

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

**District:** Cherwell

**Application no:** 14/02156/OUT-2

**Proposal:** OUTLINE - 95 No new homes

**Location:** Land South Of Cotefield Business Park Oxford Road Bodicote

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## **Purpose of document**

This report sets out Oxfordshire County Council's view on the proposal.

This report contains officer advice in the form of a strategic localities response and technical team response(s). Where local member have responded these have been attached by OCCs Major Planning Applications Team ([planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)).

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**Officer's Name:** Lisa Michelson

**Officer's Title:** Locality Manager

**Date:** 03 July 2015

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## Transport

### Recommendation:

No objection subject to conditions

### Key issues:

This response considers the amended transport assessment, which address concerns raised previously.

A revised indicative masterplan has also been submitted. Limited comment is provided as the layout would be subject to a reserved matters planning application, on which detailed comment would be provided at a later stage.

### Legal agreement required to secure:

S106 contributions:

- An amount per dwelling towards Banbury Transport Strategy to mitigate the cumulative impact of this development upon the transport network – calculated in line with the Cherwell Planning Obligations SPD
- £862 per additional dwelling towards improving the frequency of bus services in the Bodicote area, including along Oxford Road between Deddington and Banbury
- £10,000 to improve the existing Weeping Cross bus stops on the A4260 main road, inclusive of moving the northbound stop further south and providing shelters in both directions.
- £1240 to cover the cost of monitoring the travel plan

Highway works

- cycle improvements to connect with the cycle network north of Broad Gap

Requirement to ensure the proposed new walking routes are provided and maintained in perpetuity.

### Conditions:

D4	Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details. <a href="#">Reason DR1</a>
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D15	<p>Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.</p> <p><a href="#">Reason DR1</a></p>
D20	<p>Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.</p> <p><a href="#">Reason DR4</a></p>
	<p>Development shall not begin until details of pedestrian links from the site to the western side of Oxford Road and to Molyneux Drive. have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until those links have been constructed in accordance with the approved details.</p> <p>REASON: to ensure that the site is conveniently accessible by sustainable means.</p>

### **Informatives:**

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk).

### **Detailed comments:**

The Highways Authority previously recommended refusal of planning permission for the proposed development, for the following reasons:

1. The transport assessment has not demonstrated how the transport needs arising from the site will be accommodated safely and efficiently on the network, as it does not propose additional mitigating infrastructure or services to address the additional demand, contrary to Policy SD1 of Oxfordshire Local Transport Plan 3 and the National Planning Policy Framework.
2. The existing priority junction site access onto the A4260 will give insufficient opportunity for users of the development to turn out of the junction at peak times, leading to excessive delays leaving the site.
3. The development will lead to an increase in traffic on Wykham Lane, which due to its alignment, unlit narrow carriageway width and lack of separate pedestrian and cyclist provision, is unsuitable to take any additional traffic.

As part of this amended application, the applicant has submitted additional information which is summarised in a revised Transport Assessment, ref **RS/DF/Ih/JNY8146-02F**, of a formal response to the Highways Authority's response to the original application.

This addresses the Highways Authority's concerns as follows:

### **Strategic transport impact, and mitigating cumulative impact on the local transport network**

I do not accept the applicant's argument that the traffic impact of the development would be negligible. Its residual traffic impact would be part of a cumulative impact giving rise to the need for transport improvements, hence the requirement to contribute to strategic transport improvement schemes in Banbury. Although falling outside Banbury the development would in effect form a continuation of the built up area and would contribute towards congestion on the local network. Nevertheless the developer's willingness to make a financial contribution to the Banbury Transport Strategy infrastructure schemes is noted and welcomed, and the contribution is required to mitigate this impact. This would be proportionate to the scale of development, as it would be calculated on a per dwelling basis in accordance with the Cherwell Planning Obligations SPD (2011).

The Banbury Transport Strategy also requires a shift towards a higher modal share of public transport journeys. The developer's willingness to make a financial contribution towards public transport improvements is also noted and welcomed and required to mitigate the development's impact. It would also be proportionate to the scale of the development, being calculated on a per dwelling basis and in line with contributions received from other developments.

The developer has submitted a draft travel plan to encourage sustainable travel, and the production of the final version of this would be required by condition.

### **Impact on Wykham Lane**

It is accepted that although undesirable, the impact on Wykham Lane from this development in isolation has been estimated at no more than 2 two way vehicle movements per hour, which could not be considered severe.

### **Potential safety issue due to delay to drivers exiting the site onto the A4260**

There is a risk that drivers facing lengthy delays exiting the development could make unsafe manoeuvres. However, having considered this further, in my view this is not considered sufficient to recommend objection. It is acknowledged that modelling may not accurately predict delay where the ratio of flow to capacity is very high, so the modelled delays may not materialise in practice. Also there is not a consistent pattern of accidents locally that involve traffic failing to give way from a minor road where queuing occurs.

### **Air quality**

The increase in traffic volumes resulting from this development in isolation on the Farmfield Road junction (within the AQMA) is not considered to have a severe impact on air quality. However, the Local Planning Authority has responsibility for air quality monitoring and may have a view on this.

### **Cycle facilities**

To ensure that opportunities for sustainable travel are taken up, and to encourage residents to cycle rather than drive into Banbury, the Transport Assessment acknowledges the need for a direct, safe cycle route into Banbury in addition to the existing quiet but longer route through Bodicote Village. The willingness to make a contribution towards a direct cycle link to

Broad Gap is welcomed; however, the Highways Authority's preference would be for the developer to propose improvements and carry them out. Nevertheless the detail of the cycle/pedestrian link northwards through the site and the adjacent development remains extremely important.

**Indicative masterplan**

This has not been reviewed in detail, so this should not be considered as an exhaustive list of comments:

- I am concerned that the pedestrian/cycle route through the centre of the development should be suitable for shared use in all weathers and should be as direct as possible.
- Footpath connections need to be provided into the surrounding footpath/PRoW network.
- Tracking for the full route of a large refuse vehicle will be required with a reserved matters planning application. For areas where manoeuvring into parking spaces looks tight, tracking for a large family car will also be required.

**Officer's Name: Joy White**

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

**Date: 01 July 2015**

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## **Archaeology**

### **Recommendation:**

No objection subject to conditions

### **Key issues:**

The site contains a number of archaeological features as identified through a geophysical survey and trenched evaluation. A programme of archaeological investigation will be required ahead of any development on the site. This can be secured through a suitably worded condition.

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

None

### **Conditions:**

1. Prior to any demolition on the site and the commencement of the development (other than in accordance with the submitted archaeological Written Scheme of Investigation produced by RPS), 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.

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 (2012).

### **Informatives:**

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

### **Detailed comments:**

The site contains a number of archaeological features as identified through a geophysical survey and trenched evaluation. These features consisted of a substantial stock enclosure and evidence for a possible second enclosure, two parallel linear ditches possibly part of a

relict field system, and two potential cremation burials were identified. Further archaeological excavation and recording of these features will be required and a written scheme of investigation setting out how this investigation will be undertaken has been submitted with the planning application.

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 as suggested above.

**Officer's Name: Richard Oram**

**Officer's Title:** Planning Archaeologist

**Date:** 25 June 2015

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## **EDUCATION**

### **Recommendation:**

Approval subject to the conditions

### **Key issues:**

Based on the following mix of units:

- 4 x One Bed Dwellings
- 26 x Two Bed Dwellings
- 33 x Three Bed Dwellings
- 32 x Four + Bed Dwellings

£733,774 Section 106 required towards the necessary construction of the new Longford Park Primary School in the nearby Longford Park housing development.

£433,637 Section 106 required towards the necessary expansion of secondary school capacity in the area.

£19,815 Section 106 required as a proportionate contribution towards a costed project at Frank Wise School in Banbury to expand Special Educational Needs provision in the area. SEN provision for this area is also provided by those schools serving the whole county.

### **Legal Agreement required to secure:**

£733,774 Section 106 developer contributions towards the new construction of Longford Park Primary School, by a total of 33.61 pupil places. This is based on the estimated cost of build a new 1.5 form entry primary school at Longford Park of £6,877,000 or £21,832 per pupil place. This is index linked from 3rd Quarter 2012 using PUBSEC Tender Price Index.

£433,637 Section 106 developer contributions towards the expansion of secondary school capacity at The Warriner School in Bloxham by a total of 24.62 pupil places (including 3.49 sixth form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.

£19,815 Section 106 developer contributions towards Frank Wise School, based on projected pupil generation of 0.65 pupils. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

## **Conditions:**

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

## **Informatives:**

### **Indexation**

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

### **General**

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. As the planning application is an outline proposal and in recognition that the delivered scheme may differ from that so far assumed and assessed the council provides & requires a matrix mechanism for inclusion within the S106 agreement. The matrix sets out the contributions payable per 1, 2, 3 & 4+ bedroomed dwelling built. This avoids potential over / under payment of infrastructure contributions.

The matrix for this application would be:

<b>Service</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4+ Bed</b>
Primary Education	£0.00	£3,711.44	£8,514.49	£11,134.33
Secondary Education	£0.00	£1,761.32	£4,579.43	£7,397.54
Special Educational Needs	£0.00	£91.88	£221.19	£316.47

## **Detailed Comments:**

### **Primary:**

Bishop Loveday CE (VA) Primary School is 2 form entry and expected to be full on current trends. It is not judged to have potential to expand, and housing in this area would instead be expected to increase pupil numbers for the nearby new Longford Park Primary School, due to open in September 2016.

This school is being constructed as a 1.5 form entry school in the first instance, but has been designed with future expansion to 2 form entry in mind. Housing in this area is therefore expected to contribute towards the cost of expanding Longford Park Primary School.

### **Secondary:**

Expansion of secondary school capacity in Banbury and the surrounding area will be necessary as a direct result of the housing development included in the Cherwell Local Plan, as well as additional applications such as this proposal. This is planned to be achieved through a combination of expansions of existing schools and a new establishment.

Feasibility studies are underway into expanding The Warriner School and North Oxfordshire Academy. As these expansions are not subject to land acquisition, they are expected to be the first increases in capacity implemented. Of these two schools, this site is closer to The

Warriner School, and contributions are therefore sought towards the expansion of The Warriner School.

**Special:**

A capital project at Frank Wise School, a special school in Banbury, will complete in the academic year 2014/15. The project replaced temporary accommodation with permanent build and also expanded the school, delivering 8 additional SEN places at a total cost of £1,800,000. Some of the cost was grant funded, with the cost to Oxfordshire County Council being £837,000. Contributions are sought towards this. Across Oxfordshire 1.11% of pupils are taught in special schools.

**Officer's Name: Diane Cameron**

**Officer's Title: School Organisation Officer**

**Date: 29 June 2015**

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## **Property**

### **Recommendation**

**No objection subject to conditions**

### **Key issues:**

- The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.
- The following housing development mix has been used:

4 x One Bed Dwellings  
26 x Two Bed Dwellings  
33 x Three Bed Dwellings  
32 x Four Bed Dwellings

- It is calculated that this development would generate a net increase of:

#### **274.98 additional residents including:**

18.68 resident/s aged 65+  
183.95 residents aged 20+  
27.43 resident/s ages 13-19  
29.28 resident/s ages 0-4

### **Legal Agreement required to secure:**

- Admin & monitoring Fee: £5,000

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

### **Conditions:**

- The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers

and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

### **Informatives:**

- Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of:

• Library	£23,373.30
• Central Library	£4,715.91
• Waste Management	£17,598.72
• Museum Resource Centre	£1,374.90
• Integrated Youth Service	£5,431.14
• Adult Day Care	£20,548.00
<b>Total*</b>	<b>£73,041.97</b>

\*Price Base 1<sup>st</sup> Quarter 2012 Using PUBSEC Tender Price Index

Oxfordshire County Council is **not** seeking a contribution towards library, central library, waste management, museum resource centre or adult day care infrastructure from this application due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) which took effect from the 6<sup>th</sup> April 2015. The property response '*No objection subject to conditions*' relies upon funding for infrastructure as critical mitigation being delivered through CIL where there is no opportunity to gain contributions through Section 106 due to current legislation. OCC hold a statutory obligation to deliver services such as education through schools.

Details of these contribution rates for sustainable capital development are set out below.

### **Detailed Comments:**

#### **Local Library**

This development is served by Adderbury Library. This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service. Costs for improvements are based upon the costs of extending a library. The costs of extending a library is £2,370 per m<sup>2</sup> at 1st Quarter 2012 price base; this equates to £65 (£2,370 x 27.5 / 1,000) per resident.

This calculation is based on Oxfordshire County Council adopted standard for publicly available library floor space of 23 m<sup>2</sup> per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5 m<sup>2</sup> per 1,000 head of population.

The development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00 at 1st Quarter 2012 price base; this equates to £20 per resident.

- The contribution for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

$$\mathbf{£85 \times 274.98 \text{ (the forecast number of new residents)} = \mathbf{£23,373.30}}$$

### **Central Library**

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured is £4,100,000. 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026.  $£1,604,000 \div 93,529 \text{ people} = £17.15 \text{ per person}$

- The contribution for the provision of central library infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£17.15 \times 274.98 \text{ (the forecast number of new residents)} = \mathbf{£4,715.91}}$$

### **Strategic Waste Management**

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,000,000 at 1st Quarter 2012 price base; this equates to £64 per resident.

- The contribution for the provision of strategic waste management infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£64 \times 274.98 \text{ (the forecast number of new residents)} = \mathbf{£17,598.72}}$$

### **County Museum Resource Centre**

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000 at 1st Quarter 2012 price base; this equates to £5 per person

- The contribution for the extension of the Museum Resource Centre in respect of this application would therefore be based on the following formula:

$$\mathbf{£5 \times 274.98 \text{ (the forecast number of new residents)} = \mathbf{£1,374.90}}$$

### **Integrated Youth Support Service**

This development is served by 0 Early Intervention Hub which is currently operating at capacity in the delivery of specialist services and this development will therefore place additional pressures on the early intervention hub.

To increase the provision by 235sqm it costs £595,000 at 1<sup>st</sup> Quarter 2012 price base. This increase will provide 3,000 places (for 13-19 year olds); this equates to £198 per place.

- The contribution for the provision of integrated youth support service infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£198 \times 27.43 \text{ (the forecast number of new residents aged 13-19)} = \mathbf{£5,431.14}}$$

### **Social & Health Care - Day Care Facilities**

This development is served by Banbury Day Centre and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Banbury Day Centre

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £11,000 per place at 1<sup>st</sup> Quarter 2012 price base (this in non-revenue). Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

- The contribution for the provision of adult day care infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£1,100 \times 18.68 \text{ (the forecast number of new residents aged 65+)} = \mathbf{£20,548.00}}$$

**Officer's Name: Oliver Spratley**

**Officer's Title: Corporate Landlord Officer**

**Date: 29 June 2015**

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