5.46.1) including a designers response will be required.
- No private drainage is to discharge onto any area of existing or proposed adoptable highway. The drainage proposals will be agreed at the Section 38 Agreement stage once the drainage calculations and detailed design are presented.
- Trees must not conflict with streetlights and must be a minimum 10 metres away and a minimum 1.5m from the carriageway. Trees that are within 5m of the

carriageway or footway will require root protection. Given the number of trees indicated it would be helpful that the proposed street lighting is provided as trees will have to be located at least 10 metres away to ensure the streetlights can perform effectively.

- Trees within the highway will need to be approved by the County and will carry a commuted sum. No private planting to overhang or encroach the proposed adoptable areas.
- The visitor parking bays parallel to the carriageway can be adopted but accrue a commuted sum. Any other bays, echelon or perpendicular, or private bays will not be considered for adoption.
- No property should be within 500mm to the proposed highway. No doors, gates, windows, garages or gas/electric cupboards should open onto the highway.

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

£62,772 Highway Works Contribution indexed from Q1 2018 using BCIS Index

Towards

A361 Bloxham Road / Queensway / Springfield Avenue junction improvements.

Justification

Traffic from the site would distribute eastwards via these key corridors and junctions, which are shown to be significantly over capacity by the end of the plan period. The Banbury Area Transport Strategy in Oxfordshire's Local Transport Plan outlines proposed improvements to these parts of the town's network under Policy BAN 1. Whilst the severe impact here cannot be solely attributed to this development, the strategic contribution is required to mitigate the cumulative impact of planned growth.

Calculation

Proportionate to the contribution secured from the adjacent site under planning application No.20/01643/OUT. This in turn is proportionate to a contribution secured for a nearby site and re-indexed from Q3 2011 to Q1 2018.

£51,499 Public Transport Service Contribution indexed from 2020 using RPI-x

Towards

Enhancement of public transport services serving the site by pump priming the B5 bus service on Bretch Hill. This is to add additional value including route options, extended hours and extended weekend hours. This is a proportional contribution to the £400,000 cost of an additional bus on the route to increase either frequency or route coverage from the Bretch Hill area. The £400,000 represents the estimated cost of tendering such a service enhancement over four years, as follows: first year £160,000; second

year £120,000; third year £80,000; fourth year £40,000; fifth year should be fully commercially viable.

Justification

Local Transport Plan 4, Policy 34 states as follows.

"Oxfordshire County Council will require the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

...

identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development...."

Calculation

The County's standard contribution rate of £1,051 per residential dwelling is applied. This contribution rate has been updated since the contribution sought from the adjacent development site under planning application No.20/01643/OUT but is otherwise commensurate with that contribution.

£30,000 Public Rights of Way Contribution indexed from November 2021 using Baxter Index

Towards

Improved surfacing and furniture to footpath 120/24.

Justification

There is expected to be an increase in numbers of residents and visitors using the rights of way network around the site due to the size and location of the development in a rural-edge environment. These uses will create more pressures on the rights of way network. This includes footpath 120/24 to the north of the site and its continuation and onward connections to the east and west.

The site has had a desk assessment to assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered along with the range of measures needed to provide mitigation against the impacts of the development. In this case it is access to the surrounding countryside is a key driver. Footpath 120/24 provides an important route within the site and the internal footpath will connect to it. It is important that this footpath 120/24 through the site is upgraded.

Calculation

As follows.

- 150m at 2m surfaced width = 300m².
- KBI Flexipave at £49/m² = £14,7000.
- Groundworks to sub-base £25/m² = £7,500.
- Contract administration 5% = £1,100.
- Contingency 15% = £3,300.
- Betterment contribution 15% = £3,300.

£5,000 Public Rights of Way Contribution indexed from November 2021 using Baxter Index

Towards

Mitigation measures in the impact area up to 2km from the site. Primarily this is to improve the surfaces of routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing etc.

Justification

There is expected to be an increase in numbers of residents and visitors using the rights of way network around the site due to the size and location of the development in a rural-edge environment. These uses will create more pressures on the rights of way network.

The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered along with the range of measures needed to provide mitigation against the impacts of the development. In this case it is access to the surrounding countryside is a key driver.

Calculation

The proposed measures are based on a desk assessment of likely costs. They are not based on a standard formula or any other type of per dwelling or per square metre tariff system. Estimated contribution breakdown by activity is as follows.

- Site surveys and assessments 5%
- Habitat survey and mitigation 5%
- Landowner negotiations 5%
- Materials, contractor, plant and equipment 60%
- Legal processes 5% - 10%
- Contract preparation and supervision 5%
- Administration costs 5%
- Contingency and follow up repair works 5% - 10%

S278 Highway Works

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including tie in to existing road network and traffic calming on Balmoral Avenue.

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.

Planning Conditions

In the event that permission is to be given, the following transport related planning conditions should be attached.

D4 Access: Full Details

Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, must be submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

Prior to first occupation a Residential Travel Information Pack should be submitted to the Local Planning Authority.

No development shall take place until full details of improvements to footpath 120/24 within the planning application site, including, position, layout, construction, drainage and a timetable for the delivery of the improvements, have been submitted to and approved in writing by the Local Planning Authority. The footpath shall be improved in accordance with the approved details before any dwelling is occupied and shall be retained as improved thereafter.

Informative

The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

Officer's Name: Chris Nichols

Officer's Title: Transport Development Control

Date: 19 November 2021

Application no: 21/03644/OUT

Location: OS Parcel 6372 South East of Milestone Farm, Broughton Road, Banbury

Lead Local Flood Authority

Recommendation:

No Objection Subject to Conditions

Condition

Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Condition

Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Officer's Name: Sujeenthan Jeevarangan

Officer's Title: LLFA Planning Engineer

Date: 15 November 2021

Application no: 21/03644/OUT

Location: OS Parcel 6372 South East of Milestone Farm, Broughton Road, Banbury

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)
Primary and nursery education	£320,926	327	BCIS All-In TPI	Primary education capacity serving the development
Secondary education	£365,607	327	BCIS All-In TPI	Secondary education capacity serving the development
Secondary Land Contribution	£36,663	Nov-20	RPIX	Secondary school land contribution serving the development
Special education	£22,654	327	BCIS All-In TPI	Special school education capacity serving the development
Total	£745,850			

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

£320,926 Primary and Nursery School Contribution indexed from TPI = 327

Justification:

The proposed development is in the designated area for Queensway School in Banbury for primary education provision. This is a 2-form entry school providing 60 places per year group with a total capacity of 420 places. The January 2021 pupil census data shows that the school had 396 pupils on roll at this time, but some year groups are

already full. Current pupil forecasts (which do not include this proposed development) also indicate that demand for places at the school will exceed its Published Admission Number for Reception places by 2025, so the school would be unable to accommodate the expected increase in demand from this development. The school has previously expanded from 1 form entry to 2 form entry, and is unable to expand further. To meet further growth in demand in this area of Banbury, a new primary school is planned for the strategic development to the south of Salt Way. If this proposed development is approved, the new school could be expanded to ensure sufficient primary school provision.

Calculation:

Number of primary and nursery pupils expected to be generated	17
Estimated per pupil cost of primary school (including nursery) expansion	£18,878
Pupils * cost =	£320,926

£365,607 Secondary School Contribution indexed from TPI = 327

Justification:

For secondary education provision, demand for places in the town has risen in recent years, such that in 2021 there were more applicants than places available. The need for places is expected to continue to grow as a result of population growth from planned housing development in the area, resulting in a sustained shortage of secondary school places across the Banbury area unless additional capacity is provided. Therefore, there would be insufficient secondary capacity in the Banbury area to accommodate the expected pupil generation from the proposed development.

A site for a new secondary school has been included in the Cherwell Local Plan as part of policy area Banbury 12. The new school will need to be at a minimum a 600-place secondary school, and would be built at a size to provide sufficient capacity for the planned growth of the town's population, including that resulting from this proposed development, should it be permitted.

Calculation:

Number of secondary pupils expected to be generated	11
Estimated per pupil cost of building a new 600-place secondary school	£33,237
Pupils * cost =	£365,607

£36,663 Secondary School Land Contribution indexed from Nov-20

Justification:

The county council will incur a cost of £1,999,634 (uplifted to Nov-20) to purchase the land for the planned secondary school within the Banbury 12 policy area, which would serve this proposed development. This will provide land for 600 pupils, i.e. £3,333 per pupil place.

Calculation:

Contribution required towards school land costs = £3,333 * 11 = £36,663

£22,654 Special School Contribution indexed from TPI = 327

Justification:

Government guidance is that local authorities should secure developer contributions for expansion to special education provision commensurate with the need arising from the development.

Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.

The county council's Special Educational Needs & Disability Sufficiency of Places Strategy is available at

<https://www.oxfordshire.gov.uk/residents/schools/our-work-schools/planning-enough-school-places> and sets out how Oxfordshire already needs more special school places.

This is being achieved through a mixture of new schools and expansions of existing schools.

The proposed development is expected to further increase demand for places at SEN schools in the area, and a contribution towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation quoted above.

Calculation:

Number of pupils requiring education at a special school expected to be generated	0.3
Estimated per pupil cost of special school expansion	£75,513
Pupils * cost =	£ 22,654

The above contributions are based on a unit mix of:

8 x 1 bed dwellings
15 x 2 bed dwellings
19 x 3 bed dwellings
7 x 4 bed dwellings

(unit mix is taken from pg 16 of the Design and Access Statement)

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.

Officer's Name: Louise Heavey

Officer's Title: Access to Learning Information Analyst

Date: 10 November 2021

Application no: 21/03644/OUT

Location: OS Parcel 6372 South East of Milestone Farm, Broughton Road, Banbury

Waste Management

Recommendation:

No objection subject to S106 contributions

Legal agreement required to secure:

No objection subject to:

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

Contribution	Amount	Price base	Index	Towards (details)
Household Waste Recycling Centres	£4,604	327	BCIS All-In TPI	Expansion and efficiency of Household Waste Recycling Centres (HWRC)

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

£4,604 Household Waste Recycling Centre Contribution indexed from Index Value 327 using BCIS All-in Tender Price Index

Towards:

The expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.

Justification:

1. Oxfordshire County Council, as a Waste Disposal Authority, is required under the Environmental Protection Act 1990 (Section 51) to arrange:

“for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited”;

and that

“(a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;

(b) each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25th December or 1st January);

(c) each place is available for the deposit of waste free of charge by persons resident in the area;”.

2. Such places are known as Household Waste Recycling Centres (HWRCs) and Oxfordshire County Council provides seven HWRCs throughout the County. This network of sites is no longer fit for purpose and is over capacity.
3. Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently ‘over capacity’ (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 49 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 196 HWRC visits per year.
4. Congestion on site can reduce recycling as residents who have already queued to enter are less willing to take the time necessary to sort materials into the correct bin. Reduced recycling leads to higher costs and an adverse impact on the environment. As all sites are currently over capacity, population growth linked to new housing developments will increase the pressure on the sites.
5. The Waste Regulations (England and Wales) 2011 require that waste is dealt with according to the waste hierarchy. The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt. Combined with the complex and varied nature of materials delivered to site it will become increasingly difficult over time to comply with the EU Waste Framework Directive 2008, enacted through the Waste Regulations (England and Wales) 2011 (as amended), maintain performance and a good level of service especially at busy and peak times.

Calculation:

Space at HWRC required per dwelling (m ²)	0.18	Current land available 41,000m ² , needs to increase by 28% to cope with current capacity issues. Space for reuse requires an additional 7%. Therefore, total land required for current dwellings (300,090) is 55,350 m ² , or 0.18m ² per dwelling
Infrastructure cost per m ²	£275	Kidlington build cost/m ² indexed to 327 BCIS
Land cost per m ²	£247	Senior Estates Surveyor valuation
Total land and infrastructure cost /m ²	£522	
Cost/dwelling	£93.96	
No of dwellings in the development	49	
Total contributions requested	£4,604	

Detailed comments:

Oxfordshire councils have ambitious targets to reduce the amount of waste generated and increase the amount recycled as demonstrated in our Joint Municipal Waste Management Strategy 2018-2023. Enabling residents of new dwellings to fully participate in district council waste and recycling collections is vital to allow Oxfordshire's high recycling rates to be maintained and reduce the amount of non-recyclable waste generated.

Given the pressing urgency of climate change and the need to embed the principles of the circular economy into all areas of our society, we encourage the applicant to consider including community spaces that help reduce waste and build community cohesion through assets such as community fridges, space for the sharing economy (library of things), refill stations, space for local food growing etc.

At the reserved matters application stage, we expect to see plans for how the developer will design the development in accordance with waste management policies in Cherwell District Council's waste planning guidance.

Bin storage areas must be able to accommodate the correct number of mixed recycling, refuse and food recycling bins; be safe and easy to use for residents and waste collection crews and meet the requirements of the waste collection authority.

The development will increase domestic waste arisings and the demand for all waste management services including Household Waste Recycling Centres (HWRCs).

Conditions:

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

N/A

Officer's Name: Mark Watson

Officer's Title: Waste Strategy Projects Officer

Date: 26 November 2021

Application no: 21/03644/OUT

Location: OS Parcel 6372 South East of Milestone Farm, Broughton Road, Banbury

Archaeology

Recommendation:

Objection

Key issues:

See below

Detailed comments:

The site is located in an area of archaeological interest to the west of an area of Roman settlement identified during a housing development. A series of archaeological features consisting of enclosures and linear ditches have been identified from a geophysical survey immediately south of this proposed site.

We have previously provided pre-application advice for this site under the reference number 21/02152/PREAPP where we highlighted that an archaeological desk-based assessment, undertaken in line with an appropriate written scheme of investigation to agree the scope of the assessment, would need to be submitted as part of any planning application. We also highlighted that the results of an archaeological evaluation would need to be submitted with any application.

The applicant has submitted an archaeological desk-based assessment (DBA). Whilst this assessment states that it was undertaken in accordance with the Chartered Institute for Archaeology standards and guidance this was not the case. The assessment has omitted a number of important resources, set out in the ClfA's standard and guidance. This assessment was also not undertaken in line with an agreed specification as set out in this standard and as stated in both our pre-application advice and in a letter provided to EDP with the HER data. This would have agreed the scope of the assessment and the range of sources it would need to draw on.

This assessment has reproduced some of the HER data, but this contains serious omissions and fails to mention the evaluation and excavation within the study area to the north of the proposed site for instance. The assessment has also not attempted to include any further data.

Whilst the text refers to the National Mapping Programme the assessment does not include any plotting's of the cropmarks themselves. The assessment has also not considered an assessment of any aerial photographs, particularly those held by Historic England in the national archives. The assessment however has not even considered online aerial photographic sources.

The absence of Lidar is also a serious omission because this can also clearly identify landscape and archaeological features. The Oxfordshire Historic Landscape Characterisation has also not been considered or included in the assessment. This data was provided to EDP as part of their Her search and this was supplied in a GIS ready to use format and so its omissions is particularly surprising.

The cartographic sources consulted are very limited and there is no indication that the data held by the record office has been considered. The Davis Map of 1797 for instance is not included. Although the assessment mentions the first edition OS map this has not been included in the assessment. Only one historic map is included in the assessment.

Overall, the DBA offers nothing to assist the determination of the application in terms of the historic environment.

An acceptable archaeological desk-based assessment will need to be submitted along with any planning application for the site in line with the National Planning Policy Framework (NPPF 2021) paragraph 194. This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk-based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment.

A programme of archaeological investigation will be required ahead of the determination of any planning application for the site. This investigation 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.

In the absence of an acceptable desk-based assessment and archaeological evaluation we would recommend that this application is refused.

Officer's Name: Richard Oram
Officer's Title: Archaeology Lead
Date: 3 November 2021