

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

District: Cherwell

Application no: 21/04171/F

Proposal: Re-development of part of existing car park to provide a drive-thru cafe within Use Class E; together with associated car parking, servicing and access; landscaping and all associated works

Location: Jacobs Douwe Edberts, Ruscote Avenue, Banbury

Response date: 8th February 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	m ²
A3	204

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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 - £1500**
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:

- Application for the proposed development is reliant upon the success of a separate on-going application
- Trip generation for the proposed drive-thru has been derived from unrelated dataset from TRICS.
- Unacceptable service and delivery arrangements which arrangement may lead to arriving vehicles blocking ahead on flows on Ruscote Avenue.
- Outdated scenario used in junction capacity assessment

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a s106 agreement to mitigate the impact of the development plus planning conditions as detailed below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Highway works	100,000	July 2020	Baxter	Funding the installation of a segregated cycle path between the Longelandes Way roundabout, site entrance and the Lockheed roundabout
Total				

Key points:

- The application is reliant upon a successful separate planning application for the replacement of the JDE staff car park without which, the potential cumulative impact at the access would be unacceptable unless otherwise demonstrated.
- Application has not made any provision for electric vehicle charging on site
- Delivery and service arrangement may lead to arriving vehicles backing back onto Ruscote Avenue which has not been carefully considered.

Comments:

Access arrangements

Access to the site is currently provided off the A422 Ruscote Avenue. The development intends to utilise the same access that currently serves the JDE staff car park. I note that the JDE staff car park is subject to a separate application which (if successful) shall be replaced to another part of the wider site. It is my assumption that in the event that other planning application is unsuccessful, access to both the JDE staff car park and the drive-thru facility shall be utilising the same access - which scenario has not been explored.

The existing arrangement into the JDE staff car park allows traffic to turn right when leaving the site which requires traffic cutting across the ghost right turn lane into the site. It is concerning that the drive through facility shall increase the occurrences of right turn movements. This would therefore increase the potential for road traffic collisions and impediment to traffic flow. The applicant must ensure measures are in place that discourage drivers from right-turning on egress but instead utilising the Ruscote Avenue/ Longelandes Way roundabout. The left-in left-out arrangement would be consistent with the existing left in left out at the other access to the JDE site.

The site is surrounded by a palisade perimeter fencing which opens up to a gated entrance for vehicles and a pedestrian side gate to the northern end of the entrance. Whilst not mentioned in the TS, it is my assumption that the perimeter fencing shall be altered to allow a footway/cycleway infrastructure to be extended along the southern side of the access and into the site.

Sustainable transport connectivity

Ruscote Avenue forms part of the major west-to-east commuter route from the residential western and northern areas of Banbury to the employment zones along Ruscote Avenue, Hennef Way, Southam Road and those adjacent to the M40.

As such, congestion on this route is often severe, and this was recognised by the County Council in its "Access to Banbury North" (ABN) project, which attempted to develop new northbound slip roads to and from the M40 where it is crossed by Southam Road. Regrettably this scheme did not have statutory planning support and has now been deferred to be included as part of the next Local Transport & Connectivity Plan.

One element of the ABN project which has been retained, however, is the urgent need for improvements to the northern end of Ruscote Avenue at the Lockheed Close junction for the retail park, and a scheme is currently at feasibility design stage to widen both the northern and southern carriageways and at the same time improve facilities for cyclists and pedestrians on Ruscote Avenue. This has also been picked up in the emerging Local Cycling & Walking Infrastructure Plan (LCWIP).

While there is an existing shared footway and cycle path along Ruscote Avenue, new standards enshrined in recent LTN1/20 issued by the Department for Transport specify that cycling facilities should ideally be segregated. For its location, I forecast the drive-thru to generate significant demand from pass-by trips as well as linked trips such as those visiting the Banbury Cross Retail Park. It is with such shoppers that would likely stroll from the retail park rather than remove their vehicles to then drive along Ruscote Avenue and again park at the park at the facility to sit for a few minutes before they endure the home bound journeys. It is also likely that local staff shall be employed at the facility where the chances of them cycling to work is high. In order to accord to policies of our LTCP, infrastructure that encourages a shift to sustainable journeys particularly for short trips, developments whose proposals align to those principles shall be supported.

Accordingly, this development would be expected to contribute to those improvements, most likely in the form of a new segregated cycle path along Ruscote Avenue to facilitate sustainable travel between the residential areas/ existing retail park and the drive-through facility.

A sum of £100,000 is therefore requested to fund the installation of a segregated cycle path between the Longelandes Way roundabout, site entrance and the Lockheed roundabout, to encourage sustainable travel to and from the site. It may also encourage cycling to and from the main JDE site, which currently comprises only 6.5% of all work trips.

Car and cycle parking

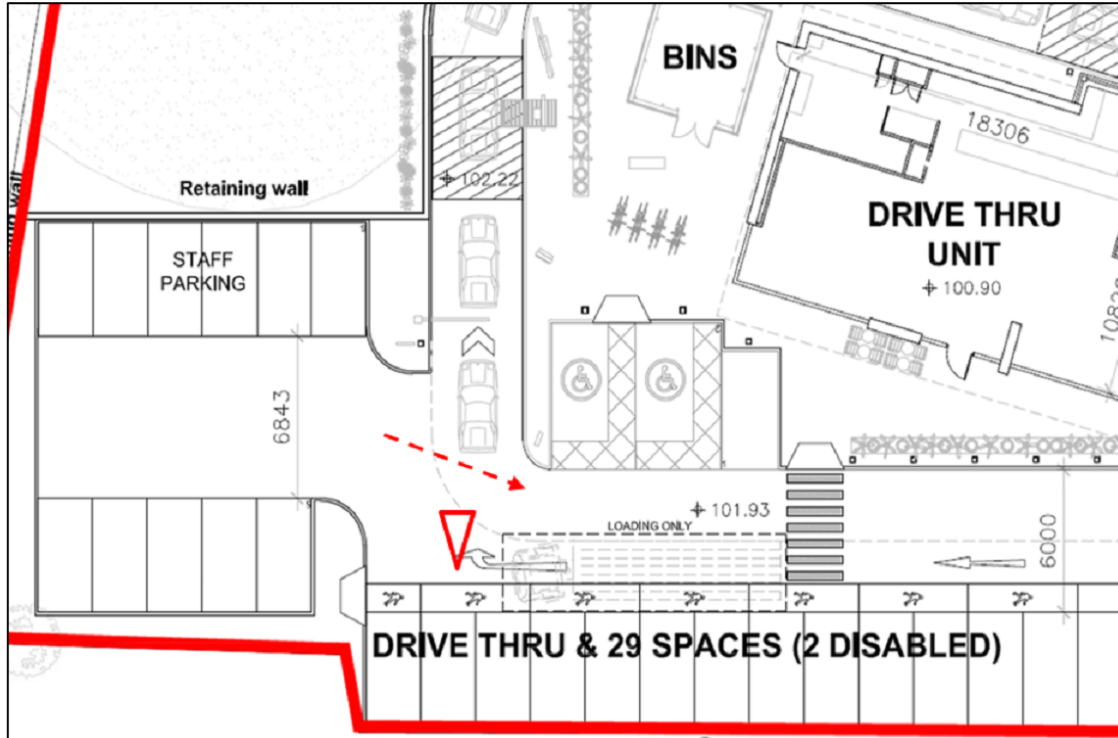
The Design and Access Statement states that 'covered bicycle shelters will be provided on site to encourage more sustainable transport and to provide secure, more easily accessible storage for bikes'. That is however not the case as the proposed site plan (Drwg No: (03)-S3-S-002 Rev PL5) illustrates otherwise.

In line with the government's approach which is also adopted in Oxfordshire's Electric Vehicle Strategy on provisions of EV charging ports on non residential developments, the development needs to make provision for electric vehicle charging on site. The requirement is for at least one charging point for new non-residential developments.

[CA MAR1621R11 Annex 3 - DRAFT Oxfordshire Electric Vehicle Infrastructure Strategy 20210225.pdf](#)

Site layout

There appears to be a potential conflict point where drivers may not know who has right of way. The layout needs to make it clear possibly by give-way markings to allow vehicles from parking spaces further south to exit with priority over those heading into the drive-thru. See illustration below.



I am left concerned that such an arrangement may lead to arriving vehicles backing back onto Ruscite Avenue which has not been carefully considered.

Refuse collection

The application has not satisfactorily demonstrated arrangements for delivery and waste collection operations on site. Given the significant number of HGV trips that will be generated the development, I would have expected to see swept path analyses of both refuse and delivery trucks at the site access. The DTA Drwg No: 20297-04 does not track these vehicles as far back as the site access. I am particularly interested to see the left in/ left out movements.

The delivery and waste collection arrangements illustrated in the drawing referenced above has not given thoughtful consideration to safety and continued use of vehicles into the drive-thru. Without a designated area for the lorries associated with deliveries and refuse, these vehicles shall (for the duration of their operation) compromise the following:

- Block the arrival lane which could have potential tail backs to the site access and Ruscite Avenue;
- Whilst doing so, there is a risk of blocking in about 6 vehicles within their parking bays to the east of the development.
- The walk way that would lead pedestrians to a safe crossing would also be compromised leaving them (pedestrians) to walk into conflict where the only available lane shall be used by both incoming and exiting vehicles.
- cars parked further south would

Traffic impact

I fail to see the relevance in utilising TRICS to extract trip rates for an existing land use rather than undertaking surveys to capture this data.

I agree that the proposed development (subject to Site 2's successful planning application) would see a reduction of traffic at this access. However, the context of the movement patterns associated with a drive-thru facility also needs to be assessed to ascertain the drive-thru's impact on the site access junction. Wholesome comparison of trips generated by both the extant land use and the proposed development is misleading. This is because factory-related trips, however many follow shifts which are usually set outside of the network peaks while the drive-thru related trips will most definitely occur during peak times.

Table 3 of the TS shows Drive-thru related trip rates/ generation which am made to understand are derived from TRICS database, the outputs of which are attached to Appendix E of the TS. Interrogation of Appendix E however reveals that the land use parameters are *02 Employment* and *Industrial Estate* category. This is not consistent with the proposed land use. The trip generation therefore is based on unverifiable dataset which cannot be accepted for this purpose.

Para 5.5.1 states that the flows used in Junctions 9 modelling of the site access are set out in Table 7. Table 7 however appears to show the capacities of the various car parking areas on site. Notwithstanding that, I fail to see how capacities in the various car parking areas are relevant to the site access junction operation given that some of the car parks acquire access away from this point.

Appendix H contains the modelling output rather than Appendix G as Para 5.5.1 states. That said, the TS does not give account of the various scenarios in the model. Why has 2019 been taken as the base model? Why has not there been a future year scenario? Why does the minor arm type show 'one lane plus flare' when the flare length is too short to accommodate a PCU? Such inconsistencies in the model need to be addressed for the LHA to consider the modelling a robust one.

Travel Plan

The proposed development will require a Travel Plan Statement to be submitted and approved prior to occupation. The Oxfordshire County Council template is [available online](#).

Issues to be expected in the Travel Plan Statement shall be:

- Please provide EV charging spaces.
- Cycle parking shall need to be covered and conveniently located.
- Parking for staff, alongside shower and changing facilities.
- Cycle parking should not be located near the bin store.

Construction Traffic Management Plan

Given the location of the proposal a Construction Traffic Management Plan would be required. This can be submitted and executed in discharge of a condition of planning permission.

Planning Conditions:

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

Cycle Parking

Before the development is occupied, details of covered of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: in the interest of sustainable travel

Travel Plan

Prior to first occupation a Travel Plan Statement shall be submitted to and approved by the Local Planning Authority.

CTMP

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.

Officer's Name: Rashid Bbosa

Officer's Title: Senior Transport Planner

Date: 07 February 2022

Application no: 21/04171/F

Location: Jacobs Douwe Edberts, Ruscote Avenue, Banbury,

Lead Local Flood Authority

Recommendation:

Objection

Key issues:

- Discharge rate not to greenfield run off rate.
- Flood risk has not been investigated from all different sources and how it may affect the site.
- Permission required from third party land owner to have drainage pipes in their land.
- Provide approval to connect surface water to the existing watercourse.
- Maintenance schedule does not cover all proposed SuDS features and does not identify the party what will be conducting the maintenance.
- Impermeable area plan to be provided.
- Surface water exceedance plan to be provided.
- Provide ground investigation report.
- Provide storage volume for the 1:100 year event plus 40% CC on plan drawings.

Detailed comments:

The LLFA expects surface water drainage schemes on brownfield development sites to follow the same principle as if the site is greenfield. Brownfield rates can be used if restriction to 1:1 year greenfield run off rate is unfeasible. Please restrict discharge rate to greenfield run off rate.

Flood risk needs to be identified and evaluated from all sources (rivers (fluvial), sea (tidal), surface water, groundwater, Sewer, reservoir, canals). Explain the severity of each on the site and how the flood risk will be mitigated.

Provide approval from third party owner to have the proposed drainage in their land.

Confirm the ownership of the existing watercourse and provide approval to connect the surface water drainage. Also provide evidence the existing watercourse has enough capacity to take the additional surface water rates from the development.

Maintenance schedule does not cover permeable paving. Please include all proposed SuDS features in the maintenance regime. Specify the party that will be conducting the maintenance of the proposed SuDS features and drainage infrastructure.

Impermeable area plan needs to be provided to show the extent of the areas and stating the area. The plan should demonstrate clearly where the area will be draining to.

Surface water exceedance plan to be provided to demonstrate all surface water will be kept away from structures and within the site boundary in an event where the surface water network fails.

As part of a full application ground investigation report is required to determine the drainage strategy.

Provide storage volumes of the SuDS features on plan which should reflect the calculations.

Officer's Name: Kabier Salam

Officer's Title: LLFA Engineer

Date: 07 February 2022

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Archaeology

Recommendation:

The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

Date: 28th January 2022