

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

District: Cherwell District Council

Application no:19/01036/F

Proposal: Development of a new Local Centre comprising Retail, Commercial and Community floorspace (flexible Use Class A1/A2/A3/B1/D1), and 38 residential units (use class C3) with associated access, servicing, landscaping and parking

Location: Bicester Eco Town Exemplar Site Phase 2 Charlotte Avenue Bicester

Response date: *17th July 2019*

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.

Application no:19/01036/F

Location: Bicester Eco Town Exemplar Site Phase 2 Charlotte Avenue Bicester

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 - £3500**
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.

Application no:19/01036/F

Location: Bicester Eco Town Exemplar Site Phase 2 Charlotte Avenue Bicester

Transport Schedule

Recommendation:

No objection subject conditions

Key points:

- There has not been provision for covered and secure cycle storage for staff and permanent residents as mentioned in the TS.

Comments:

This site is the subject of a planning consent Ref: 15/00760/F, allowing development of a local centre comprising of a Convenience Store (use class A1), Retail Units (flexible use class A1/A3/A5), Pub (use class A4), Community Hall (use class D1), Nursery (use class D1), Commercial Units (flexible use class A2/B1/D1) with parking, associated access, servicing and landscaping with a total GEA of 3,617 sqm."

This planning application is now seeking permission to allow a revised development comprising of a total of 1,476sqm of flexible space for retail, along with commercial and community uses and 38 residential units. The application is supported by a Transport Statement (TS), which considers the proposals taking into account the amended quantum and mix of uses within the local centre.

The local centre (development site) is located either side of Charlotte Avenue within the Elmsbrook Exemplar development. The development site is strategically located to enable ease of movement within the wider Elmsbrook development by various travel modes.

The extant planning permission was never implemented for its associated impacts to be felt on the network. The impact of the proposed development scheme is however assessed on a reference scheme, with comparisons being made to the previously permitted development.

The submitted TS document sets out a reasonable methodology in evaluating the transport impact of the proposed scheme.

Access – the proposed development shall still be accessed in much the same way as the previous local centre, which is off Charlotte Avenue. Charlotte Avenue is a 20mph designed carriageway with attractive facilities for pedestrians and cyclists.

Car Parking – The proposals within the TS suggest that 6 electric charging points will be introduced within the parking area in order to support electric vehicle use – a measure which OCC welcomes. A total of 64 parking spaces shall be provided as part of the unallocated strategy - to be shared amongst the different land uses. This is agreeable as we acknowledge that the local centre shall have overlapping parking demand across the day from the various land uses.

Cycle Parking – it is agreed that the proposed cycle parking provision for the various land-uses is in line with guidance contained within the adopted Cherwell DC parking standards. Para 3.3.5 of the TS asserts that cycle storage for staff and permanent residents will be provided in covered secure shelters close to building entrances – the covered provision is neither shown on the site layout plans nor is it illustrated on the elevations. All that is presented are stands of a sheffield type in open spaces.
(To be conditioned)

Trip Generation – A reference scheme has been prepared to demonstrate how the Local Centre could be accommodated on the site with the mix of land uses proposed. This provides an assessment baseline for comparison with previous Local Centre proposals. A methodology of factoring the consented traffic generation by the increase/decrease in floor size/residential units for each of the different floor uses, was predominately used.

The TS finds that the traffic generation associated with the consented local centre compared to the proposed land use will have a marginal increase in peak hour trips. This takes into account the context of the trip generation rates per size of land use of both schemes, and the extant development having no residential land use which comparatively generates relatively more trips in the peak periods.

It is my opinion however that the increase in trip generation during the peak periods will have a negligible impact locally and beyond the Exemplar development.

Construction Traffic Management Plan - Consideration will need to be given to how the local centre will be built, including location of contractor parking, compound, deliveries etc., particularly given the surrounding residential area and nearby school. A CTMP has not been provided and this needs to be submitted and approved prior to commencement of development. **(To be conditioned)**

Travel Plan – A framework travel plan (FTP) has been submitted with this application. This will act as the basis for any travel plans that are developed for the individual elements that make up the local centre. It does not cover the residential element of this scheme which is covered elsewhere.

It should be noted that the targets included within this FTP differ from the targets that are normally specified by ourselves because they were agreed and set out within the S106 agreement. We would normally ask that a target is set to reduce Single Occupancy Vehicle travel (SOV) to and from a site as well as specifying a target for each mode for each year in which a survey will take place. We would normally also expect to see different targets set for employees based at the various elements of the new local centre and the people that use the facilities provided there. Because site wide targets are specified these will be used instead.

As much of this FTP is predicated by what is happening on the wider site it would be good to know how the promotion of sustainable travel is going for the site as a whole.

The submitted framework travel plan has been checked against our approved guidance. Our comments on the submitted framework travel plan are included below.

N.B. Please provide responses to any questions that require a response. A failure to do this will inevitably lead to delays.

- Para 1.2.1 As this travel plan was produced in 2011 it is quite an old document now. What revisions have taken place to this travel plan since it was originally agreed? Is the development meeting its travel plan targets?
- Para 3.3.3 Table 3.1 is said to include the expected baseline figure for the opening on the local centre in 2020/2021. How have these figures been arrived at? How do they compare to the 2011 Census travel to work data?
- Para 3.3.4 Quite a few of these targets are 3 years out of date have they been met? Will the targets be revised? Please include details in this FTP.
- Section 4.1 Management, it will be the responsibility of the appointed TPC for the FTP to ensure that all future site occupiers are made aware of their travel plan responsibilities and to ensure that these are met. They will have overall responsibility for ensuring that individual site occupiers buy into the aims of the FTP and that everyone works together to meet the targets that have been set for the site.
- Para 4.3.2 Monitoring reports should be submitted to the Travel Plan Team at Oxfordshire County Council a month after any travel plan survey has taken place not two as has been specified.
- Para 5.2 Do we know how many people have installed 'Shimmy' and how useful it has proved in promoting sustainable travel to and from the site? Are there any records of how many people are regularly using it?
- Table 6.1 All items contained in the action table need to have a named representative who will be responsible for ensuring that they are carried out. They should be specific and give details of exactly what will be done and by when. It would be better to group them under headings such as measures to encourage walking, measures to encourage car use, measures to increase car share etc.
- Para 6.2.3 Agreed, there should always be the flexibility for occupiers to develop appropriate actions which are tailored to their individual businesses or organisations.

A link to our guidance is included below.

<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TravelAssessmentsandTravelPlans.pdf>

Planning Conditions:

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

Cycle Parking

Prior to the first use or occupation of the development hereby permitted, full details of the two tiered, covered cycle parking (to include construction, layout and dimensions) shall be submitted and approved in writing to the Local Planning Authority for approval. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Travel Plan

The submitted framework travel plan will be revised in line with comments received and sent back to the Local Planning Authority for approval before first occupation of any of the elements of the local centre.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan (CTMP)

Prior to commencement of the development hereby approved; a construction traffic management plan shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.

- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times

Informative:

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. Alternatively, the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

Officer's Name: Rashid Bbosa

Officer's Title: Senior Transport Planner

Date: 11 July 2019

Application no:19/01036/F

Location: Bicester Eco Town Exemplar Site Phase 2 Charlotte Avenue Bicester

Local Lead Flood Authority

Recommendation:

Objection

Key issues:

Insufficient data provided to enable full technical audit of the drainage/flood risk/SuDS use for the site.

Legal agreement required to secure:

Conditions:

Informatives:

Detailed comments:

Information submitted is sufficient as a Concept Design only.

MicroDrainage default Cv values have been used. These are not felt to be reflective of the site. 0.95 should be applied to roof areas, 0.9 to all other hardstanding areas.

Run-off from site should be at Greenfield, values provided appear high.

FRA point 7.5 states more infiltration testing to be undertaken. This needs to be carried out and infiltration results provided, the site is based on an infiltration principle but there is no certainty this will be achievable, nor can a drainage strategy be applied, without the appropriate level of testing.

GI results from 28/01/13 are noted as being in "draft" state.

DWG TP-01 Rev 2 states infiltration to be undertaken but no further evidence appears to have been provided.

Table 7.6 rules out the use of most SuDS techniques, this should be re-examined, i.e. blue/green roofs, rain gardens, bio-retention, all areas of hardstand to be permeable, e.g. FRA states "Block paving to external social areas", this needs to be reviewed.

Landscape proposal GA DWG ADP-00-GF-DR-A-L-1000 is non descript, lacks detail. SuDS usage in any green space is expected to be maximised.

No key on DWG ADP-00-GF-DR-A-1010 Rev 1 making interpretation and audit difficult.

Flow route diagrams pre and post development need to be provided.

Management and Maintenance plan needs to be worked up.

Safe ingress/egress from site need to be justified in cases of exceedance.

Sacrificial areas for temporary ponding in exceedance events, on site, require consideration and justification.

Officer's Name: Adam Littler

Officer's Title: Drainage Engineer

Date: 17 July 2019

Application no:19/01036/F

Location: Bicester Eco Town Exemplar Site Phase 2 Charlotte Avenue Bicester

Education Schedule

Recommendation:

No objection subject to:

- **S106 Contributions** as summarised in the tables below and justified in this Schedule.

Contribution	Amount £	Price base	Index	Towards (details)
Primary and Nursery	£199,656	2Q18	PUBSEC	The new primary school serving the North West Bicester Eco Town Development (Gagle Brook Primary School)
Total	£199,656			

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

£199,656 Primary and Nursery School Contribution indexed from 2Q2018 using PUBSEC Index

Towards:

The new primary school (Gagle Brook Primary School) serving the North West Bicester Eco Town development, which was forward funded to ensure the needs of the Eco Town development.

Justification:

The proposed development is served by Gagle Brook Primary School for primary school provision, and the school also offers 52 pte nursery places. Gagle Brook opened in September 2018, in order to meet the expected increase in demand for primary and nursery places due to the planned large-scale housing development on the NW Bicester Eco Town site. This application contributes towards the need for on-site primary and nursery provision, and a proportionate contribution is therefore required towards the new build rate for Gagle Brook in order to repay forward funding. This contribution has been based on the total project cost for the new school.

Calculation:

Number of primary and nursery pupils expected to be generated	5.69
Cost per pupil based on the total project cost of building Gagle Brook	£35,089

Primary School	
5.69 * £35,089	£199,656

Officer's Name: Joanne Booker

Officer's Title: School Organisation Officer

Date: 5 July 2019
