

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

**District:** Cherwell

**Application no:** 19/01047/OUT-2

**Proposal:** Outline planning application for a residential development of up to 850 dwellings; green infrastructure including formal (playing fields with changing rooms, allotments) and informal open space, landscaping; and associated infrastructure including a balancing pond; on land off the A4260, with access off the existing Longford Park access off the A4260 (Oxford Road), and a new access off the A4260 (Banbury Road). All matters of detail reserved, save for access.

**Location:** Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

**Response date:** 13<sup>th</sup> May 2020

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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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## **Assessment Criteria** **Proposal overview and mix/population generation**

OCC's response is based on a development as set out in the table below. The development is based on a SHMA mix.

<b>Residential</b>	<b>No.</b>
1-bed dwellings	106
2-bed dwellings	210
3-bed dwellings	358
4-bed & larger dwellings	151
Extra Care Housing	
Affordable Housing %	30
Development to be built out and occupied out over	7 years

Based on the completion and occupation of the development as stated above it is estimated that the proposal will generate the population stated below:

Average Population	2,006
Primary pupils	226
Secondary pupils	155
Sixth Form pupils	23
SEN pupils	4.5
Nursery children (number of 2 and 3 year olds entitled to funded places)	38.5
20 - 64 year olds	1,262
65+ year olds	158
0 – 4 year olds	137

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### **Strategic Comments**

The County Council is raising a Local Lead Flood Authority objection, as well as objections from Cllr Mallon, Cllr Reeves and Cllr Fatemian. Also attached are our Transport, Property, Archaeology and Education comments on this application.

OCC support the delivery of Local Plan allocations Banbury 4 and 12 and welcome in principle the new access to the site through Banbury 12 and the land designated for a new secondary school.

There is no education objection subject to land requirements and contributions. An option on a further 1.89 ha of land is also required to enable the proposed new secondary school to expand by an additional 2 forms of entry in the future.

The additional 150 homes on Banbury 12 is contrary to Policy Banbury 12. It will be for CDC to determine whether this is outweighed by the benefits of bringing forward the Banbury 12 site, i.e. facilitating the relocation of Banbury United Football Club, providing land for the delivery of the new secondary school site, as well as the expedient delivery of homes on Banbury 4.

There is a drainage objection for the following reason:

- Insufficient drainage information provided to enable full technical assessment of surface water drainage strategy.

**Officer's Name: Jon Wellstead**

**Officer's Title: Senior Planner**

**Date: 12/05/2020**

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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 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 - 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 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** as summarised in the table below and justified in this Schedule:
- **An obligation to enter into a S278 and S38** agreement as detailed below.
- **Planning Conditions** as detailed below.

#### S106 Contributions

<b>Contribution</b>	<b>Amount £</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Strategic Transport Contribution 1	£121,476	December 2019	Baxter	BAN1 scheme – Hennef Way improvements
Strategic Transport Contribution 2	To be determined*			BAN2 scheme – Tramway Road
Bridge Street junction improvement	£150,750	December 2019	Baxter	A scheme to improve public transport access through this junction.
Oxford Road Cycleway	£47,466	April 2020	Baxter	Contribution towards the provision of a shared use cycleway between the southern site access junction and Cotefield Drive
Oxford Canal Pedestrian and Cycle Route Contribution	£610,000	April 2020	Baxter	BAN4 scheme - provision of a high-quality walking and cycling route along the Oxford Canal towards the town centre and employment areas
Public Transport Services	£1,451,917	December 2019	RPI-x	Towards the cost of pump-priming a public transport service operating at a 20-minute frequency

				during the weekday daytime.
Traffic Reg Order (if not dealt with under S278/S38 agreement)	£6,380  (2*£3,190)	April 2020	RPI-x	Two standard TROs 1. To extend the 40mph speed restriction on Oxford Road beyond the southern site access 2. To consult on and enable on-street parking restrictions along the bus route within Longford Park
Travel Plan Monitoring	£2,346	December 2019	RPI-x	To enable the Residential Travel Plan to be monitored for a period of 5 years following occupation
Public Rights of Way	£90,000	December 2019	Baxter	Towards enhancements to the Public Rights of Way network in the vicinity of the development site.

\*Contribution to be of equivalent value to the Oxford Road junction mitigation scheme proposed by the applicant. Further details on the cost estimate of this scheme are required.

### **Key Points:**

This response should be read in conjunction with the county council's previous response dated 7 August 2019.

In that response, the county council objected to the application for the following reasons:

- *The TA lacks sufficient information and evidence to provide confidence in the traffic impact assessment undertaken and there appears to be an error in the SATURN model outputs on which the assessment has been based. The county council therefore cannot be confident in the results of the junction capacity assessments or of the conclusions made regarding requirements for mitigation.*
- *The proposal to access the development via Longford Park Phase 1 for a considerable period of time, while the development is built out and occupied, is unsuitable. This would not provide safe and suitable access to the development as required under the NPPF.*

- *Visibility splays and forward visibility to the traffic signal heads at the new site access needs to be demonstrated in accordance with DMRB standards for the 85<sup>th</sup> percentile speeds in the location. Vehicle tracking at this site access and on the access road through the Banbury 12 allocation site is required to demonstrate that the large vehicles are able to safely access the site. Forward visibility of the bend in the access road adjacent to the land reserved for the football stadium also needs to be demonstrated.*

Additional information has since been submitted by the applicant in order to overcome these objections.

This additional consultation response addresses the additional information and provides an update to the county council's original response.

### **Comments:**

#### **Access**

As noted above, one of the reasons for which the county council had previously objected to the application was due to proposals to access the development site through the existing Longford Park residential development, via the Longford Park Road / Oxford Road junction, for a significant period of time.

The county council's previous response outlined a number of safety, maintenance and operational concerns over these proposals.

The applicant has now confirmed that construction access will not be taken through the existing Longford Park development and that a separate haul road is to be constructed to the south of the development for all construction related traffic. The applicant has also indicated that they are willing for this to be secured through a planning condition.

The county council welcomes these proposals which will ensure that the residential streets within Longford Park are not used by construction vehicles. The county council requests that a planning condition is applied to secure this. The access junction to the construction haul road from the A4260 will need to be constructed under a S278 agreement.

The timing of the delivery of the completed access road for use by future residents is still to be determined. However, the county council considers that this must be open to future residents at as early a stage as possible to minimise the impact of additional residential traffic on the Longford Park Road / Oxford Road junction. The county council is willing to phase the payments of financial contributions from the development where possible to ensure an early delivery and opening of the completed second access road and junction with the A4260.

Subject to the above, I can remove my objection to the application on this ground.



### Permanent Access Junction Layout

Details have now been provided in Drawing Ref: 16052-01-124 Rev: C which demonstrate that appropriate forward visibility and indivisibility to the traffic signal heads is achievable at the proposed site access.

Vehicle tracking has also been submitted (Drawing Refs: 16052-01-128 Rev A and 16052-01-129 Rev A) which demonstrates that the access junction will safely accommodate all turning movements associated with large refuse vehicles and emergency vehicles.

The secondary site access road through BAN12 requires tracking for emergency vehicles, large refuse vehicles and coaches to ensure that these large vehicles are able to safely access the development. Forward visibility splays are required for the bend in the access road at the southeast corner of the land reserved for the football stadium. This must meet standards set out in the Manual for Streets for the design speed of the road. While it is noted that the application is for outline permission, the redline boundary closely follows the proposed alignment of the access road and restricts the potential for future amendments to its alignment. It is therefore essential that the details requested above are provided and I request these details are secured through a planning condition.

The access road must also be of sufficient width to accommodate the requirements for pedestrian and cycle infrastructure for new developments set out in the county council's Cycling Design Standards and Walking Design Standards (both adopted in Summer 2017).

As vehicle tracking and forward visibility has been demonstrated at the new access junction, I can now remove my objection to the development on that ground.

### Modelling and Traffic Impact Mitigation

The county council had also previously objected to the proposed development on the grounds that the strategic modelling that had been undertaken appeared to have produced errors in the outputs. This meant that the county council could not be confident that the traffic impact assessment that had been undertaken was sufficiently robust.

The modelling has since been reviewed and has since been determined that the error in the modelling was due to assumptions about connections to and within the development site being incorrect. These connections have been fixed and the Transport Modelling Technical Addendum recently supplied by Markides Associates provides an accurate analysis of the forecast traffic impact of the proposed development. I am now satisfied with the results of the updated traffic modelling, including the trip generation and distribution assumptions used in the model.

This modelling shows that the development would be forecast to have a detrimental impact upon a number of junctions along the Oxford Road corridor into Banbury.

The modelling also shows that strategic transport improvements in the town would bring the level of impact down to an acceptable level.

The applicant has also produced a scheme of junction capacity enhancement for the Oxford Road corridor which would alleviate the traffic impact upon those junctions. However, as set out in the county council's previous response, it is not considered that junction capacity enhancements along this corridor would be the appropriate strategy as this would induce more traffic towards the town centre and would result in the loss of mature trees along that corridor.

It is therefore considered that the package of mitigation measures from this development must primarily focus on enhancements to sustainable transport access between the site and key destinations in order to reduce the development's vehicle traffic impact, rather than taking a 'predict and provide' approach to vehicle traffic generation. This must include the provision of a direct pedestrian and cycle link between the site and on towards the town centre and contributions towards schemes (such as the Tramway Road and Bridge Street junction scheme) which improve access to, and reliability, of public transport services.

Coupled with this, a financial contribution towards the longer-term transport strategy to alleviate the impact of cumulative traffic growth in and around the town centre is required. Accordingly, the county council also requests contributions towards strategic transport improvements such as the Hennef Way scheme.

### Mitigation

As noted above, the approach of providing additional vehicle capacity is not sustainable and will only serve to induce more vehicle traffic in the town centre, to the detriment of sustainable transport modes, journey times and reliability. The county council therefore considers that the mitigation strategy for this development must focus on access to, and the provision of, high quality sustainable transport options.

A contribution towards strategic transport improvements, including the Hennef Way scheme and Tramway Road will be required in order to relieve the impact of cumulative traffic growth on levels of congestion within Banbury in the longer term.

The requirement and justifications for the contributions being sought were set out in the county council's previous response to the application. However, please see below for additional or updated information on these items, where necessary.

### Oxford Canal Towpath Pedestrian and Cycle Access Contribution

A financial contribution will be required towards improvements to the Oxford Canal towpath for pedestrians and cyclists to ensure high-quality sustainable transport connections from the proposed site are provided and are easily accessible, as required under Policy BAN 4 of the Banbury Area Strategy.

This is in line with the local plan ambitions to increase active travel and the county council's ambitions to provide a direct, largely traffic free cycle and pedestrian link between the site, Tramway Road (for access to Banbury Station), the town centre and

onwards towards the large employment areas to the north of the town via the Oxford Canal.

The scheme will directly benefit the proposed development by enabling direct and high-quality pedestrian and cycle links and is essential to ensure that the site is able to exploit opportunities to promote sustainable transport use and to provide mitigation of the development's traffic impact.

OCC has had discussions with CDC and the Canal & River Trust (CRT) to determine the most appropriate and deliverable pedestrian and cycle link between the site and Banbury town centre. The favoured route is along the Canal Lane bridleway and the canal towpath, which has the following benefits:

- It utilises the existing fixed bridge over the canal
- It is entirely traffic-free
- The paths are already in place and are established pedestrian routes
- The towpath is level and nearly straight, whilst the bridleway is also reasonably straight and with a slight incline.
- The route will benefit both Phases 1 and 2

Improvements to the Canal Lane bridleway will be included in the S278 agreement. Works along the 1.9km of towpath between the stone bridge and Tramway Road will need to be carried out by a specialist contractor so a S106 contribution will be sought. The shared-use ped/cycle path will be 1.8 to 2.0m in width with a tar and chip surface. Edge preparation/strengthening will be required in places to create a suitable grassed buffer zone between the path and the water.

The CRT will produce a specification and costing that will dictate the final value of the contribution. Based on a similar package of works recently undertaken in Oxford, the expected cost is in the region of £700,000. OCC has funding of £90,000 already in place that may be put towards the cost of the scheme.

It should be noted that, in the medium term, the CRT will be upgrading or replacing the lifting bridge located 620m north-west along the canal from the Canal Lane stone bridge. This second bridge will provide an improved route for pedestrians and cyclists from "Parcel F" to Banbury via the towpath. It will also enable a circular leisure route for Longford Park residents.

### Public Transport

The justification for the public transport service contribution was set out in the county council's previous response. However, I have removed the request for a financial contribution towards bus stop infrastructure from this updated response. This is because it is now the county council's approach to secure the delivery of bus stop infrastructure through the S278 and / or S38 process for approving and securing highway works.

At this stage it is envisaged that public transport infrastructure will be required to provide for four pairs of bus stops and shelters within the site. However, the exact quantity of these items is to be determined as details of the layout progress. It is

fundamentally important that the location of bus stops is agreed before submission of Reserved Matters applications, so the location of these bus stops is known to people purchasing properties and to other consultants, contractors and stakeholders.

Roads to be used by buses need to be tracked for a standard 12 metre vehicle. Buses must be able to progress around the development at a steady rate, and not blocked by parked cars. This must also be the case for the existing roads through the Phase 1 development. A Traffic Regulation Order fee is requested in order to regulate on-street parking within the Phase 1 development to avoid causing obstructions on the bus route.

Whilst there are few dwellings along the southern section of the new access road, adequate physical provision must be made for service and school buses adjacent to the proposed secondary school site. Car movements associated with the school (for example drop-offs) must be made away from the spine road and the spine road must be signed and lined to resist such activity.

A northbound bus stop for the direct Oxford – Banbury service on the A4260 is to be provided in relation to a commercial development in the vicinity of Cotefield Drive. However, there is a need for a southbound bus stop on the A4260 in the vicinity of the new southern access road junction. This would enable residents from Longford Park phase 2, particularly those towards the southern end of the development, to easily access the regular and direct bus service towards Oxford. This bus stop would need to be delivered under a S278 agreement.

#### Tramway Road / Bridge Street Junction

As set out in OCC's previous response, the Tramway Road scheme being developed and implemented by OCC will greatly improve access to the town centre and rail station by public transport. This would be of great benefit to the proposed development and a contribution towards that scheme was requested as part mitigation of the development's detrimental traffic impact and in order to ensure that the development is served by a suitable and attractive level of public transport service.

Further to this, it is considered that a contribution towards a scheme to improve bus access at the Bridge Street junction is also necessary as the updated traffic modelling has shown a detrimental impact at this junction, which is on the bus route between the site and the town centre. The proposed scheme would improve right-turns for buses from Bridge Street West and help mitigate reduce the impact of additional traffic at this junction on delay to bus services. This would also enable reliable journey times for buses serving the development site.

#### Highway layout around the future school site

An access point is required along the Northern boundary (to the Eastern end) of the school site as previously identified in proving layouts. This access point needs to abut Adopted Highway, so this needs to be taken into account when the road network is developed to the North of the school site.

When OCC reviewed the proposals previously, we considered the advantage of pupil drop off utilising the proposed community car park to the south of the school site entrance. Consideration of whether the required 4 coach drop off / pick up layby to be located off the school site could be safely accommodated in the community car park (safest by a circuit route). Pupil drop-off provision needs to be carefully considered in terms of safety, convenience and also so as to minimise any impact on the bus route.

A safe cycle route along the A4260 is required in order to serve the school development site. As the proposed development is contributing directly towards the need for a new secondary school it is considered fair that the development makes a proportionate contribution towards the infrastructure required to deliver that school.

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

**£121,476 Strategic Transport Contribution 1** indexed from December 2019 using Baxter Index

**Towards:**

A scheme of improvements to relieve congestion on Hennef Way as per Banbury Area Strategy (LTP4) Policy BAN1.

**Justification:**

Strategic contributions are necessary to make the development acceptable in planning terms. Without improvement of infrastructure the detrimental impacts of the development would not be appropriately mitigated.

NPPF para 32 states:

*“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

The ‘cumulative impacts of development’ in this context are considered those associated with the allocated sites in the Cherwell Local Plan, of which this site is one (Banbury 4).

**Cherwell Local Plan Policy INF 1: Infrastructure** states:

*“The Council’s approach to infrastructure planning in the District will identify the infrastructure required to meet the District’s growth, to support the strategic site allocations and to ensure delivery by:*

- *Working with partners, including central Government, and other local authorities, to provide physical, community and green infrastructure*

- *Identifying infrastructure needs and costs, phasing of development, funding sources and responsibilities for delivery*
- *Completing a Developer Contributions SPD to set out the Council's approach to the provision of essential infrastructure including affordable housing, education, transport, health, flood defenses and open space*
- *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

**Cherwell Local Plan Policy SLE 4: Improved Transport and Connections** states:

*“The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections...”*

*New development in the District will be required to provide financial and / or in-kind contributions to mitigate the transport impacts of development.”*

Hennef Way forms the main access route between the site and the strategic highway network (at junction 11 of the M40). Traffic generated by the site will contribute to the severe impact of cumulative traffic growth on Hennef Way, increasing congestion. As such a contribution is required from the development towards a mitigation scheme to relieve this impact.

It is clear that provision of strategic transport infrastructure for Banbury, as set out in the Cherwell Local Plan and Local Transport Plan 4, is necessary to satisfactorily accommodate the increased demand on highway infrastructure arising from new development. Without this contribution, the development is unacceptable.

**Calculation:**

The proposed scheme will use Growth Deal funding, under a match funding arrangement which requires a minimum contribution of £1.5m of development funding. The amount has been calculated based on a proportionate impact shared with other key local plan sites yet to come forward in Banbury. To calculate the proportionate impact, OCC has reviewed the trip generation, distribution and assignment assumptions in the Banbury Highway Model for each of the sites.

The strategic contribution from this site is calculated using the formula in the district council's developer contributions SPD:

$$(X - Y - Z) \div E$$

X = Major infrastructure scheme cost

Y = Amount held and secured

Z = Funding from government funding bid opportunities

E = The contribution(s) to be secured from further development

X = £20,000,000 Hennef Way relief scheme

Y = £306,221 Held towards Hennef Way corridor

Z = £18,500,000 Growth Deal funding

E = £1,193,779

£120,572 Banbury 4 contribution based on 10.1% proportion of E

The proportion has been calculated based on flows extracted from a previous run of the Banbury SATURN model attributable to AM peak trips generated by local plan allocated sites yet to come forward. These sites will also be expected to contribute proportionately to the Hennef Way scheme:

<b>Local plan allocated sites yet to come forward</b>	<b>Eastern section of Hennef Way</b>	<b>%</b>
Drayton Lodge	<b>20</b>	<b>9.2</b>
Bankside Phase 2	<b>22</b>	<b>10.1</b>
Canalside zone 1	<b>45</b>	<b>20.6</b>
Banbury 15	<b>131</b>	<b>60.1</b>
<b>Total from all 5</b>	<b>218</b>	<b>100</b>

This has been uplifted to a December 2019 price base and now stands at **£121,476**.

**Strategic Transport Contribution 2 – level of contribution to be determined** index linked using Baxter Index

**Towards:**

Tramway Road scheme to provide improved sustainable transport access to Banbury Station as identified in LTP4 Policy BAN2.

**Justification:**

Paragraph 103 of the NPPF states that:

*‘Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.’*

Paragraph 108 requires from the development that:

*‘...appropriate opportunities to promote sustainable transport modes can be – or have been – taken up...’*

Paragraph 110 requires that developments must give priority to *‘facilitating access to high quality public transport’*.

The Banbury Area Strategy sets out that *‘a step-change in the increased use of sustainable transport modes is essential to support growth in Banbury. The Sustainable Transport element of the Strategy will play a key role in reducing the volume of traffic associated with the town’s significant growth and mitigating the traffic impacts on local roads serving Banbury’*.

Policy BAN2 of the Banbury Area Strategy states that the county council; *'will work closely with Cherwell District Council, bus operators and other strategic partners to deliver the Banbury Bus Strategy, which seeks to deliver a commercial bus network for Banbury. Increased bus use will be achieved by:*

- ...
- *Opening up Tramway Road as an access for cars into and out of the station car park and access to the Canalside development.*
- *Exploring opening Station Approach to through bus services via Tramway Road.*
- *Seeking funding from new development sites to ensure they are served by high quality commercial public transport services.*

Policy Banbury 4 of the Cherwell Local Plan relates specifically to the site and requires:

*'Good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops and the provision of a bus route through the site'*

The national and local policies outlined above demonstrate that the provision of high-quality public transport services and routes are required to support new development and accommodate the cumulative impact of growth.

The scheme will directly benefit the proposed development by enabling a direct and high-quality public transport service between the site, town centre and Banbury Station and is essential to ensure that the site is able to exploit opportunities to promote sustainable transport use and to provide mitigation of the development's traffic impact.

These improvements will also go towards mitigating the development's detrimental traffic impact upon public transport services.

#### **Calculation:**

The applicant has drawn up a scheme of mitigation measures for the Oxford Road corridor in order to mitigate the development's traffic impact. As stated above, it is not considered suitable in this instance for additional capacity for vehicle traffic to be provided on approaches toward the town, as this will serve to induce more traffic to the detriment increased congestion in the town centre.

The county council therefore considers that it would be fair, reasonable and necessary to direct the cost of the scheme proposed as mitigation by the applicant towards strategic transport improvements which directly benefit the development site in terms of improving the provision for sustainable transport.

The contribution sought is therefore equal to the value of the works proposed by the applicant on Oxford Road. Further details of those works, including a cost estimate are therefore required in order to determine the level of contribution.

**£150,750 Bridge Street Junction Contribution** index linked from December 2019 using Baxter Index

**Towards:** A scheme to improve public transport access through this junction.



**Justification:** The development will contribute directly towards the cumulative impact of traffic growth in the town, including at this junction. Mitigation of this development's impact must focus on the provision of high-quality sustainable transport connections.

The county council is concerned about any detrimental impact at this junction which already causes delays to public transport services. The junction forms part of the bus service route which will serve this site. Traffic modelling has shown a detrimental impact at this junction.

The scheme will provide enhancements for buses at this junction, reducing delay and improving journey times and reliability. Improvements at this junction are therefore necessary to mitigate the development's impact at the junction and in order to provide an attractive level public transport service between the site and the town centre, in line with planning policy.

**Calculation:** The county council's estimate for the proposed scheme from February 2018 was £280,000.

The council currently holds £135,257 towards the delivery of a scheme of public transport improvements at this junction.

It is considered fair and reasonable that the development contributes the remainder of the cost estimate, given the direct benefit of the scheme in providing an attractive level of public transport to the site.

Therefore; £280,000-£135,257 = £144,743 at February 2018 prices.

This has been uplifted to a December 2019 price base to **£150,750**.

**£47,466 - A4260 Pedestrian and Cycle Enhancement Contribution** index linked from April 2020 using Baxter Index

**Towards:** A proportionate contribution towards the delivery of a safe cycle route along the A4260 towards the new secondary school.

**Justification:** The development is contributing directly towards the increased need for a new secondary school in the Banbury area. This new school is to be located on land within the Banbury 12 allocation site.

The contribution is towards the delivery of a shared use footway / cycleway on the western side of the A4260 between the site access junction and Cotefield Drive. This will provide a safe route between the site and Bodicote Village, both for pupils of the future school traveling to / from Bodicote and for enabling residents of the development site to safely and easily access the village's facilities and onward to the National Cycle Route which runs through the village.

Supporting highway infrastructure is required in order to deliver a school in this location and therefore a contribution which is proportionate to the development's impact in terms of forecast pupil generation is required.

**Calculation:** The cost estimate for an upgrade to the footway on the western side of the A4260 between the new site access junction and Cotefield Drive is £160,000.

The development is forecast to generate 178 secondary pupils in what will be a 600-place school.

The following calculation has been used to determine a contribution that is proportionate to the development's impact in terms of the need for the school and all associated infrastructure.

$$160,000/600*178 = \mathbf{£47,466}$$

**£610,000 Oxford Canal Pedestrian and Cycle Route Contribution** indexed from April 2020 using Baxter Index

**Towards:** the provision of a high-quality walking and cycling route along the Oxford Canal towards the town centre and employment areas

**Justification:**

A financial contribution will be required towards improvements to the Oxford Canal towpath for pedestrians and cyclists to ensure high-quality sustainable transport connections from the proposed site are provided and are easily accessible, as required under Policy BAN 4 of the Banbury Area Strategy.

This is in line with the local plan ambitions to increase active travel and the county council's ambitions to provide a direct, largely traffic free cycle and pedestrian link between the site, Tramway Road (for access to Banbury Station), the town centre and onwards towards the large employment areas to the north of the town via the Oxford Canal.

The scheme will directly benefit the proposed development by enabling direct and high-quality pedestrian and cycle links and is essential to ensure that the site is able to exploit opportunities to promote sustainable transport use and to provide mitigation of the development's traffic impact.

**Calculation:**

The value of the contribution will be determined by a costing exercise to be carried out by the Canal & River Trust, which is an organisation with extensive experience of work of this nature.

It is known that the cost of converting a similar towpath to a shared-use pedestrian and cycle path recently in Oxford was approximately £700,000 for a 2.3km length. Therefore, the total cost of this scheme for Longford Park is likely to be a similar amount. OCC will contribute £90,000 held in contributions from previous approved applications.

$$\text{Amount} = 700,000 - 90,000 = \mathbf{£610,000} \text{ at April 2020 prices.}$$

**£1,451,917 Public Transport Service Contribution** indexed from December 2019 using RPI-x

**Towards:**

Providing a daytime bus service between the development and Banbury town centre at a 20-minute frequency. For the county council to deliver such a service.

**Justification:**

Specifically related to this site, Cherwell Local Plan Policy Banbury 4 requires for the site:

*‘Good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops and the provision of a bus route through the site’*

The NPPF states that developments should be located and designed where practical to give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Connecting Oxfordshire: Oxfordshire County Council’s Fourth Local Transport Plan 2015-2031 (LTP4) [adopted in September 2015] includes the following policies:

*Policy 3*

*Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.*

*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.*

*Policy 34*

*Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:*

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;*
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.*

The policies outlined above identify the requirement for the development to be served by a frequent, reliable and efficient public transport service. The contribution sought is required in order to provide such a service in line with these policies.

It is extremely important that an attractive bus service can be provided to this site, to provide excellent connectivity with the Town Centre and Rail Station, thus giving new residents access to employment, education, retail opportunities and leisure activities. Bus services to other destinations can be accessed in Banbury Town Centre whilst the rail station (to be accessed off the new Tramway link) will give access to other opportunities across the South-East and West-Midlands.

Provision of a frequent service is of fundamental importance in providing a credible transport mode for travel to work, education and for other reasons where movement can be made by means other than the car.

**Calculation:**

The development will be required to provide £1,440,000 towards the cost of bus service provision to the site (at July 2019 prices), which is calculated on the basis of pump-priming the cost of two additional vehicles in the local commercial bus fleet for the Banbury area at £720,000 per vehicle. This is the estimated cost of a tender let on a declining net cost basis over eight years, with the ninth and subsequent years being provided on a fully commercial basis. The estimated cost of a bus in year one would be £160,000, falling to £140,000, £120,000, £100,000, £80,000, £40,000 and £20,000 in subsequent years.

However, the route is eventually configured, it is estimated that a round-trip to Banbury Town Centre will take around 35-40 minutes. Thus, with two vehicles a 20-minute frequency service could be delivered.

The figure has been uplifted to a December 2019 price base using the RPI-x index and accordingly the updated figure is now £1,451,917.

**£6,380 Traffic Regulation Order Contribution** indexed from April 2020 using RPI-x

**Towards:**

One TRO fee consultation fee for an amendment to the Traffic Regulation Order to extend the 40mph speed restriction on Oxford Road south beyond the new site access to the extent of the current 30mph restriction just north of Twyford.

One TRO consultation fee in order to regulate on-street parking on the streets within Longford Park Phase 1 which will form part of the future bus route.

**Justification:**

The extension of the speed restriction on Oxford Road is directly related to the development of the site access.

The need to regulate on-street parking within the phase 1 development is to ensure that a bus service is able to safely easily serve the site without obstruction and is required in order to ensure that the development is served by an appropriate public transport service.

### Calculation:

The contribution is calculated on a standard charge which applies for administrative costs for TROs throughout Oxfordshire. This charge also includes the costs for public consultation required for the proposed TRO.

The County Council's costs for new or amended TROs is £3,190 for each instance.

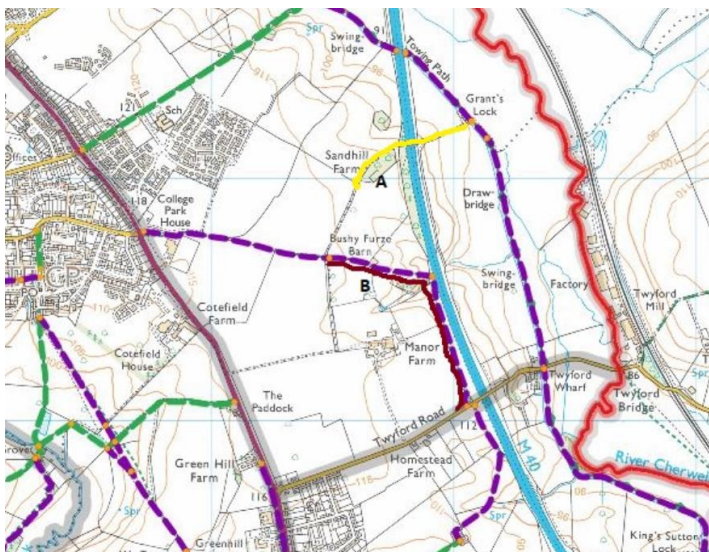
The County Council considers that its TRO fee is fairly and reasonably related in scale and kind to the development.

**£90,000 Public Rights of Way Contribution** indexed from December 2019 using Baxter Index

### Towards:

Enhancements to the PROW network in the vicinity of the site as set out below:  
OCC is proposing two mitigation measures that will complement the onsite greenway provision.

- A. To secure public access to the private trackway leading from within the development site via Sandhill Farm to Grants Lock on the Oxford Canal private track and M40 overbridge in order to give access to the Oxford Canal towpath. Estimated overall cost £75,000 for negotiated access and safety measures on M40 overbridge and spot works to the track.
- B. Bodicote Footpath 137/2 passes within the southern boundary of the site before it changes into Adderbury Footpath 101/4. OCC intends to use s106 contribution to improve footpath outside of site. Works by the applicant under s278 will also be considered. Estimated overall cost £15,000 for new or replacement structures like gates, bridges and seating, sub- surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers.



### Justification:

Oxfordshire County Council (OCC) manages the legal record and access functions on the public rights of way and access land network. In addition to the statutory functions of recording, protecting and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that will have an impact on the public rights of way and access land network in order to make those developments acceptable. The proposed measures also meet the aims and outcomes of the adopted Oxfordshire Rights of Way Management Plan 2015-2025 (<http://www.oxfordshire.gov.uk/rowip>)

There is expected to be an increase in numbers of residents and visitors using the rights of way network in and around the site – simply due to the size of the development in what was a semi-rural environment. These uses will create more use pressures on the rights of way network.

The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered along with the range of measures needed to provide mitigation against the impacts of the development. In this case it is access to the surrounding countryside are is the key driver.

#### **Calculation:**

The proposed measures are based on the desk assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per-dwelling or per-m2 tariff system. The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims.

The contribution would be spent on the named improvements to the public rights of way in the vicinity of the development within a 10-year longstop.

#### Estimated contribution breakdown £100k overall s106 request

##### *By activity*

Site surveys & assessments 5%

Landowner and Highways England negotiations 5%

Materials, plant & equipment 20-30%

Legal processes e.g. temporary works closures, agreement payments 40-50%

Contract preparation & supervision 5%

Admin costs 5%

Contingency/Follow-up repair works 10%

**£2,346 Travel Plan Monitoring Fee** indexed from December 2019 using RPI-x

#### **Justification:**

Travel plans aim to encourage and promote more sustainable modes of transport with the objective of reducing dependence upon private motor car travel and so reducing the environmental impact and traffic congestion. A framework travel plan, residential

travel plan and school travel plan is required to make this development acceptable in planning terms.

A travel plan is a 'dynamic' document tailored to the needs of businesses and requires an iterative method of re-evaluation and amendment. The county council needs to carry out biennial monitoring over five years of the life of a Travel Plan which includes the following activities:

- review survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Government guidance, 'Good Practice Guidance: Delivering Travel Plans through the Planning Process' states that: 'Monitoring and review are essential to ensure travel plan objectives are being achieved. Monitoring for individual sites should ensure that there is compliance with the plan, assess the effectiveness of the measures and provide opportunity for review. Monitoring must be done over time – it requires action and resources.'

In accordance with this Guidance, it is the view of the county council that without monitoring travel plans they are likely to be ineffective. Therefore, monitoring of the travel plans is required to make the development acceptable in planning terms.

#### **Calculation:**

The figure for travel plan monitoring is based on three monitoring and feedback stages (to be undertaken at years 1, 3 & 5 following first occupation), and assumes officer time at an hourly rate of £40. Please note that this is considered a fair rate, set to include staff salary and overheads alone.

#### **Other S106 requirements:**

A surface upgrade to the Canal Lane bridleway, between the canal overbridge and the pedestrian / cycle connection leading from Chaffinch Way, is to be secured to ensure that that section of bridleway is suitable for cyclists and forms part of the strategic pedestrian and cycle link towards the town centre.

#### **S278 Highway Works:**

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- New site access signalised junction including; toucan crossings of the A4260 and access road arms and connecting footways and cycle lanes on site access arm, widening of A4260 to accommodate new turning lanes, traffic islands and signals infrastructure, all necessary signage and road markings.

- A southbound bus stop on the A4260, including connecting footways, bus stop infrastructure and, if necessary, a bus stop layby, in the vicinity of the new site access signalised junction.
- A temporary construction access junction onto the A4260 at a point to the south of the Rugby Club. Details to be agreed by OCC.

**Notes:**

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.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

**S38 Highway Works – Spine Road**

An obligation to provide a spine road as part of the highway network will be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement.

The S106 agreement will identify for the purpose of the S38 agreement;

- Approximate location of spine road and information as to provision e.g. minimum width of carriageway, footways, location of bus stops and bus stop infrastructure etc as appropriate.
- Timing – this may be staged.
- Additional facilities / payments e.g. on-site bus infrastructure and related payments.

**Planning Conditions:**

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

**Construction Access**

Construction related vehicle are to be prohibited from accessing the development site via the existing Longford Park Phase 1 residential development. All construction related traffic is to access the development site via a temporary construction haul road to the south of the development site.

Reason: in the interest of highway safety.

**Access**

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, vision splays and vehicle tracking 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, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

### **Design Code and Masterplan**

A design code and masterplan must be submitted to, and agreed by, the Local Planning Authority prior to the commencement of any phase of the development. This is required to ensure the satisfactory delivery of the following:

- The street form, street frontage and hierarchy for all types of street / road including details of street design and surfacing
- The approach to car and cycle parking across all areas of the site;
- The treatment of all retained public rights of way
- locations of existing, enhanced and new footpath / bridleway / cycle links including pedestrian and cycle connections with Longford Park Phase 1
- The alignment of the spine road and general location of bus stops/crossing points on it as well as the alignment of principal estate roads

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

### **Pedestrian and Cycle Routes and Connections**

All applications for reserved matters approval relating to a phase (as approved under a phasing condition) shall include details of the alignment and specification of any and all new and / or enhanced footpaths, bridleways and cycle tracks to be provided within / through that phase together with a timetable for their provision / completion. These routes shall be in accordance with an approved access parameter plan, masterplan and design code. Thereafter and prior to first occupation of that phase, the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase.

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 and the requirements of Policy Bicester 12 of the Cherwell Local Plan 2011-2031 Part 1.

### **Site Roads, Turning Areas and Car Parking**

Prior to the commencement of each phase of the development hereby approved, full specification details of the site roads, turning areas and car parking to serve that part of the development, which shall include construction, layout, surfacing, lighting, drainage, and the location and layout of car parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas for that phase shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at

all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

### **Construction Traffic Management Plan**

A Construction Travel Management Plan (CTMP) will be needed for this development, given the traffic sensitive nature of the potential approach routes on the wider strategic road network in and around Banbury. We would expect the CTMP to incorporate the following in detail:

- 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 network, road infrastructure and local residents, particularly at peak traffic times.

### **Travel Plan**

Prior to the first occupation of the development hereby approved, a Residential Travel Plan, prepared in accordance with Oxfordshire County Council's approved Travel Plan guidance 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.

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

### **Public Rights of Way**

No development shall take place within 10m of an existing Public Right of Way until the affected Public Right of Way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the Local Planning (or Highway) Authority to be diverted or extinguished. Thereafter, the Public Right of Way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

### **Public Rights of Way**

No works shall be undertaken that results in the temporary or permanent need to divert an existing Public Right of Way that runs through the site until details of a satisfactory alternative route have first been submitted to and approved in writing by the Local Planning Authority. The existing Public Right of Way shall not be stopped up or obstructed in any way (save for any temporary arrangement that has the prior written agreement of the local planning authority), until the new diverted route has been provided in accordance with the approved details and is fully available for public use.

Reason: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

### **Informative:**

No changes to the Public Right of Way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council.

**Officer's Name: Tim Peart**

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

**Date:** 11 May 2020

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**Application no: 19/01047/OUT-2**

**Location:** Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

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## **Property**

### **Introduction**

This response relates to the proposed Secondary School Site for the development. Whilst not within the red line of this application, it is part of the proposed scheme. The Secondary School Site layout and comments within this response impacts on the scheme as a whole.

### **Key Issues**

#### **Site Area**

The drawn text has identified that adequate area is proposed to be provided for the secondary site (as requested in the Education response).

The survey information identified in Oxfordshire County Council's Developers Guide 'Document 20 – Information required to assess the suitability of a school site' is required to be provided by the developer so that Oxfordshire County Council can review the information to assess the sites suitability for school use.

Our assessment of the survey information required is essential at the earliest opportunity to ascertain its suitability.

The assessment could influence the School site boundary.

#### **Existing service runs**

The latest drawings show a pipe easement running through the proposed school site and the additional school land. The Flood Risk Assessment Pg20 5.2 identifies it as 'A 500mm foul rising main intersects the site' and identifies a 3m easement required either side of the pipe. Oxfordshire County Council stipulates that no part of a proposed school site shall be located on existing service runs, so we will require this main to be diverted off the proposed school site.

Depending on the diversion route, this may have an impact on the total school site dimensions, as the boundary lines of the school site may need to change to avoid a diverted easement route. The total site area for the school must not be reduced below the required 4.88ha and 1.89ha remediated and serviced site area requirements to accommodate this.

#### **Maintenance access point**

A vehicle access point of 10m wide (6m wide vehicular access with 2m wide footpaths on both sides) with appropriate site lines/radii is required to the Secondary school site along the Northern boundary (to the Eastern end). This access point needs to abut Adopted Highway.

#### **Off Site Layby**

A Four coach drop-off/pick-up layby (for one coach minimum of 18m straight length plus approved entry and exit arrangements such as tapers) will be required off the

school site, adjacent to the main entrance to the school to enable pupils to be picked up during the school day. This is in addition to any on-site coach drop of facilities that will be required.

### **Acoustics**

The noise assessment included within this application does not provide enough information i.e. there are no plans of the modelling incorporating the school site, to be able to assess the impact. The developer will need to confirm that the noise level would not exceed 50dB LAeq, 30min at the school site boundary, or propose mitigation. In this location there is the possibility of noise from both the M40 and A4260.

### **Archaeology**

There are potential archaeological constraints to development on the proposed school site. Due to the lack of trenches in the current archaeological survey work within the proposed school site area we cannot be certain that the settlement site does not extend across the whole school site. As such a staged programme of archaeological evaluation and mitigation will be required ahead of the commencement of the development on the school site.

The southern area of the site will need to be subject to a full archaeological excavation, which is likely to need to also investigate the proposed playing fields due to the impact of drainage and landscaping. The northern section of the proposed school site would need to be the subject of an archaeological evaluation and subsequent mitigation should archaeological deposits be found to survive.

The area marked as safeguarded land for future expansion to the south contains archaeological deposits of equivariant significance to a scheduled monument and will need to be physically preserved in line with the NPPF and as such this could have a major constraint on the use of this safeguarded land.

**Officer's Name: Emily Williams**

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

**Date: 5 May 2020**

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**Application no: 19/01047/OUT-2**

**Location:** Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

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## **Lead Local Flood Authority**

### **Recommendation:**

Objection

### **Recommendation:**

Objection

### **Key issues:**

- Insufficient drainage information provided to enable full technical assessment of surface water drainage strategy.
- Full Surface Water Management Strategy document required based on the principles of the FRA Rev 4.

### **Detailed comments:**

Confirmation required that the site surface water management proposal is based on full infiltration techniques.

Discharge at relevant return periods to be at Greenfield rate.

40% Climate Change allowance to be applied to calculations.

MicroDrainage calculations provided use default Cv values, these are not representative of the site. It is recommended values of 0.95 for roofs and 0.9 for paved areas are applied. The designer must justify where a Cv of less than 0.9 has been used.

Calculations should be undertaken for all relevant return periods and identify the critical duration used.

Any phasing of the development needs to be demonstrated and how surface water will be managed during this process.

Explanation required as to whether the pond is proposed as Approach 1 or 2 as detailed in the latest CIRIA (C753) manual. Is the pond proposed to be used for Long Term Storage, confirmation required.

Freeboard of pond to be demonstrated.

Has approval been sought from the LPA under LDA 1991 to discharge to ditchline.

If proposal is to discharge to existing ditchlines riparian ownership and maintenance should be demonstrated.

Evidence of Source Control required.

Site should be divided in to sub-catchments each dealing with its own surface water requirement. Dispersed site storage and flow control around the site to final pond destination is expected.

Conveyance routing around site needs to be demonstrated.

Water to be kept at or as close to the surface as possible.  
Pre and Post development (modified flow route) overland surface water flow plan required.  
Safe ingress/egress needs to be demonstrated.  
Sacrificial areas in the event of exceedance should be considered.  
Further thought needs to be given to maximising use of green space on site for SuDS incorporation.  
Treatment and Management train needs to be demonstrated.  
Use of full toolbox of appropriate SuDS methods to be demonstrated on plan.  
All hardstanding should be of a permeable construction.  
Blue/Green roofs and rainwater harvesting should be considered.  
Confirmation required for half drain down times, for example the attenuation pond.  
Justification as to whether 10% Urban Creep allowance has been applied required.  
Management and Maintenance plan to be worked up (in draft at this stage) and submitted.

**Officer's Name: Adam Littler**  
**Officer's Title: Drainage Engineer**  
**Date: 12 May 2020**

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**Application no: 19/01047/OUT-2**

**Location:** Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

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**Introduction**

As set out in the county council's previous response to this application (August 2019) contributions will be required towards expanding education capacity.

The amended application reduces the number of dwellings slightly, which therefore also reduces the expected pupil generation. This response updates the pupil numbers used to assess the required level of developer contribution towards school capacity.

It also updates the contributions in line with the latest cost per pupil for building and expanding schools, bringing them in line with TPI = 333 and with the latest government guidance on *Securing developer contributions for education* (November 2019).

**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)
<b>Nursery and Primary</b>	<b>£2,776,896</b>	<b>333</b>	TPI	Expansion of primary and nursery capacity serving the site
<b>Secondary (including sixth form)</b>	<b>£6,050,576</b>	<b>333</b>	TPI	A new secondary school in Banbury
<b>SEN</b>	<b>£411,345</b>	<b>333</b>	TPI	Expansion of SEN capacity serving the site
<b>Total</b>	<b>£9,238,819</b>			

	ha	Use
<b>Land</b> (remediated and serviced)	4.88 ha	4.88 ha land sufficient for a 600-place secondary establishment school provided no cost to the County Council
<b>Land</b> (remediated and serviced)	1.89 ha	An option is required on a further 1.89 ha of land to enable the proposed new secondary school to expand by an additional 2 forms of entry if required.

For the financial contributions (excluding secondary education) a matrix provision would be required to address the outline nature of the development proposal.

**Updated pupil generations:**

	<b>850 dwellings</b>	<b>825 dwellings</b>
<b>Nursery pupils</b>	40	39
<b>Primary pupils</b>	232	226
<b>Secondary pupils</b>	184	178
<b>Special school pupils</b>	4.7	4.5

**Updated developer contribution calculations:**

Number of nursery pupils accommodated by expanding Longford Park Primary School	39
Number of primary pupils accommodated by expanding Longford Park Primary School *	105
Total additional places to be created by expanding Longford Park Primary School	144
Estimated cost per pupil of expanding primary schools @ TPI=333	£19,284
<b>144 * £19,284</b>	<b>£2,776,896</b>

\* Although the additional primary school capacity is less than the pupil generation of this proposed development, the balance of pupils will be accommodated in the capacity already created at Longford Park Primary School.

Number of secondary (including sixth form pupils) expected to be generated	178
Estimated cost per pupil of building a new 600-place secondary school @ TPI=333	£33,992
<b>178 * £33,992</b>	<b>£6,050,576</b>

Number of SEN pupils expected to be generated	4.5
Estimated cost per pupil of expanding special schools	£91,410
<b>4.5 * £91,410</b>	<b>£411,345</b>

The above contributions are based on a unit mix of:

106 x 1 bed dwellings  
210 x 2 bed dwellings  
358 x 3 bed dwellings  
151 x 4 bed dwellings

It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation.

**Officer's Name: Barbara Chillman**

**Officer's Title:** Pupil Place Planning Manager

**Date:** 20 April 2020

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**Application no: 19/01047/OUT-2**

**Location:** Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

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## **Archaeology Schedule**

### **Recommendation:**

Comments

### **Comments:**

The submitted amendments do not alter our original comments.

**Officer's Name: Richard Oram**

**Officer's Title:** Planning Archaeologist

**Date:** 20<sup>th</sup> April 2020

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### **APPLICATION No. 19/01047/OUT. LONGFORD PARK**

Page 1.

#### **RESPONSE FROM THE THREE LOCAL COUNTY CLLRS FOR SOUTH BANBURY/BODICOTE**

Cllr Kieron Mallon. Bloxham & Easington Division and Calthorpe & Easington Cherwell District.

Cllr Eddie Reeves. Calthorpe Division

Cllr Arash Fatemian. Deddington Division.

In opening we are surprised the developer wishes to access the new site through residential roads as it shows they have a total disrespect for their existing and future customers and treats those who have only recently purchased homes from them with impunity!

#### **To whom it may concern.**

**We the above-mentioned local Councillors do let it be known that WE OBJECT to this application for the reasons below.**

1. We believe that there is insufficient information and evidence in the Traffic Impact Assessment and we therefor do not have confidence in it.
2. We believe there are errors in the SATURN model.
3. We are not confident in the Junction Capacity Assessment.

The auto counting at all points are based on 2016 figures. Since then phases 1, 2 and 3 have been completed and additional development has taken place at Cotefield Farm (opposite Longford Park) and at Adderbury, Twyford and Deddington on this Oxford Rd. ((A4260) corridor.

The huge Ban 17 (Saltway) development of over 15,000 homes will disgorge from Easington/ Bodicote on to the Oxford Rd at the flyover leading to huge traffic movements onto and adjacent to Longford Park. This extra residential and local traffic will compromise the safety and add to air pollution problems if construction traffic is also allowed on to these same residential roads (Longford Park Rd./Hobby Rd).

The Air Quality Affect Report does not take into account these other new and proposed developments. Longford Park junction was not even in existence when the assessment was undertaken and so a new air quality and capacity report needs to be undertaken to take this junction into account.

4. The application does not fulfil or comply with the Local Plan reserved Policies namely.

TR1

TR7

Or the NPPF.

The proposed access to the new development through Longford Park Phase 1. Occupied residential roads is unsuitable and unsafe. (NPPF). This application fails the test.

The visibility is not demonstrated in accordance to DMRB standards. Forward visibility to the access road to the proposed Association Football Stadium will also need to be demonstrated.

The transport assessment does not provide figures for the number of traffic movements, inc. large HGVs this development would generate.

The NPPF 2018 para 108 states.

b. "Safe and suitable access to the site can be achieved for all users".

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c. "Any significant impacts from the development on the transport network in terms of capacity and congestion or highway safety, can be cost effectively mitigate to an acceptable level".

We believe that this will not be achieved by this current proposal for access to this development.

Policy TR7 states.

“development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads **will not** normally be permitted (CDC italics).

Longford Park Rd, Song Thrush Rd. and Hobby Rd. are not suitable or built for prolonged construction and HGV traffic. These roads are already occupied. Current on road residential parking and new traffic would lead to safety problems and confrontation with the proposed construction traffic. The potential for conflict and accidents concerning residents, pedestrians and cyclists would be greatly increased with this proposal. Detritus from construction traffic falling on to the roads would also be a potential hazard to road users especially cyclists.

The Cross Road at the junction of Longford park Rd. Hobby Rd. and Song Thrush Rd. is of a block paving construction unstable for heavy HGV and prolonged construction traffic. There are no crossing facilities at this junction for pedestrian which could lead to conflict with children and parents accessing the new primary school at this location. Many HGV and construction traffic movements on this block paving would be detrimental to the life of this block paving.

TR1. Local Plan states that.

“Before proposals for development are permitted the council will require to be satisfied that new highway improvement works, traffic management measures would be required in a consequence of allowing the development to proceed will be provided”. (Therefore, we suggest a physical impediment such as a chicane or a Traffic Reg. Order to provide staggered on road parking should be considered).

We believe that this application does not meet the requirements as laid out in the local plan and policies.

5. We are concerned that the increase in housing numbers from 600 to 825 will not allow the land proposed for the relocation of Banbury United FC or the provision of a new Secondary School to be provided.
6. We are concerned that the loss of sports provision land from 4.65 ha to 2.73ha will lead to a diminution of local sports provision now and in any future sports provision for Banbury.

We believe that a development of this size and length of construction time should have its own dedicated junction on the main Oxford Road (A4260). The proposal to route all construction traffic through existing occupied residential roads is unacceptable and raises major personal safety concerns. The amount of pollution, noise, safety issues for residents and highway damage to the existing road network is unacceptable and avoidable.

The proposed route through occupied residential, narrow roads, with restricted visibility and parked residential vehicles is of major concern to us. The potential for major surface and sub surface damage to the existing highway, paths and curbs would, in our opinion lead to potential major remedial works to be undertaken to bring the roads and infrastructure up to an acceptable standard and lead to future

conflict between the developer and the Highway Authority before potential adoption, and add to the time residents would have to live with road construction.

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A new public right of way using the current farm track across publicly owned the road bridge spanning the M40 down to Grants Lock at the Oxford Canal could be a public right of way or provided under 'permissive access' to provide a green link to Banbury town centre.

**We request that this application should not be granted**

**Until.**

1. A new dedicated construction traffic access road and junction be provided from the A4260 (Oxford Rd.) south of the Banbury Rugby Football Club.
2. All servicing of the site should be made via this new access point
3. The link between the new site and via Hobby Rd and Songthrush Rd should only be made when the construction is complete.
4. That the developers proposed increase in housing numbers be declined.
5. That land provision for the relocation of Banbury United FC and a new Secondary School be secured in determining this application.
6. That there is no loss of sports or recreation land in this phase.

For all these reasons we do **SRONGLY OPPOSE** this current application and ask that the Planning authority determines to **OPPOSE** this application until mitigation measures outlined above be agreed as part of determination.

Cllr Kieron Mallon  
Cllr Eddie Reeves  
Cllr Arash Fatemian

30<sup>th</sup> April 2020.

