

Annex 1 – Oxfordshire County Council’s response to Cherwell District Council’s consultation dated 14 March 2011 on AMENDED application for Phase One North West Bicester Eco-town (no: 10/01780/HYBRID): Detailed comments

1. Introduction

The following comments are based only upon the additional and resubmitted information on which Cherwell District Council consulted the Council on 14 April. The County Council was been consulted on further amended plans/supporting information on 20 May; this has yet to be fully assessed and we will then supply further comment

2. Social and Community Infrastructure: Proposed School Site

Comments are as follows (all generally voiced previously and awaiting evidenced resolution through receipt of a detailed school site plan which has still not been received):

The submitted landscaping scheme compromises pitches and play spaces; the landscaping within the school site should be a reserved matter together with the detailed design of the school. This also affects the bio-diversity plan, particularly where grass pitches become hard play under phase 2 works - we would expect that any consequential changes will be accounted within consideration of future planning submissions when the expansion of the school site is considered.

The size of the school site is not established – the design and access statement page 51 implies that it includes adopted highway shown to both the school frontage and rear of the playing fields which is not acceptable as space counting toward the total school site area. The correct developable site area of 1.34ha needs to be confirmed as it is fundamental to the approved design.

The site area and shape (no site boundary shown other than in the access statement) needs to demonstrate that the grass pitch with run-off area can be accommodated to the north east of the school site (which subsequently becomes hard play area in phase 2 school development) as per the design guidance drawing issued to the architects prior to submission of their planning application. This is fundamental to the approved design.

The site boundary to the nursery garden appears to be very contrived.

No proposed levels are shown in the vicinity of the school site; a proposed level of 87.5 is shown on one section for the school building (which is contrary to the suggested level of 88 on the county design guide drawing). A retaining wall of 1.25 metres is consequently shown against the north western boundary (but not reflected on plan). This would create a major barrier to access the extended school site if it is located in that area for phase 2,

creating demand for additional developable site area and developer funding for abnormalities (space and costs to create ramps – OCC design guidance is for a maximum 500mm level change due to the consequential discriminatory effect upon play / movement between spaces). The issue over cut and fill raised by the recent earthworks diagram is also a significant issue and again could have a dramatic effect upon the viability of the school site. (We will deal fully with this in the Council's forthcoming response to the consultation on amended information dated 20 May).

There is a floating piece of graphic (bin store) shown in error on the school site plan.

The extent of adoption in front of the school site is not co-ordinated between the adoption plan and the site plan; landscaping shown in page 51 of the access statement with landscaping shown elsewhere. Levels on the access road in front of the school with wheelchair access to the nursery garden may result in a need for retaining structures on the edge of the adopted footpath constructed by the developer together with balustrading etc to link with features within the village green. Again, this is fundamental to design of the school.

The required phase 2 construction access which would also provide the required maintenance access point is not shown (adjacent to plot 291); this could be covered by a condition.

The design guidance issued to the developer prior to his original submission shows the extended school area to the south of the school site; this is not reflected in page 18 of the design and access statement. This sought to address issues including the ability to open out vision from the school teaching spaces to playing fields (compromised to the north west due to fewer teaching spaces overlooking; density and possibly importance of existing hedgerow, and change of level -see also point 5 above) together with flexibility of the school site to enable future proofing / access for the community to use playing fields etc. It also clearly shows the location of pitches and play spaces which are not reflected in the design and access statement.

Pages 25, 51 and 72 of the design & access statement do not make it clear whether the foraging area of the badger set is within or outside the school site nor what any consequences might be upon the design of the school site. Badger foraging upon school playing fields would present significant health and safety issues to sports activities and would therefore not be acceptable. There is a fundamental design issue over deliverability of the school site which could impact upon housing consent

Page 51 of the design and access statement refers to the use of re-constituted stone as the material for the frontage of the school building. This would be an 'abnormal cost' and will be reflected in consequent developer funding levels required.

Page 83 of the design and access statement – is the intent that the community facilities include the school (district heating)?

3. Transport

The Transport Assessment was accepted as submitted with the initial planning application, apart from the Travel Plan. The Addendum dated 5 April therefore sets out the changes to the Travel Plan and summarises the changes to the site's layout.

a) Site Layout

Exemplar site access cross sections drawing 7159/UA001881-02 appears acceptable; although there is no cross section for the bus, taxi etc only route which needs to be provided.

Details of the type of cycle storage and location have been provided for residential elements of the development – however nothing has been provided for the commercial side of things i.e. local centre, bus stops etc.

Gates, doors, windows etc are not to open outwards over land to be adopted as public highway.

No balconies to overhang the public highway.

No street hierarchy has been submitted.

Figures 5.2, 5.3 and 5.4 show a bus stop outside the eco business centre, but it is missing on the South Field Site Plan (BIMP2_PA_03_007 REV C). The bus stop close to the school needs to be moved away from the junction and the bus stop in the northern fields needs moving to connect better with pedestrian movements across the site.

No tracking plan of refuse vehicles etc.

No service strips are shown (minimum 0.6m required).

No details of proposed traffic calming.

No internal vision splays are shown again on submitted plans both for vehicular and pedestrian access points.

No details of how vehicles will access a number of units i.e. eco pub, areas within local centre – currently looks like vehicles will drive over swales.

The submitted drawings (BIMP2_PA_05_010 Rev D, & BIMP2_PA_05_050 Rev E & BIMP2_PA_05_030 Rev D) show garages with internal dimensions of 5.5m x 3m which do not meet the agreed dimensions of 6m x 3m.

Drawing BIMP2_PA_05_030 Rev D shows a door from the dwelling opening out into the on-site parking space i.e. door will hit/obstruct parked vehicle (same issue on other plans submitted for similar dwelling types).

The proposed width of the garage doors to be provided is to be 2.2m in width. The average family saloon car is 2.2m in width (including wing mirrors); the width of the entrances into the garages should be widened to 2.4m to ensure their use on a development that is to have a reduced parking level.

There are a number of on-site parking spaces that have been located right up against the garage/storage area; locating a parked vehicle in such a location will obstruct/prevent access to these areas. To overcome this vehicle overhang of 0.5m should be added to such parking spaces to enable doors etc to be opened. 0.5m for vehicle overhang should also be used to deter parked vehicles also overhanging onto the public highway.

No details provided of whether garage doors are up and over or roller types.

Drawings BIMP2_PA_03_006 REV C & BIMP2_PA_03_007 REV C:

- The majority of footways within the site do not join up.
- There appears to be a number of gated access points which is acceptable in principle; however, due to the parking spaces being so close to the gates once a vehicle is inside the gates cannot be closed (gates cannot open outwards).
- There is a number of parking spaces located too closely to junctions i.e. vehicles manoeuvring onto junctions seen as a safety issue.
- There are a number of parking areas that are opposite each other which will provide either a very long dropped kerb (8m is maximum OCC will accept) or there will be stretch of footway which will have a dropped kerb every couple of metres along 20m stretches of footway - may be worth designing such areas as a parking square with different material to act as a calming feature and promote pedestrian priority.
- Junction radii serving parking courts etc to be tighter to provide priority to pedestrian movements (must consider refuse vehicle where appropriate).
- Access radii serving plots 230 onwards need to be increased.
- No individual parking space should be accessed via the primary street serving the site i.e. parking arrangements for plots 139, 158, 157, 179 etc not acceptable.
- Majority of the parking spaces are not provided with vision splays (pedestrian). Shared link by plot 105 disappears and leads pedestrians into road i.e. no continued ped link.

- No rumble strips for streets which are to be of a shared nature.
- Appears to be no footway along the frontage of plots 240 – 250. Parking for these plots is away from the properties – what measures are in place to deter on-street parking?
- No turning facility for vehicles associated with plot 272.
- No ped or cycle links shown serving the proposed school or from the adjacent car park (and sports pitch if open to public)
- It is unclear how vehicles will access plots 376 and 319.

Bridge (drawing 71532 – UA001811-02) – this drawing is for the two bridges within the development which will be used by pedestrians, cyclists and motor vehicles. The 2m footways and 6m carriageway (narrowed to 4m in the middle with the option to widen to 6m in the future for two way traffic) are acceptable. However there are no structural, gradient details (separate information) etc provided for each bridge - more information is required before they can be assessed as acceptable to serve this development. The bridges will require further AIPs.

Trees - the previously submitted plans show tree locations and a list of trees proposed, but no actual information on where specific trees would be planted. A plan was requested showing this information which remains outstanding. Same plan should also have SUDS areas + planting on too (location of street lighting should also be considered for this plan);

The proposed tree species have been confirmed acceptable; subject to an amended tree location plan as stated above. Please note fruit trees, cherry trees etc will not be accepted on footways, streets or overhanging onto them – they will be accepted on landscaped areas where they do not overhang the public highway routes.

Not clear on plans where service strips (minimum 0.6m) are located – need to be shown.

Please note that any lighting that is to be installed for the parking areas i.e. Mews Court, Private Drives & Private Courts will not be adopted by the Local Highway Authority and will be the responsibility of the applicant/developer in terms of the maintenance, cost etc.

The Home Zone style drawings submitted do not provide enough detail in terms of adoption area, service strips, materials, can refuse vehicles access/turn?, type of planting etc.

Drawing 8025-UA01881-UP23D-01 shows a social space on the road (on turning head) – no detail of material, will refuse vehicle use etc. Vehicles

entering adjacent Green Lane access may overrun this area – needs to be checked.

Drawing 8020-UA01881-UP23D-01 shows the minimum vehicle curtilage of 2.1m; this is not wide enough i.e. average family saloon car is 2.2m with wing mirrors – this plan needs to be amended to show 2.2m.

Drawing 8013-UA001881-UP23D-02 shows a gate opening over the public highway which is not acceptable. Decking shown to main entrance has no other detail on type, maintenance details etc. Currently cannot consider acceptable decking without more information.

Drawing 8012-UA001881-UP23D-02 shows decking, however without more detail on type, maintenance details etc OCC will not consider this approach. A route is shown over a pond this will require railings for health and safety to deter people falling in.

Drawing 8009-UA001881-UP23D-02 it is unclear where the highway boundary is for this village green LEAP: currently appears that proposed gates open over the public highway which is not acceptable.

Please note if routes through Homes Zones, LEAPS etc are to be offered for adoption they cannot be gated.

No details of emergency access located in Northern section of Exemplar site.

Drawing 7155-UA001881-01 cannot be agreed as a number of areas proposed for adoption do not serve 5+ units. Recommend a meeting is arranged for adoption areas to be agreed; however this can only take place once other issues have been resolved.

b) Connecting Route

This is a positive change to the original submission.

c) Residential Car Parking Provision

The proposed parking levels are acceptable.

d) Bus Services and Infrastructure

The applicant's original proposal was for a 30-minute frequency to serve the development. The amended application now commits to a half-hourly service from the 50th to the 200th occupation and a 15-minute frequency thereafter. This proposal is an improvement to the initial application; however, such a service is still not sufficient to serve this eco/exemplar site. Innovative ways of offering early bus provision at a high frequency should be offered.

e) Draft Travel Plan

Our detailed comments on the Travel Plan have mostly been met. Those that remain unresolved are:

- The specific aims of the travel plan as set out in para 4.1 need to be “SMART” to make them meaningful. Some of these are covered by the targets in 4.2.1 but others are never mentioned again to show how they will be met. However, the targets that are set are clear enough and this comment is not sustained for this application. However, OCC will look for this type of approach for the masterplan work.
- Cycle storage locations for each residential property are now clearly shown on the re-submitted site plans. Some of these are well located compared to the second car spaces, but it is disappointing that there is not a bolder statement to show that the bike has priority over the car.
- Para 7.5 of the revised Travel Plan states the monitoring surveys will continue until 10 years after the 50th occupation; this should be 10 years after the final occupation.
- The year on year targets for the incentives should be spelt out as detailed in our previous comments.
- How can there be any surety that the new T5 and T6 at the top of page 17 will be met / enforced? What will happen if they are not?
- The Travel Plan Co-ordinator must be employed by the developer. Para 6.1 of the Travel Plan still states that this person will be employed by the “eventual Site Management Company” but it is not clear who will employ them when they are part of the sales team although the implication is that this would be the developer.

If the bus frequency and early provision issues are dealt with and these more detailed matters are addressed then this is an acceptable Travel Plan for this site. It is delivering all these elements that will be vital. There are some areas of this Travel Plan that are not as stretching as might be expected for an eco development, because of the scale of this first phase and its location. Any comments made on Phase One are therefore without prejudice to our future comments on the overall masterplan.

f) Drainage

- Drg 7153 – No drainage shown on road narrowing on bridge;
- Drg 8005 – Access to ponds / swale for maintenance / footpath, cycleway, footbridge strong enough;
- Drg 8004 – same as above;
- Drg 8003 – same as above;
- Drg 8003 – Landscape Master Plan – same drg no. as above;

- Drg 8024 – top mid right picture – footway too low can not drain to swale;
- Drg 8200 – resin bonded gravel shown draining to grass verge – verge too high – it will pond;
- Drg 8012 – is decking strong enough to take weight of machine to clear pond;

Document Flooding

P(13) 3.2.5 – Adoption & Maintenance: Does not mention Lead Flood Authority adopting, which is the main adopting authority for SUDs

P(16) - Catchment SUDs Type
Does not mention porous pavement.

g) Street Lighting (Examples of Lighting & Lighting Strategy drawings 8023-UA001881-UP23D-01 & 8006-UA-1881-UP23D01)

The lighting classifications shown/used on the strategy diagram are incorrect/not to Oxfordshire County Council (OCC) standards for vehicle types i.e. proposed lighting does not conform to British Standard.

Street lighting attached to buildings is not possible due to the restrictions imposed by the regional electricity board i.e. will not provide a power supply within a fabric building.

Lit bollards are not adopted by OCC (stated in last comments); however, if they are located within area to be private that would be acceptable.

No lighting calculations have been submitted (requires correct standards to carry out).

The proposal to use lighting columns of 4m is unacceptable; 5m is the minimum standard Oxfordshire County Council will accept.

The lighting columns shown in the example drawing appear to be wooden, which is not generally accepted. However, this type of column will be considered subject to a management/maintenance plan being submitted for assessment and agreement on the commuted sums to cover this type of lighting.

Recently OCC lighting have used lighting columns that are made from recyclable aluminium which we understand is cheaper than the standard steel columns, comes in different colours and has a longer design life (see link for examples <http://www.nulitelighting.co.uk>). In terms of working out carbon footprint and environmental benefits of street lighting columns etc this is to be provided by the applicant as part of any future submission.

h) Rights of Way

It is good to see that the layout has been realigned to this 6th version so the onsite walking and cycling routes are planned to be more aligned and made into the priority access, especially between the north and south fields. There also appears to be provision made for off-site connections at the site. It is also good to see access considered alongside the needs of habitats and biodiversity with inaccessible areas, zoning and appropriate treatments where sensitive species/habitats are located.

A walking and cycling masterplan for the entire NW Bicester eco development is required to show links with the surrounding countryside and settlements. OCC's Rights of Way Officer would be happy to work this up with developers so that conditions are put in place to secure a certain provision from this exemplar application to secure the routes at the earliest stage - as well funding and provision from further phases.

i) Off-site works (all off-site works must be secured by S106 Agreement)

Drawing No. 7157, entitled 'Exemplar Site Off Site Highway Improvements' (submitted with the original application documents) showed the proposed Howes Lane / Bucknell Road mini-roundabout. However, this needs amending following revisions forwarded to Hyder by the County Council in February. Details, in particular with regards the cost of this scheme, need to be attached to the S106 agreement.

Drawings 7156-UA001881-02 show the junction details for the exemplar site. The northern entrance raises a concern with the existing lay-by with vehicle turning right – suggest a physical measure is imposed to prevent this from happening unless an alternative measure is proposed – the applicant needs to address this. The taper shown in red will need to be changed in line with Cherwell District Council requirements.

The southern entrance arrangements are acceptable in principle subject to the taper colour being removed. The bus lay-by location is where agreed as are the links into the site. Toucan crossing on the B4100 is not labelled. Proposed footway & cycle links along the B4100 and the A4095 are acceptable.

Vision splays on main entrances are acceptable for 40mph speed limit which is to be imposed via a TRO (a temporary TRO will be required during the initial construction phase(s) of the Exemplar site (if approved) due to the public consultation period for a TRO. TRO payment(s) will be required on the signing of the S106 Agreement for this application.

A safety audit for the off-site works does appear to have been provided for this site which is required.

j) S106 Agreement

No details (draft heads of terms) have been submitted which raises a serious concern in terms of securing the essential off-site works, bus service, travel plan targets (with incentives) and the transport strategy contribution for Bicester.

4. Bio-diversity

Our previous comments still stand and we have some additional comments on the amended application.

Some amendments to the development design have been made (notably the re-design of the north fields to include more green space and water features and an increase in the river Bure corridor). However, the development still does not stand out as one that is demonstrating best practice by taking full account of the biodiversity present on the site or one that has taken opportunities to maximise biodiversity within the proposed development.

Summary: OBJECT, unless the following information is submitted prior to consideration at planning committee:

- Assessment of impacts on Local Wildlife Sites and Sites of Special Scientific Interest as requested by BBOWT and Natural England respectively in response to the original submission.
- A qualitative assessment to accompany the BREEAM table, describing the habitats and associated species which are currently present, and those which are likely to be present once the development is complete (bearing in mind that the habitats will be within an urban context) to demonstrate whether there is a net gain.
- Draft management plan with the objectives and prescriptions for each type of habitat which will be created. To include how they will attract a wide range of species and discourage access for people to areas with habitats / species more sensitive to disturbance.
- Design of pedestrian crossings of the river Bure and its tributaries.
- Assurance that the pedestrian / cycle way along the river Bure will not be lit.

AND the following changes to the masterplan are made prior to consideration at planning committee:

- Remove encroachment of NEAP into 60m river Bure corridor.
- Redesign bridge to maximise space underneath for commuting bats, as requested by OCC and the Environment Agency in response to the original submission.

AND S106 agreement includes:

- Off site compensation for residual impacts (e.g. farming and wintering birds)

- Mechanisms & secure funding for management of green space in perpetuity to include:
 - production of management plan
 - monitoring of protected species as outlined in ecological reports
 - annual monitoring of existing & new habitats & indicator species to feed into annual work programme
 - annual review and update of management plan
 - creation of annual work programme
 - implementation of annual work programme

a) Masterplanning process

After the species-rich ancient hedgerows, the most important area for biodiversity within the phase one site is the Bure river corridor. The masterplan has been amended to increase the river corridor to a width of 60m. However, this 60m corridor is encroached upon by the NEAP, which apparently cannot be relocated at this stage of the planning process. Had ecological surveys been carried out prior to the masterplanning and the results of these surveys fed into the masterplanning process, the NEAP could have been relocated to a more suitable position at an early stage when it was possible.

b) Net gain in biodiversity

- A table showing the number of species likely to be present on the site currently and once the development is complete has been submitted. However, without accompanying text explaining the method and the results, it is difficult to justify whether the development will result in a net biodiversity gain. A qualitative assessment describing the habitats and associated species which are currently present, and those which are likely to be present once the development is complete (bearing in mind that the habitats will be within an urban context and subject to disturbance) would help demonstrate whether there is a net gain.
- Urban wildlife is likely to benefit from the green space areas currently proposed for the development, but more detail is required to demonstrate how some areas of green space (e.g. the river corridors) will attract a wider range of biodiversity. The enhanced habitats must be of high biodiversity value and be designed to minimise access in some areas to compensate for the fact that they cover a relatively small area within the development (20.5%) and will experience high levels of disturbance. In particular, there are concerns that species-rich grassland will not remain so if it is not properly managed or the 3m buffer strips along the hedgerows are subject to high levels of use e.g. regular dog-walking. How this will be addressed could be demonstrated by submitting a draft management plan with the objectives and prescriptions for each type of habitat which will be created.
- A planting scheme has been submitted by the applicant which lists the species which could be planted and where. There are issues with this;

for example, the scheme shows extensive tree planting on existing hedgerows and while some tree planting will enhance the hedgerow (in existing gaps), extensive tree planting would decrease the value of the hedgerow as it will be shaded out by those trees which do establish (which will be difficult in an existing hedge). The plan also appears to be inconsistent with other plans.

- More water features have been included in this proposal (over and above what is required for flow-balancing, outlined in the drainage strategy) which will have a benefit for biodiversity and the northern fields area has been redesigned so that water features are within the green corridors rather than surrounded by built development.
- Most of the potential biodiversity gain relies on appropriate management of green spaces in the long term. We still do not have information on how the green spaces will be managed, who will manage them, an indication of the likely costs of this or exactly what will be required. Without this information, there is no guarantee that biodiversity enhancements will take place or last in the medium to long term.
- Expansion of School Site in a later phase: Phase 2 of the school is shown as an extension to the west; this is likely to require removal of an extensive section of hedgerow to enable children using the phase 2 playing field to be visible from the school buildings. The hedgerow is species-rich UK BAP priority habitat, which we as a local authority have a duty to protect under the NERC Act (2006). Maintaining UK BAP priority habitat is also part of the Oxfordshire Biodiversity Action Plan, for which OCC is a key partner. The removal of it would require planning permission under the Hedgerow Regulations, as it is defined as an 'important' hedgerow; removal would therefore need to be robustly justified and alternatives shown to have been considered e.g. different sites for school, different design of school. From a biodiversity point of view (and planning policy & legislation) it would be much better to leave the hedgerow in situ. Hedgerows can be translocated, provided they are under-cut in the season prior to translocation, so this would need to be planned into the scheme. If there is no alternative to removing the hedgerow, it could be translocated, but funding is required and time to achieve this, and work done to identify the location to where the hedge would be translocated (not too far away). The best solution would be for the school site to be extended to the south, avoiding breaching the hedge.

c) 40% Green infrastructure

- School site

The current calculations for GI include the whole school site apart from the building. Some of this area will be hard-play so should not contribute towards the GI calculations. The school playing fields could count towards GI, although

it should be noted that in the next phase of development, these areas will become hard-play so the amount of GI in the exemplar site will decrease.

- Home zones & green lanes

We are not convinced that these should count towards GI in their entirety; the road itself should be excluded (home zones & green lanes currently contribute 16% to the site's GI).

- Green roofs

Green roofs on private garages will need to be maintained to ensure a long-term contribution to GI. Information on the level of maintenance likely to be required and how this will be achieved would help justify the contribution this makes to GI.

d) Environmental Impact Assessment

- Sites of Special Scientific Interest

Issues raised by the Natural England have not been addressed; please see their response to the initial submission.

- Local Wildlife Sites

Issues raised by the Berkshire, Buckinghamshire Oxfordshire Wildlife Trust have not been addressed; please see their response to the initial submission.

- Wintering birds

A wintering bird survey has now been undertaken and the results submitted. The wintering bird population is of 'Parish/Neighbourhood' importance but no further mitigation, compensation or enhancement measures have been proposed by the applicant because the birds displaced by the development (fieldfare, redwing, yellowhammer, starting, herring gull) will use retained farmland outside of the development site. Mitigation for these species is difficult on site due to the change in land-use. However, compensation off-site would be possible so the applicant should propose off-site compensation measures for these species. This could be addressed through a s106 legal agreement.

- Conservation Target Areas

Our previous comments have been addressed, apart from the fact that residual impacts which cannot be mitigated for on-site (e.g. breeding and wintering birds) should be compensated for off-site within the Conservation Target Areas. This could be addressed through a s106 legal agreement.

e) Development design

- River corridor

See previous comments. The river Bure corridor is now 60m wide, except for where the NEAP encroaches on this corridor with the design now including gabion walls. Although the cycle lane has been moved further away from the river, there is still insufficient certainty that it will not be lit.

- Bridge design

See previous comments. The bridge has been redesigned to include features for roosting bats, but is still a box culvert rather than clear span. The dark space under the bridge should be maximised. The applicant should also submit designs for the pedestrian crossings of the river Bure and its tributary.

- North Fields

The North Fields part of the exemplar development has been redesigned so that there is more green space; this is a positive change since the last submission.

27.05. 2011

