

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

**District:** Cherwell

**Application no:** 23/00853/OUT

**Proposal:** Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access

**Location:** Land East Of Warwick Road Drayton, Warwick Road, Banbury

**Response Date:** 12/06/2023

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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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## 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 based on a SHMA mix.

<b>Residential</b>	
1-bed dwellings	22
2-bed dwellings	43
3-bed dwellings	74
4-bed & larger dwellings	31

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	423.94
Nursery children (number of 2- and 3-year olds entitled to funded places)	11.41
Primary pupils	51.51
Secondary pupils including Sixth Form pupils	40.41
Special School pupils	1.06
65+ year olds	44.27

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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](mailto: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 - £16,103**  
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:**

- The site access junction has not been supported by a vehicle tracking exercise
- The Personal Injury Collision data used to identify any significant highway safety issues within the study area is not up to date. This has not utilised the most recent 5-year accident record.
- Junction Capacity Assessment is not deemed to be robust enough, failing to appraise certain junctions that have been shown to accommodate a majority of traffic from the proposed development. The study area for the analysis needs to be determined by robust assumptions of the development's traffic distribution.

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 detailed below.

### S106 Contributions

<b>Contribution</b>	<b>Amount £</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Strategic Highway works 1	<b>TBC</b>	<b>TBC</b>		Hennef Way Improvements as identified in the LTCP and Policy BAN1
Strategic Highway works 2	170,000	Q2 2023	Baxter	Upgrading the local pedestrian and cycleways in accordance with the emerging Banbury LCWIP
Public transport services	275,060	Dec 2021	RPI-x	Bus service improvements required to maximise frequency to increase bus modal share from the site
Traffic Reg Order	3,120	Dec 2021	RPI-x	Administration costs of extending the existing 40mph speed zone from its current position to a suitable point north of the site access.
Travel Plan Monitoring	1,890	April 2023	<u>RPI-x</u>	Covering the cost of biennial travel plan monitoring over five years of the life of the Travel Plan
Public Rights of	65,000	Q2 2023	Baxter	Improvements on PRow

Way (PRoW)				infrastructure in the area
<b>Total</b>				

Other obligations:

- A TRO to extend the 40mph speed limits along the B4100 Warwick Road to a point north of the site access junction.

Key points

- Supplemental detail is required regarding dimensions of the access arrangement
- The Personal Injury Collision data used to identify any significant highway safety issues within the study area has not utilised the most recent 5-year accident record.
- A TRO to extend the 40mph speed limits along the B4100 Warwick Road to a point north of the site access junction.
- A swept path analysis shall be required to demonstrate that large vehicles can safely turn in and out of the development.
- Further attention must be placed on connectivity to existing infrastructure to facilitate direct access to public transport.
- A Construction Traffic Management Plan will be required

Comments:

**Access arrangements and Accessibility**

The main access to the site will be obtained from the B4100 Warwick Road via a priority T-junction which will comprise of a dedicated right turn lane. I note the access layout states that the ghosting and access are to be designed to DMRB, however we would need some detail regarding dimension and measurements to confirm this. **(To be conditioned)**

The 'Proposed Vehicular Access Option 1 (50mph)' plan (Drawing No: 17279\_T\_003 Rev P3) included in Appendix E of the TA shows that visibility splays in accordance with standards set out in the DMRB for the 85th percentile speeds on the adjacent highway can be achieved at the site access. Based on the speed survey results, the county council is satisfied that the visibility splays at the site access accords with the relevant standards.

However, the application proposes to alter the existing speed limit along B4100 abutting the site. It is suggested that the 40mph shall be extended to a suitable location further north of the access junction. While this proposal is welcomed, a TRO (Traffic Regulation Order) shall be required to extend the speed restriction that will be subject to public consultation and cannot be pre-determined. The applicant is however required to make a financial contribution towards the administering of the TRO consultation which shall be secured by the s106 agreement.

There has not been a swept path analysis to demonstrate that the largest vehicles anticipated to require access to the site can safely and easily enter and exit from all directions at the site access. Therefore, a condition requesting full details of the site

access, including a swept path analysis for a 11.6m refuse vehicle, is requested. **(To be conditioned)**

The application intends to put in place a 3m wide shared use footpath/cyclepath along the eastern frontage of the B4100 Warwick Road. Emerging from the main site access, the shared use path would run southward to tie into the pedestrian/ cycle provisions already consented as part of planning references 12/01789/OUT and 18/01882/OUT. The TA recognises that to the eastern part of the site are existing PRow's. The application proposes to utilise the network of footpaths to improve connectivity of the site. The PRow's shall provide traffic free walking routes and links to the nearby village and also onto the existing/ consented infrastructure, complementing the route along the B4100. The works to the PRow shall incorporate:

- Footpath 191/6/30 crossing the site and leading south to Footpath 120/116/10 which connects to the shared use route along the B4100 Warwick Road.
- Footpath 239/7/20 running by the eastern site boundary and leading east to Footpath 120/107/10 which connects to the pedestrian and cycle facilities along Dukes Meadow Drive.

I consider the provisions above as adequate to make an acceptable level of connection to the existing pedestrian and cyclist environment. However, in the context of linking the development to the wider network I disagree with the applicant's assertion in Para 5.2.16 that the provisions are adequate for purposes such as to the employment areas around the town centre or the daily commute and do not conform to the current LTN1/20 guidance.

I query why the application has not looked at the quality of pedestrian/cyclist facilities along Warwick Road south of Warwick Road/ Highlands roundabout. The perception that connectivity is taken onto infrastructure that has already been deemed acceptable at the back of the recent developments may be challenged considering the current LTN1/20 guidance which requires different standards.

Warwick Road south of the Highlands roundabout is a key route that provides the most direct access into Banbury town centre. The standard and indeed quality of the existing infrastructure along this key route does not however complement the scale of upcoming development and does not encourage usage.

There are formative plans for works to improve active travel infrastructure in Banbury. The emerging Banbury LCWIP (Local Cycling & Walking Infrastructure Plan) has identified Warwick Road to the south of the site as a potential route linking the north of Banbury to the town which will encourage more sustainable means of transport for residents from this development.

The emerging Banbury Local Cycling and Walking Infrastructure Plan, which is currently in its final stages of consultation and is likely to be adopted in the next few weeks, has identified a number of infrastructure improvements in the vicinity of this site. These include improvements to the existing cycle paths on Dukes Meadow Drive, as well as new access

and improvements to the disused former mineral railway which runs between Warwick Road and Southam Road.

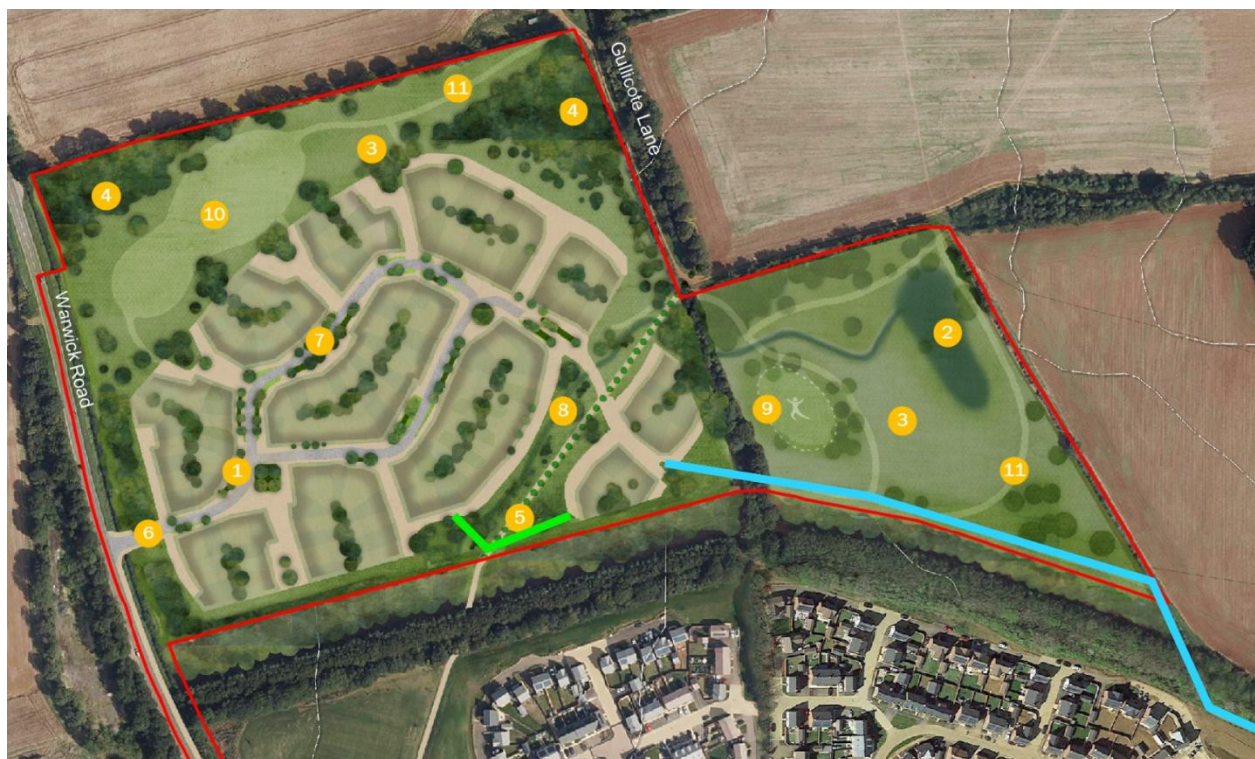
Developments in Banbury are being asked to contribute towards the routes relevant to it from the identified improvements to active travel routes, and accordingly a figure of £1,000 per dwelling is likely to be requested from this applicant. Any new pedestrian and cycleways will be built to LTN 1/20 standards.

*Construction Access* – It is assumed that construction traffic would utilise the principal vehicular access. It may be that this access may be unsuitable for construction vehicles unless submission is made of a swept path analysis for a 12m long rigid truck and a 16.5m long articulated truck.

### **Public Transport**

As described in the TA, bus route B9 is the relevant public transport service route for this development. As this route will in time be passing through the adjacent development to the south (via Nickling Road), it is important that walking links onto it are optimised. Therefore, I believe there ought to be links utilising the PRow network as shown in green below as a minimum.

Although not strictly relevant to public transport, there is a school bus stop identified in the TA on Dukes Meadow Drive. However, there doesn't appear to be appropriate walking provision to it. I would suggest there should be a proper link to the eastern PRow as shown in blue below.



In both cases, the walking routes need to be appropriately surfaced (not mud/grass) and lit if needed. There would be some utility in having a walking route along the whole of the southern boundary of the site from the Warwick Road to minimise walking distances.

Route B9 is a developer funded route funded from s106 contributions from Warwick Road area developments at an established rate of £1,618 per dwelling.

A total bus service contribution of  $170 \times £1,618 = £275,060$  (RPIx indexed, base Dec 2021) is therefore required, to support the continuation of this service. This will be pooled with similar contributions from the other developments to ensure there is appropriate provision of bus service providing an attractive and credible alternative to private car trips in this part of Banbury.

### **Strategic Transport**

The new Local Transport and Connectivity Plan (LTCP), which was approved by OCC Cabinet in June 2022 highlights the ongoing need to deliver some of the schemes from the LTP4 Area Strategies. The Area strategies for Transport, including for the Banbury region outlines needed improvements to Hennef Way. This is clarified in the Policy BAN1 with the following confirmed measures:

- Hennef Way/ Southam Road improvements
- Hennef Way/ Concord Avenue improvements and
- Hennef Way/ Ermont Way improvements.

OCC will be requiring a contribution towards measures along Hennef Way and adjoining roads, given the severe issues already experienced and the additional traffic to be generated by the site. This will be proportionate to the sum being paid by other developments.

### **Site layout**

As this is an 'Outline' application, the internal layout of this site will therefore be finalised at the detailed design stage. The layout plans shall be required to demonstrate the ability of refuse vehicles and cars to manoeuvre within the site and back onto the highway in a forward gear particularly utilising turning an array of heads.

Should the developer wish to have the internal roads of the proposed development to be offered for adoption to the Local Highway Authority, then a Section 38 Agreement under the Highways Act 1980 will be required. Alternatively, should the roads remain private, then a Private Road Agreement will be required between the developer and Oxfordshire County Council.

Again, the suite of application plans does not provide much detail regarding the carriageway and footway widths and therefore it is not clear if what shall be proposed would be feasible. It is expected that future details on any 'Reserved Matters' or 'Full'



application shows a comprehensive pedestrian network throughout the site with footways provided on both sides of the carriageway.

The TA suggests that car parking shall be provided in line with local policy, in particular the Cherwell Residential Design Guide Supplementary Planning Document, adopted in July 2018. The applicant needs to be aware that these standards have since been superseded. The newly adopted OCC parking standards may be found via this link, [Parking standards for new developments \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/parking-standards-for-new-developments)

### **Public rights of way**

"This development affects public rights of way. Standard measures below will apply. Note for this site we will be seeking s106 contribution of £65,000 for offsite mitigation measures for public rights of way. A R122 justification note will be supplied in due course.

Oxfordshire County Council (OCC) Countryside Access manages the legal record and access functions on the public rights of way and access land network. In addition to the statutory functions of recording, protecting and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that will have an impact on the public rights of way and access land network in order to make those developments acceptable. This work meets the aims and outcomes

of the adopted Oxfordshire Rights of Way Management Plan 2015-2025

([www.oxfordshire.gov.uk/rowip](http://www.oxfordshire.gov.uk/rowip)).

Oxfordshire County Council's Walking and Cycling Design Guides need to be referred to when public rights of way are intended or need to become urbanised utility access routes.

Standard measures/conditions for applications affecting public rights of way

1. Correct route of public rights of way: Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground and may mean there are more than one route with public access. The legal width of public rights of way may be much wider than the habitually walked or ridden width. The Definitive Map and Statement is available online at [www.oxfordshire.gov.uk/definitivemap](http://www.oxfordshire.gov.uk/definitivemap).

2. Protection from breaks in public rights of way and vehicle crossings/use of public rights of way: Many public rights of way are valuable as access corridors and as continuous wildlife and landscape corridors. As a matter of principle, PRow should remain unbroken and continuous to maintain this amenity and natural value. Crossing PRow with roads or sharing PRow with traffic significantly affects wildlife movements and the function of the PRow as a traffic free and landscape corridor. Road crossings of PRow should be considered only as an exception and in all cases, provision must be made for wildlife

access and landscape, and with safe high quality crossing facilities for walkers, cyclists and equestrians according to the legal status of the PRow. Vehicle access should not be taken along PRow without appropriate assessment and speed, noise, dust and proximity controls agreed in advance with OCC Countryside Access

3. Protection, Mitigation, and Improvement of routes. Public rights of way through the site need to be integrated with the development and provided to a standard to meet the pressures caused by the development. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. The package of measures needs to be agreed in advance with OCC Countryside Access. All necessary PRow mitigation and improvement measures onsite need to be undertaken prior to first occupation so that new residents are able to use the facilities without causing additional impacts and without affecting existing users to ensure public amenity is maintained.

4. Protection of public rights of way and users. Routes must always remain useable during a development's construction lifecycle. This means temporary or permanent surfacing, fencing, structures, standoffs and signing need to be agreed with OCC Countryside Access and provided prior to the commencement of any construction and continue throughout. Access provision for walkers, cyclists and horse riders as vulnerable road users needs to be maintained. This means ensuring noise, dust, vehicle etc impacts are prevented.

5. Temporary obstructions and damage. No materials, plant, vehicles, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place. Avoidable damage to PRow must be prevented. Where this takes place repairs to original or better standard should be completed within 24hrs unless a longer repair period is authorised by OCC Countryside.

6. Route alterations. The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible – usually through the local planning authority. Any proposals for temporary closure/diversion need to have an accessible, level, safe and reasonably direct diversion route provided with necessary safety fencing and stand-off to ensure public amenity is maintained for the duration of the disturbance.

7. Gates / right of way: Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

## **Traffic impact**

### **Accident Data**

Analysis of Personal Injury Accident (PIA) data of the local area has been carried out to determine whether there are any inherent safety issues on the network which are likely to be exacerbated by this development. This analysis has utilised the Collision Map website collision incidents obtained from Collision Map website that have occurred within a five-year period spanning January 2016 to December 2020.

Paras 4.9.1 to 4.9.12 of the TA attempts to analyse the recent personal injury accident history on the highway network in the vicinity of the site. Analysis of the personal injury accident records on the public highway in the vicinity of the site was obtained from OCC. This range of data is a 5-year period from 2016 to 2020. This period, however, is not the most recent and to undertake a satisfactory assessment from which to identify any significant highway safety issues, the application should analyse the most recent 5-year period. **Reason for objection**

Although the PIA records show that in the five years from 2016 to 2020 two serious PIAs occurred, interrogation of OCC data shows a few more collisions occurred in the most recent period. It is hence our position that the application seeks to review the record covering the most recent period in order to draw to well informed decisions.

It is also not indicated whether the collision study area was agreed with OCC. In my view, the extent of the study area for the highway safety analysis should be informed by assumptions on traffic distribution from the site. The TA distributes up to 48.5% and 11.8% of trips to Hennef Way and the A423 Southam Road South (via Dukes Meadow Drive) and 31.5% onto Warwick Road Southeast. As such, given these proportions the study area should include the length of Dukes Meadow Drive up to and including the Southam Road junction and the junction of Southam Road / Ruscote Avenue / Hennef Way. **Reason for objection**

### **Trip Generation and Distribution**

To determine the likely effect of the proposed development on the highway network, the TA has first established the likely number of trips that the development would generate before distributing and assigning these onto the network.

The application has utilised vehicle trip rates that were established through TRICS database for the consented development (ref: 18/01882/OUT). In consideration that the trip rates here are for the 'Houses Privately Owned' category, I agree that the ensuing trips rate shall be higher than a mix of privately owned and affordable as is proposed by this application.

The submission predicts that there will be about 91 and 101 two-way movements in the AM and PM peak periods respectively. I take the resultant trip generation to be robust enough and acceptable.

The anticipated distribution has utilised the 2011 Census Journey to Work data for the Super Middle Output Area of Cherwell 002. This data indicates that the majority of the trips from this development would be heading towards Hennef Way via Dukes Meadow Drive and Southam Road as well as Warwick Road (south).

### Junction Capacity Assessment

The application has taken a number of junctions to appraise the impact from the proposed development. The rationale stated for the choice of junctions is purely based on the fact that the same junctions were assessed for the now consented development with application ref: 18/01882/OUT. These are:

- Warwick Road/ Site Access Priority Junction
- Warwick Road/ Nickling Road Junction
- Warwick Road/ Dukes Meadow Drive Roundabout.
- Warwick Road/ Stratford Road Signalised Junction
- Warwick Road/ Cromwell Road/ Ruscote Avenue twin roundabouts
- Warwick Road/ Access Junction to Drayton Lodge Farmhouse development

The six standalone junctions that have been assessed for the '2027 Base' and '2027 Base + Development' scenarios are all forecast to operate within designed capacities albeit with an acceptable increase in queueing or delays.

Going back to the traffic distribution exercise undertaken, the TA indicates that a high proportion of development trips shall distribute to Hennef Way and Southam Road which will be directly affected by this increase in journey numbers. Hennef Way is a major transport concern within the town and is constrained by severe congestion.

I find it strange and indeed incomplete that the TA has chosen to assess junctions along Warwick Road where the traffic distribution exercise indicates that only 36.7% of the development trips dissipating but fails to follow most development trips (61.7%) that dissipate via Dukes Meadow Drive.

For this reason, I consider the junction capacity assessment not sufficiently robust without appraising the development's impact on the Dukes Meadow Drive/ A423 Southam Road/ Noral Way roundabout and the A423 Southam Road/ Hennef Way/ Ruscote Avenue junction. **Reason for objection**

### Travel Plan

A 'Framework Travel Plan' has been submitted alongside this application, however a 'Residential Travel Plan' is required. Further information is required before this meets OCC criteria. It is therefore advised that the applicant consults the aforementioned appendices and the points below before revising the document to ensure all criteria has been met. The submitted 'Framework Travel Plan' should be a 'Residential Travel Plan'.

A Residential Travel Information Pack is also required prior to occupation and then distributed to all residents at the point of occupation – reason – to ensure all residents are

aware of the travel choices available to them from the outset. See guidance via the link below:

<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TravelAssessmentsandTravelPlans.pdf>

If the development is approved, a full Residential Travel Plan should be produced prior to first occupation and then updated on occupation of 50% of the site (85<sup>th</sup> dwelling), once adequate survey data is available. This should meet the criteria outlined within appendices 5 and 8 of the OCC guidance document – Transport for New Developments – Transport Assessments and Travel Plans March 2014.

Para 7.24 – Who will act as an interim Travel Plan Co-ordinator until the site Travel Plan Co-ordinator is appointed? This is useful information for the Travel Plans Team in order that a monitoring related dialogue can be established as soon as possible.

#### Other issues

- What is the estimated date of occupation and build out rate?
- What budget will the TPC have to undertake the actions identified within the action plan?
- Reducing the need to travel – should also include information about how the development will support working from home.
- Are there any barriers identified within the Transport Assessment that will impact the promotion of sustainable, active travel?
- Are there any community transport services operating in the area that would be useful for residents?
- The action plan should contain all measures outlined within section 8 as well as the infrastructure schemes (such as the new bus stop and shared use path) discussed earlier in the document.
- Each action should state which objective it relates to.
- A sample residential survey should be included.
- Paragraph 9.1.1 – Monitoring should begin upon occupation of 50% of the site (85<sup>th</sup> dwelling).
- Paragraph 9.31 – If targets are not met at the end of the five-year monitoring period, monitoring will be required in years 7 and 9.

#### **S278 Highway Works:**

An obligation to enter into a s278 Agreement will be required to secure mitigation/improvement works.

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.

## **Planning Conditions:**

If permission is to be given, the following planning conditions should be attached:

### **Accesses: Full Details**

Prior to the commencement of the development hereby approved, details of the means of access between the land and the B4100 Warwick Road including position, dimensions and layout shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of any dwellings, the means of access onto the highway shall be constructed and retained in accordance with the approved details.

*Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework*

### **Swept Path Analysis**

Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework*

### **Travel Plan and Travel Information Pack**

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

### **Construction Traffic Management Plan**

A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by qualified and certificated banksmen,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Parking and Travel initiatives for site related worker vehicles,
- Engagement with local residents and neighbours.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc
- Any temporary access arrangements to be agreed with and approved by Highways Dept.
- A before-work commencement highway condition survey and agreement with

representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.

*Reason - In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.*

**Officer's Name: Rashid Bbosa**

**Officer's Title: Senior Transport Planner**

**Date: 09/06/2023**

**Application no: 23/00853/OUT**

**Location:** Land East Of Warwick Road Drayton, Warwick Road, Banbury

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## **Lead Local Flood Authority**

### **Recommendation:**

No objection subject to conditions.

### **Condition:**

**Construction shall not begin until/prior to the approval of;** 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:**

**SuDS As Built and Maintenance Details**

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: Kabier Salam**

**Officer's Title: LLFA Engineer**

**Date: 18/05/2023**

**Application no: 23/00853/OUT**

**Location:** Land East Of Warwick Road Drayton, Warwick Road, Banbury

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## 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)
<b>Secondary education</b>	<b>£1,362,717</b>	<b>327</b>	BCIS All-In TPI	Secondary education capacity serving the development
<b>Secondary Land Contribution</b>	<b>£136,653</b>	<b>Nov-20</b>	RPIX	Secondary school land contribution serving the development
<b>Special education</b>	<b>£98,715</b>	<b>327</b>	BCIS All-In TPI	Special school education capacity serving the development
<b>Total</b>	<b>£1,598,085</b>			

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

**£1,362,717 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 and 2022 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	41
Estimated per pupil cost of building a new 600-place secondary school	£33,237
Pupils * cost =	<b>£1,362,717</b>

**£136,653 Secondary School Land Contribution indexed from Nov-20**

**Justification:**

The county council will incur a cost to purchase 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

The required site area for a 600-place secondary school is 4.88ha. Based on an educational land value of £409,761/ha @ November 20 this gives a total expected cost of £1,999,633

This equates to a cost per pupil of £3,333 ( $£1,999,633 \div 600$ )

**Calculation:**

This application is expected to generate 41 secondary pupils therefore the required contribution is towards school land costs is  $£3,333 * 41 = £136,653$

**£98,715 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	1.1
Estimated per pupil cost of special school expansion	£89,741
Pupils * cost =	<b>£98,715</b>

The above contributions are based on a policy-compliant unit mix of:

- 22 x 1 bed dwellings
- 43 x 2 bed dwellings
- 74 x 3 bed dwellings
- 31 x 4 bed dwellings

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: School Place Planning Lead Officer**

**Date: 14/04/2023**

**Application no: 23/00853/OUT**

**Location:** Land East Of Warwick Road Drayton, Warwick Road, Banbury

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## **Archaeology**

### **Recommendation:**

The submitted archaeological evaluation report has not been agreed with the County Archaeology Service, as such we cannot comment on further archaeological mitigation at this stage.

### **Key issues:**

### **Legal agreement required to secure:**

### **Conditions:**

### **Informatives:**

### **Detailed comments:**

An archaeological evaluation has been carried out on the site which recorded Iron Age features. A report has been submitted as part of this application, however, this report has not been approved by the County Archaeology Service. The agreed WSI for the evaluation stated that a draft version of the report would be submitted for approval; as such we have a number of comments to make at this stage before we can accept the report and comment on further archaeological mitigation on the site. The archaeological consultant working on this project has been contacted regarding these changes.

Once an agreed evaluation report has been submitted we will be able to comment on this application.

**Officer's Name: Victoria Green**

**Officer's Title: Planning Archaeologist**

**Date: 17/04/2023**

**Application no: 23/00853/OUT**

**Location:** Land East Of Warwick Road Drayton, Warwick Road, Banbury

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## **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.

<b>Contribution</b>	<b>Amount</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Household Waste Recycling Centres	<b>£15,973</b>	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):**

**£15,973** 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 25<sup>th</sup> December or 1<sup>st</sup> 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 170 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 680 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 <sup>2</sup> )	0.18	Current land available 41,000m <sup>2</sup> , 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 <sup>2</sup> , or 0.18m <sup>2</sup> per dwelling
Infrastructure cost per m <sup>2</sup>	£275	Kidlington build cost/m <sup>2</sup> indexed to 327 BCIS
Land cost per m <sup>2</sup>	£247	Senior Estates Surveyor valuation
Total land and infrastructure cost /m <sup>2</sup>	<b>£522</b>	
Cost/dwelling	£93.96	
No of dwellings in the development	<b>170</b>	
Total contributions requested	<b>£15,973</b>	

**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: 18/04/2023**