

JPPC ref: MC/7504
Council ref: 22/03877/F

Planning Services
Cherwell District Council

14th April 2023

Dear Wayne

Erection of three industrial buildings at Hatch End, Middle Aston

I am writing following our email exchange of 30th March 2023 and the receipt of comments from Oxfordshire County Council date 27th March 2023. These comments raised issues with the highways impact of the development and flood risk and drainage. These issues are responded to in turn below.

Pedestrian footway to the village

OCC have requested that a footway is provided to the village along the public highway towards the primary school, which is 310 metres away to the south. This footpath link is not considered to meet the tests for planning contributions set out in paragraph 56, as the footpath would not be necessary to make the development acceptable in planning terms, it is not directly related to the development and it is not fairly and reasonably related in scale and kind to the development.

This footpath link was requested by OCC under 21/01123/F and the Council stated that in their committee report for the application that whilst it was desirable, it did not meet the tests set out within the NPPF. The current application seeks to increase the floor area of the site by less than 20%, which is a minor increase on a commercial site which has operated for over 20 years. In this context it is not reasonable to request a 310m footway link for a site which is in longstanding use and has operated without such a link for more than two decades.

In the previously refused application, a footpath link was to be provided to Public Footpath 364/5/10 to the south and the plans for the current application have been amended to include this link as requested in the comments from OCC. This would provide improved links to the village compared to the existing situation. It is recognised that there is an increase in the footprint of buildings unlike the previous application, however as set out above this increase is minor in the context of existing buildings on the site.

Public transport

OCC have requested a financial contribution of £28,377 to support the S4 bus service. The County Council have stated that this is *'based on an increase of AM peak vehicle trips of 9, and an assessment comparison with a recent site elsewhere on the S4 corridor'*. The existing bus service operates an hourly service between Banbury and Oxford and would allow users from Oxford or Banbury to access the site before 9am and to leave after 5pm.

The development proposals are for three Class E buildings, each with a GIA of 203sqm. The existing units on the site are mostly used for light industrial purposes and a normal calculation for employees per square metre in such uses is around 1 per 45sqm, which equates to 4.5 employees per unit. This would equate to 13 employees for the proposed development, although it is accepted that this could be slightly greater depending on the end user.

As with the pedestrian footpath, it has not been demonstrated how the proposed contribution would comply with the tests set out within Paragraph 56 of the NPPF. No evidence has been provided as to why this contribution would be necessary to make the development acceptable. The comments from OCC say that the site is not in a sustainable location for public transport and is not located in close proximity to bus stops and that private car travel will be the main transport used to access the site, but then requests that a financial contribution to support a bus service which will apparently not be used. It is unclear how this contribution would be directly related to the development.

An application for 10 new employment units is currently under consideration by the Council at Apollo Business Park, Wroxton (reference 22/03245/F) and these ten units would provide 1360sqm of Class E employment space. The OCC comments with regarding to highway impact offer no objections. These comments are very brief and do not offer any comments on the sustainability of the site, do not require any conditions or financial contributions. It is unclear how a site that is in the open countryside, is not accessible by any public transport or realistic public footpath links and with double the floorspace of the proposals at Hatch End can be considered to be more sustainable and not be required

Transport Development Control

The County Council have made comments regarding the level of car and cycle parking provision. It has been requested that following the adoption of the County's new parking standards, that the level of parking provision is reduced from 24 spaces is reduced to 14 spaces and that 10 cycle parking spaces are provided. The plans have been amended on this basis.

The County Council have raised concerns regarding the vehicle tracking for refuse vehicles that has been submitted. This tracking has been amended in line with the comments from the County Council.

Flooding and drainage

The site location plan has been reduced in size and the site area is now below 1 hectare. There is no requirement for Flood Risk Assessments on sites of less than 1 hectare in size in Flood Zone 1. A drainage strategy for the development can be conditioned.

To conclude, the requested footpath link to the village and contribution towards the S4 bus service do not meet the tests set out within Paragraph 56 of the NPPF. The plans have been amended to :

- reduce the size of the red line to only include the areas of the site which are relevant to the proposed development (including the link to the public footpath to the south);
- reduce the amount of car parking;
- increase the amount of cycle parking; and
- amend the refuse vehicle tracking.

We hope that these amendments address the concerns of the County Council and look forward to hearing the feedback from the District Council on the progress of the application.

Yours



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