

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: 16/08/2023

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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.

Residential	
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+ yea 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) 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:

- **S106 Contributions** as summarised in the table below and justified in this Schedule:
- **An obligation to enter into a S278** agreement as detailed below.
- **Planning Conditions** as detailed below.
- Note should be taken of the **informatives** stated below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Strategic Highway works 1	TBC	TBC	Baxter	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 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 <u>Reg</u> 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	RPI-x	Covering the cost of biennial travel plan monitoring over five years of the life of the Travel Plan
Public Rights of Way (PRoW)	65,000	Q2 2023	Baxter	Improvements on PRoW infrastructure in the area

Other obligations:

- A Traffic Regulation Order to extend the 40 mph speed limit along Warwick Road to a point north of the site access (subject to separate consultation)

Comments:

This consultation response is subsequent to the previous consultation response from OCC as the Highway Authority dated 9th June 2023. This raised concerns around three primary areas and a Technical Note dated July 2023 has been submitted seeking to address those concerns.

The first main point raised was around the vehicle access and the lack of vehicle tracking for service vehicles (is waste collection vehicles). Updated drawings of the access include vehicle tracking of a refuse vehicle have been included at Appendix A of the Technical Note.

This shows that whilst it is possible for the vehicle to enter and leave the development this does mean that the turning movements cause the vehicle to overhang both the footway/cycleway and the ahead lane on Warwick Road northbound which presents the risk of pedestrians/cycles being struck by turning vehicles and collisions between vehicles not anticipating the vehicle to part enter their path. As there is ample frontage to Warwick Road I am satisfied that relatively minor modifications to the junction could achieve a suitable layout and that this can be secured by planning condition. This condition should also include the detailed design of the foot/cycleway that is proposed alongside Warwick Road as it is currently directly adjacent to the carriageway whereas design guidance requires that a buffer should be provided where there is a 40 mph speed limit which will need to be larger if the reduced vehicle speeds are unlikely to be achieved.

The second point related to collision data not covering the most recent period. This as been addressed in the Technical Note and it shows that there are no major collision hot spots that are likely to be exacerbated by the development.

Lastly it was considered necessary to assess the impact of the development on the Dukes Meadow Drive/A423 roundabout junction as the cumulative impact of on-going developments in the area is particularly relevant.

The Technical Note identifies that the traffic volumes are materially higher in the evening peak period compared to the morning and considers that this is likely due to lane closures on the M40 that were due to take place on the evening of the survey. I think this is unlikely and when compared to survey data of the same junction taken for a recent application on the north side of Dukes Meadow Drive this suggest that it is in fact the morning peak that is lower than might be typical, particularly on the A423 southbound arm. This would fit with the roadworks that are show slightly to the north on the day of the survey.

There is also an error in table 4.2 which shows that Noral Way has the highest RFC and therefore the least spare capacity however these figures in fact related to the A423

Southam Rd. I am satisfied that the apparent discrepancy in traffic flows on the morning of the traffic surveys would not significantly impact on the outcome of the exercise.

As stated above the junction arm with the least spare capacity is the A423 Southam Road and with the addition of the development there is a slight increase in queuing and delay on this arm however it is minimal. It is reasonable to conclude that no mitigation would be required here.

We therefore recommend that no objection is raised subject to the S106 obligations listed above and the following planning conditions –

Planning Conditions:

In the event that 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

Foot/cycleway: Full Details

Prior to the commencement of the development hereby approved full details of the foot/cycleway connection along Warwick Road that provides for a buffer between the foot/cycleway and the carriageway shall be submitted to and agreed in writing by the Local Planning Authority. The foot/cycleway shall then be completed in accordance with the agreed details prior to any occupation on the site.

Reason – To ensure that the opportunities for sustainable transport modes have been taken up and in the interests of highway safety.

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.

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.

Officer's Name: Oliver Eden

Officer's Title: Principal Transport Planner

Date: 8th August 2023

Application no: 23/00853/OUT

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

Archaeology

Recommendation:

Select Recommendation

Key issues:

Legal agreement required to secure:

Conditions:

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

Informatives:

Detailed comments:

Please refer to my comments from 10th May 2023.

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

Date: 15th August 2023