

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

District: Cherwell

Application No: 18/00484/OUT-2

Proposal: Outline planning permission for up to 75 homes, pedestrian and cycle routes, creation of new access point from Charlotte Avenue, provision of open space, play space, allotments, orchard, parking and associated works.

Location: Land North And Adjoining Home Farm, Banbury Road, B4100, Caversfield.

Response date: 6th November 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.

This response addresses additional information submitted by the applicant and should be read in conjunction with OCC's response dated 15th May 2018

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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 - £5000.00**
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:

No objection subject to:

- **S106 Contributions** and obligations as set out in our previous response.
- **Planning Conditions** as detailed below.

Key points

- An adjustment has been made to traffic distribution as requested.
- The applicant has agreed to transport obligations towards strategic improvements to mitigate the development's share of the cumulative impact of NW Bicester.
- Improvements to pedestrian and cycle connectivity are shown on the Access and Movement Parameter Plan, but the wording needs to be changed to make more of a commitment to provide access points.
- The red line has been adapted to include part of the Home Farm access road that will form part of the access to the allotments car park – further details are required by condition.
- The access to Caversfield Church will need to be specifically conditioned.
- Further work needs to be done to establish the type of crossing of the B4100 to be provided to link the development with Caversfield Church.

Comments:

OCC previously objected on the following grounds:

- The TA does not provide sufficient information to fully assess the traffic impact of the development
- The TA does not provide sufficient information to assess the safety of proposed accesses onto the B4100 – temporary construction access, and access to allotments via Home Farm access road.
- The site does not maximise opportunities for sustainable travel because it could provide more direct links with the adjacent parcels' residential streets.

Traffic impact

An updated TA has been provided. As requested, the traffic distribution has been amended to reduce the proportion of southbound traffic passing through the central corridor of Bicester, and a more realistic distribution is now assumed. This has resulted in more movements along the A4095, increasing the percentage impact on this arm of the A4095/B4100 roundabout junction.

The percentage impact on both this junction and the Charlotte Ave/B4100 junction is above the level at which we would normally expect detailed junction modelling to be carried out. It has not been carried out, but the developer has agreed to contribute proportionately to schemes to increase the capacity at both junctions, which are planned as part of the strategy for the wider NW Bicester development.

Therefore our first objection regarding the adequacy of the transport assessment is removed.

Access onto the B4100

Regarding the secondary access onto the B4100, the red line has been extended to include the junction of the Home Farm access road and a length of this access road from which the access into the allotments/church car park could be taken.

Improvements to this junction are needed to ensure adequate geometry for vehicles to pass and turn safely into the car park, without any risk of conflict with vehicles using the access road or vehicles being delayed turning off the B4100. With control over the land now within the red line and within highway, I consider that this could be achieved successfully but details should be required by condition prior to commencement and the works will need to be carried out prior to the car park coming into use. Any improvements to the access onto the B4100 will require a S278 agreement.

However, regarding pedestrian access across the Home Farm access road, I note that this is not within the red line, and the applicant must demonstrate that they have the right of access across the road and the owner's permission to improve the crossing of the narrow verge across the access road. If this is to form a key pedestrian link to the NW Bicester place of worship (Caversfield Church), the surface of the entire route, including where it crosses the access road, will need to be suitable for all users, including wheelchairs and buggies. Details of this route should be required by condition, with improvements to be made by the time the crossing of the B4100 is installed. If for any reason this condition can't be imposed, then an alternative pedestrian route must be demonstrated, via the Home Farm access road and a length of footway linking the access road and the new crossing point on the B4100.

Regarding the temporary construction access, drawing 41436/5505/004 has been provided in the updated Transport Assessment, which shows visibility splays in accordance with the posted speed limit on the B4100 of 40mph. However, the visibility splay to the north cuts across the highway boundary and therefore would not be achievable without the consent of the adjacent landowner. Also the visibility splay crosses a ditch, which may be in the ownership of the adjacent landowner (note that highway records plans contain a caveat concerning ditches). Additionally the

visibility splay required should be based on actual speeds. The traffic counts done further south on the B4100 demonstrate that 85th percentile speeds are considerably higher than the speed limit. Further work needs to be done to demonstrate the suitability of this access, or the access should be moved to a more suitable position.

Please note that improving the access here to provide a suitable construction access is likely to require a S278 agreement rather than a S184 licence. As part of the agreement, trees and vegetation will have to be removed to provide the visibility splay.

I recommend that the plan supplied is not approved as part of a planning permission, but that further details are requested by condition, and that the temporary access is implemented in accordance with the approved details, prior to commencement.

Pedestrian and cycle links

The Updated Access and Movement Plan shows additional pedestrian and cycle access points, which are welcomed, but describes these as 'potential future footpath/cycle connection points'. It is not clear what work has been done to secure these connection points with the adjacent sites. To ensure that they are secured, the wording on the Plan should be amended to remove the words 'potential future'. I note that a path has been included along the western boundary of the site on the illustrative masterplan, which will further assist with connectivity.

With regard to the footways along the main access road from Charlotte Avenue, these are stated as being 2.0m wide in the Transport Assessment, and 1.8m wide in the Design and Access Statement. As stated in our previous response, we would expect them to be 2m wide.

S106 legal agreement: Comments on the Draft Heads of Terms have been submitted. The applicant has indicated that the transport heads are acceptable in principle.

S278 works – crossing of B4100

The comments on the Draft Heads of Terms indicate that further work is needed to determine the type of crossing that the developer would need to provide on the B4100, to provide access to the Church. A Technical Note has been provided, which discusses three options for the type of crossing: uncontrolled with no refuge, uncontrolled with refuge, and signalised.

The visibility to the crossing from northbound traffic is a constraint, and none of the options can be provided fully in accordance with DMRB standards. It is also noted that speed surveys have not been carried out, so the calculations of the required visibility are based on the posted speed limit of 40mph. The signalised crossing is likely to provide the safest and best option for users, and if, as appears to be proposed, Caversfield Church is to become a main place of worship and community facility for this part of the NW Bicester development, a signalised crossing is likely to be justifiable, due to the volume and type of users accessing it, in the context of the high volumes of traffic on the B4100.

It is recommended that a stage 1 and 2 safety audit is carried out on all options, based on the maximum achievable visibility within highway land, i.e. without requiring any non-highway land. In the meantime, the possibility of dedication of 3rd party land for visibility splays could be investigated.

It should be noted that the signalised crossing would be subject to formal consultation, which could be carried out alongside the S278 process.

Travel Plan

A revised travel plan has been received, and the comments made in our previous response have been taken into account and amendments made.

However, we believe that the Eco Bicester travel plan targets which have been incorporated into and accepted by this plan will be challenging and that the travel plan in its current form may not be able to deliver the reductions and subsequent increases in sustainable modes that are being sought.

Because the timescale for achieving these targets is relatively short term, i.e. one year after occupation, our view is that it will be better to review the situation once this point has been reached.

If significant progress is not being made towards achieving these targets we will expect to see that the travel plan will be updated and that new measures will be introduced to address the situation.

The travel plan should be amended accordingly. We have requested a condition for a travel plan and will expect to see this taken account of when we are consulted on its discharge.

Other comments:

As this is an outline planning application, I have not reviewed the indicative layout in detail. However, there are a few aspects of the Design and Access statement where further advice from the Highway Authority should be sought, particularly in relation to adoptability. These include:

- Tree planting along the tree-lined avenue
- Parking on the tree-lined avenue
- Dimensions of low key access roads
- Types of lighting

Planning Conditions:

As per our previous response with the following amendment:

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, to provide access to the allotments and the church car park only, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the car park the means of access shall be constructed and retained in accordance with the approved details.

[Reason DR1](#)

Construction access: Full details

Prior to the commencement of the development hereby approved, full details of the temporary construction access including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to commencement, the temporary means of access shall be constructed and retained in accordance with the approved details for the duration of the construction of the site, and shall be closed and the highway verge reinstated immediately thereafter.

[Reason DR1](#)

Pedestrian and cycle links

Prior to the commencement of the development hereby approved, full details of the pedestrian and cycle connections including the off carriageway pedestrian/cycle route through the site, the pedestrian link between the site and Caversfield Church, and linkages to existing facilities on adjacent parcels, which shall include construction, layout, surfacing, drainage and lighting, together with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the pedestrian/cycle route and links shall be constructed in accordance with the approved details and the approved timetable.

[Reason DR2](#)

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 02/11/18

Application no: 18/00484/OUT-2

Location: Land North and Adjoining Home Farm Banbury Road B4100 Caversfield

Education Schedule

Recommendation:

No objection subject to:

S106 contributions as summarised in the Education response to original application 18/00484/OUT dated 15 May 2018 and reiterated below.

Contribution	Amount £	Price base	Index	Towards (details)
Primary	£480,830	3Q16	PUBSEC	The future expansion of Gagle Brook School
Secondary	£453,180	3Q16	PUBSEC	Contribution towards the new NW Bicester secondary school (phase 2).
Total	£ 934,010			

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

£480,830 Primary School Contribution indexed from 3Q2016 using PUBSEC Index

Towards: The future expansion of the new primary school, Gagle Brook Primary School.

Justification: The S106 agreement for Gagle Brook Primary School has already secured sufficient funding for the initial 1 form entry school that is required in Banbury due to local growth and other developments. The capacity of this new school is sufficient for the existing proposed developments but does not have the long-term capacity to accommodate the pupils generated from this development. The contributions sought from this development are towards the planned expansion of Gagle Brook Primary to ensure that the school can expand when necessary to accommodate pupils created by developments such as this within the designated catchment area.

Calculation: the price per pupil is consistent with other developments on NW Bicester and revised costing for primary schools on site.

Pupils generated	22.85
Cost per pupil	£21,042
22.85 * £21,042	£480,830

£453,180 Secondary School Contribution indexed from 3Q2016 using PUBSEC Index

Towards: The second phase of development of the new secondary school on NW Bicester strategic allocation.

Justification: The contributions sought from this development are towards the building of the second phase of the new secondary school on the NW Bicester strategic allocation. The NW Bicester strategic allocation requires a new 1200 place secondary school to provide sufficient secondary school places. The school will be built in phases depending on the build out of the development.

Calculation: this calculation is consistent for a new build cost for NW Bicester secondary school

Pupils generated	13.97
Cost per pupil	£32,439
13.97 * £32,439	£453,180

CIL Regulation 123

OCC considers that the following education contributions meet the tests required by Regulation 122 (2) of the CIL Regulations but they are not sought due to Regulation 123.

Contribution	Towards (details)
Special Education	Contribution towards ensuring sufficient accommodation at the Bardwell School.
Nursery/ Early Years Education	Contribution towards ensuring sufficient Nursery and Early Years places in the local area.

Officer's Name: Lucy Mills

Officer's Title: School Organisation Officer

Date: 05/11/2018

Application no: 18/00484/OUT-2

Location: Land North And Adjoining Home Farm, Banbury Road, B4100, Caversfield.

Archaeology Schedule

Recommendation:

No Objection.

Comments:

A report for the archaeological evaluation we requested has been submitted with this planning application.

The evaluation has shown that archaeological do not survive on this site.

There are therefore no archaeological constraints to this proposal.

Officer's Name: Richard Oram

Officer's Title: Planning Archaeologist

Date: 02/11/2018
