

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

**District: Cherwell District Council**

**Application no:19/01036/HYBRID**

**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:** *5<sup>th</sup> December 2019*

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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](mailto:planningconsultations@oxfordshire.gov.uk)) as to why material consideration outweigh 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 - TBC**  
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 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.

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## **Transport Schedule**

### **Recommendation:**

No objection subject to condition(s)

### **Key points:**

- Unsatisfactory refuse vehicle tracking drawings have been submitted for the northern block which appears to show that access to bin storage is not possible except when utilising land outside of the application boundary.
- Details of Crossings across Charlotte Avenue need to be submitted
- Agreement purported between the developer and adjacent land owner over use of turning areas for refuse and delivery service has been considered in order to accomplish vehicular turning on site

### **Comments:**

Scope of Application – 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 application has been submitted in Hybrid, seeking:

1. Full planning permission for Local Centre Community floorspace (Use Class D1 with ancillary A1/A3), with a total GIA of 552 sqm, and 16 residential units (use class C3) with associated access, servicing, landscaping and parking situated to the north of Charlotte Avenue.
2. Outline planning permission is also sought for Local Centre Retail, Community or Commercial Floorspace (flexible Use Class A1/A2/A3/A4/A5/B1/D1) on land allocated for the Local Centre to the south of Charlotte Avenue. Details of means of access from Charlotte Avenue are included for approval with this application.

The Transport Statement (TS) for this hybrid application is largely the same as the one that was submitted with the outline application although it includes full details of development to the north of Charlotte Avenue, but details left to reserved matters except for access for the area south of Charlotte Avenue.

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 on this site 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.

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.

Paragraph 3.3.1 mentions a series of crossings that shall be provided across Charlotte Avenue which shall include surface treatments. None of these has been shown in detail. Full specification details will need to be submitted. **(To be conditioned)**

Car Parking – The previous TS suggested an inclusion of electric charging points within the parking allocation. Disappointingly, this has now been omitted.

Parking details within the TS only cover the extent of the Full Application site (the northern block) which shows a provision of up to 32 parking spaces. Out of these, 16 spaces are shall be allocated to residents under a permit scheme a level which is compliant to standards. The other 16 parking spaces shall be shared amongst the different land uses – which is agreeable acknowledging the overlapping parking demand across the centre.

The level of parking provision for the southern block seeking Outline planning permission will be determined at Reserved Matters in accordance with the agreed outline parameters.

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 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)**

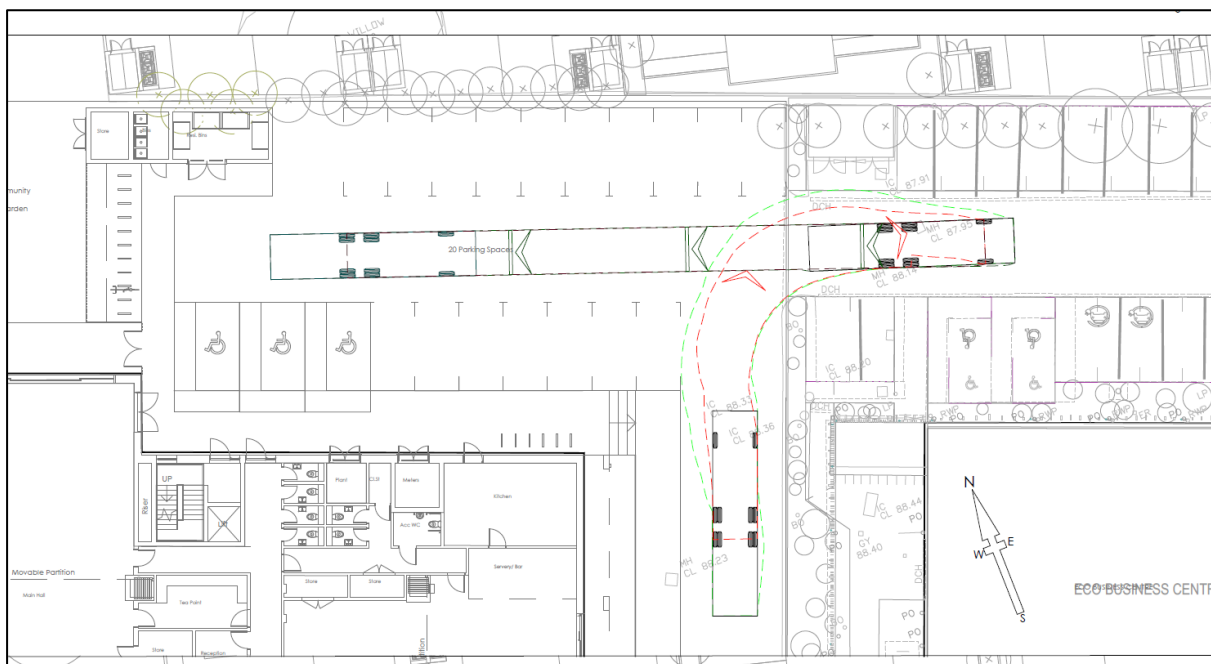
It is however my view that all of the resident bicycle parking spaces should be under cover. It is important to provide sufficient covered bicycle parking to ensure that the occupants of the residential units take advantage of the well-integrated and high-quality facilities provided. Without getting this right, the development would not meet the requirements of the NPPF in paragraphs 32 and 35 in particular.

Vehicle Tracking – Tracking diagrams have been provided for the site layout showing that an 11.7m refuse vehicle would be able to manoeuvre in and out of the site. However, I do not believe that the refuse vehicle can safely get to within the

recommended distance to service the bin storage located to the top left corner of the site.

To accomplish the refuse collection task, the refuse wagon needs to utilise land (outside of the red application line) north of the Eco Business Centre in order to reverse towards the bin storage area (see snippet below). Similarly, I believe egress shall be harder to achieve except by blindly reversing back onto Charlotte Avenue, a manoeuvre deemed to be unsafe for all users.

A confirmatory letter of agreement between the developer of this site and the land owner of the Eco Business Centre to use this area (outside the site application boundary) in order to achieve such manoeuvres has since been provided. Without this perpetual agreement, refuse and service deliveries to the local centre would be impossible.



Trip Generation – This exercise has taken the approach of factoring the consented traffic generation by the increase/decrease in floor size/residential units for each of the different floor uses. In terms of the overall net impact of the traffic generated by this revised proposal, the calculations are based on the original higher quantum of land uses and floor space and as such can be considered as comparison from a worse case scenario. This assessment provides a baseline for comparison of trips from the quanta of land uses as applied to retail and community centre.

Para 3.3.2 mentions that for robustness in assessment, consideration of the Local Centre retail space has assumed Food Retail. This is accepted and appreciated.

It is noted that the consented Local centre did not have any residential element with the consented development. Notwithstanding, the TS has considered the percentage increase of the 16 residential units with respect to the units proposed by the wider

Exemplar development (393 units). It is my understanding that this percentage difference has been used to derive the net increase in trips.

I note that paragraph 4.3.2 and indeed Table 4.1 make reference to planning consent acquired in 2011. It is my assumption that this is a typo as none of the planning applications associated with this site was ever submitted in 2011.

Although the TS demonstrates a net reduction in trips as a result of this application, we need to bear in mind that this assessment only covers part of the Local Centre (the site seeking full planning permission). It is my opinion however that the net difference in trips shall manifest when the whole site (including that seeking outline planning permission) has been brought forward.

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

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](mailto:Roadagreements@oxfordshire.gov.uk)

**S278 Highway Works:**

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works along Charlotte Avenue - Improvements such as additional crossings suggested in the TS.

**Note:**

This is secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

**Officer's Name: Rashid Bbosa**

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

**Date: 01 November 2019**

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## **Education Schedule**

### **Recommendation:**

As advised in the county's response (dated 17/07/2019) to the original application, this proposed development would contribute towards the need for additional nursery and primary school places. This amendment reduces the number of dwellings, and hence pupil generation, and would result in changes to the level of contributions required.

In addition, the county council is now also requesting secondary contributions, proportionate to the proposed development's expected secondary and sixth form pupil generation, towards the planned new secondary school at North West Bicester.

SEN education contributions have not been requested, as due to the number and mix of dwellings the proposed development is not expected to generate any pupils requiring SEN education.

The revised contributions would be:

Contribution	Amount £	Price base	Index	Towards (details)
<b>Primary and Nursery</b>	<b>£77,196</b>	<b>2Q18</b>	PUBSEC	The new primary school serving the North West Bicester Eco Town Development (Gagle Brook Primary School)
<b>Secondary (including sixth form)</b>	<b>£32,165</b>	<b>2Q18</b>	PUBSEC	The planned new secondary school at North West Bicester
<b>Total</b>	<b>£109,361</b>			

### **Revised calculation (Primary and Nursery):**

Number of primary and nursery pupils expected to be generated	2.20
Cost per pupil based on the total project cost of building Gagle Brook Primary School	£35,089
2.20 * £35,089	<b>£77,196</b>

**The following contribution has been added following the submission of the amended application:**

**£32,165 Secondary School (including Sixth Form) Contribution** indexed from 2Q2018 using PUBSEC Index

**Towards:**

The planned new secondary school at North West Bicester

**Justification:**

Secondary schools in Bicester are currently at capacity, and demand is expected to increase further due to the cumulative effect of planned and permitted housing development in the Bicester area. To mitigate the impact of this increase, new secondary schools are planned, including at the North West Bicester site, which would ultimately serve this proposed development. Contributions towards the cost of building this secondary school are therefore required, in proportion to this application's expected pupil generation.

**Calculation:**

Number of secondary and sixth form pupils expected to be generated	1
Estimated cost per pupil of building the planned new North West Bicester secondary school	£32,165
1 * £32,165	<b>£32,165</b>

**Officer's Name: Joanne Booker**

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

**Date: 30 October 2019**

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