

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

District: Cherwell

Application no: 18/00904/F

Proposal: Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake

Location: Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD.

Response date: 28th June 2018

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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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 given an opportunity to make further representations.

Outline applications and contributions

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

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.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - £100**
This is an estimate of the amount required to cover the extra 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 an s106 agreement is completed or not.

CIL Regulation 123

Due to pooling constraints for local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.

That decision is taken either because:

- OCC considers that to do so it would breach the limit of 5 obligations to that infrastructure type or that infrastructure project or
- OCC considers that it is appropriate to reserve the ability to seek contributions to that infrastructure type or that infrastructure project in relation to the impacts of another proposal.

The district planning authority should however, take into account the whole impact of the proposed development on the county infrastructure, and the lack of mitigation in making its decision.

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Transport Schedule

Recommendation:

Objection

- The site is not sustainable in transport terms
- Unsatisfactory Drainage scheme

Comments:

Access

The proposed Marina development will accommodate up to 250 boats with the development to include a clubhouse and parking spaces for 200 vehicles. The proposal will see a significant increase in general traffic volume on the local network. The HA considers this volume of traffic to be of immense impact to the very rural surrounding road network.

The site currently has a gated access on Boddington Road, which the design and access statement (DAS) indicates that a new access shall be formed to serve the Marina and ensure that the existing access shall be retained to solely serve as agricultural access for farm traffic.

From a recent site visit, I am not convinced that the required visibility splays are achievable for a national speed limit road. It might be the case that vegetation will need to be significantly cut back to allow for the required splays to be achieved. I however agree that due to the physical constraints of Boddington Road such as the hump back bridge south of the site and the carriageway being single track traffic speeds are generally low.

The established road network from Banbury Road (Boddington Road in particular) and from the A423 (Fenny Compton Road) that gives access to the site have substandard visibility and width constraints along. The TA supporting the application fails to recognise this fact but does not even suggest a safe solution for those likely to access the site. Boddington Road runs for about 2km from Banbury Road in the north to the site access and serves not only the proposed Marina but some residential and farm properties as well.

This site is not considered sustainable in transport terms, with no suitable access available on foot, by cycle or public transport and little or no amenities in the local area. Other than the waterways, it would likely be a car dependant development. The HA views this application as a substantial development in a rural location and as such have concerns relating to the adjoining road network to be able to safely accommodate development traffic of this scale.

Trip generation

The submitted TA provides details of trip assessment based on TRICS which works on the principle of identifying trip rates from development-related sites. However, obtaining an accurate comparison is of importance which I am not sure this has been applied convincingly. It remains questionable why the TRICS output has not been presented with this application, and the HA request that this information be submitted in support of the application.

Policy

The development proposal is considered contrary to National Planning Policy Framework standards in that it fails to reduce the need to travel and maximise trips by sustainable modes.

The proposal is also contrary to Local Transport Plan 4 Policy 17...

“Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport”

A development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted. It should be noted that heavy goods vehicles will probably only need to have access to the site in significant numbers during construction.

Accidents

A review of the accident data for the area has been carried out, and has highlighted a number of incidents which have occurred between 2013 and 2017. Whilst this data classifies the incidents by their severity, it has not availed the nature and possibly the causation factors behind these incidents to arrive at such a conclusion as stated in para. 3.11 of the TA. It may be a case that most of those identified incidents were due to road characteristics which may in turn be realised in the event that this application is allowed as a result of intensified use of Boddington Road or Fenny Compton Road.

It is however, considered that the proposed development shall likely increase the potential conflicts along the adjacent road network.

Drainage

The following points of concern were raised :

- The swale is located in Flood Zone 3, and a concern was raised whether this could be inundated by flood water and the designed capacity reduced either by ground water or entering it.
- The outfall of the SuDS system appears to be located in Flood Zone 3, a concern was raised as to whether the outfall would operate in flood conditions as well as normal conditions as insufficient information was provided.

- Parts of the site include proposed hardstanding gravel areas with no provision for drainage. It is unlikely that surface water will permeate into the gravel car park area. No construction details were provided.
- A concrete car parking area is positively drained but the site proposed levels grade towards the access to the development, resulting in that surface water flows in exceedance of the designed drainage capacity will not be stored on site.
- The FRA states that proposed the clubhouse, parking areas and access will have levels well in excess of existing levels. However, there appears little description of the existing flood levels at the site and potentially whether exceedance flooding may be diverted or directed onto neighbouring property.

PROW

The proposed footbridge should be constructed to DMRB standards, or to Canal and River Trust (C&RT) public towpath standard. This structure must be maintainable by the applicant or C&RT and OCC accepts no liability for its construction, public liability or future maintenance. The footpath/towpath will need to be closed to enable construction and a temporary closure needs to be applied for from OCC. Note that there is normally a 12 week lead time for this. It is expected that the footpath/towpath will be protected from plant damage and repaired to same or higher standard after the works have been completed.

The applicant should fund improvements for the footpath to Claydon to enable visitors/residents to gain access. A sum of £10k is considered appropriate for spot surface, furniture (stile to gate replacement) and vegetation management works

Other than this the following PROW standard measures must apply:

Standard measures

1. **Temporary obstructions.** No materials, plant, 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. Reason: To ensure the public right of way remains available and convenient for public use.
2. **Route alterations.** No changes to the public right of way direction, width, surface, signing or structures shall be made without prior written permission by Oxfordshire County Council or appropriate temporary diversion. Reason: To ensure the public right of way remains available and convenient for public use.
3. **Vehicle access (construction):** No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council. Reason: To ensure the public right of way remains available and convenient for public use.
4. **Vehicle access (Occupation):** No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission

and appropriate safety and surfacing measures approved by Oxfordshire County Council. Reason: To ensure the public right of way remains available and convenient for public use

5. **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. Reason: To ensure that gates are opened or closed in the interests of public right of way user safety

6. **Improvements to routes**: Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. No improvements may be implemented without prior approval of Oxfordshire County Council. For this site it is recommended that the applicant funds and undertakes appropriate improvements to the canal towpath in the vicinity of the site in order to give residents/visitors more options for walking. Reason: To ensure the public right of way through the development retains character and use as a linear corridor and is able to integrate with the development

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Public Rights of Way	10,000	June 2018	Baxter	Footpath improvement works
Total	10,000			

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Access: Full Details

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.

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

Officer's Name: Rashid Bbosa

Officer's Title: Transport Engineer

Date: 25 June 2018
