

**CHERWELL DISTRICT COUNCIL  
PLANNING COMMITTEE**

**5 September 2024**

**WRITTEN UPDATES**

**Agenda Item 8 – PR8 – Land East of A44 – 23/02098/OUT**

**Planning History Update**

Planning Application 24/00657/OUT – Yarnton Garden and Home redevelopment has been withdrawn. An amended scheme is expected to be submitted shortly.

**Further information from the applicant.**

The applicant notes that there are a number of errata and typographical errors in the report. They highlight these as follows:

1. Description and proposed development

- Paragraph 3.7: the split between commercial and faculty floorspace within the expanded Science Campus is not set, though is expected to be a circa 60:40 split between commercial and faculty uses.

2. Response to Consultation

- Paragraph 7.14 – The Environment Agency submitted updated comments on 28<sup>th</sup> August 2024. In it, they confirmed that they would no longer have an objection in relation to foul water subject to a suitable planning condition.
- Paragraph 7.17: ‘Individual Habitats Regulations Assessment’ should instead read ‘Information to support a Habitats Regulations Assessment (IHRA)’.

3. Appraisal

- Paragraph 9.7: The proposals would not be inappropriate development in the Green Belt because they would fall under the exceptions to such set out in paragraphs 144 and 145 of the NPPF.
- Paragraph 9.10: The proposals are broadly in accordance with the principle of Policy PR8 because the proposals seek approval for the delivery of floorspace, not just the safeguarding of land. This is something that is supported by both the Policy team and Development management as it allows for the delivery of housing to be comprehensively planned alongside the expansion of the Science Park. In all other respects, the application is in accordance with the principle of Policy PR8.
- Paragraph 9.20: In this paragraph, references to the ‘Authority’ should be interpreted as relating to the Local Planning Authority, i.e., Cherwell District Council. ‘Development consent’ should be interpreted as the grant of planning permission.
- Paragraph 9.25: For clarity, Point 16 refers to point 16 of Policy PR8. No provision of student homes is included in the application proposals.
- Paragraph 9.30: Should read at the end of the paragraph ‘discount market rent.’
- Paragraph 9.35: ‘Insurmountable’ should be read as ‘insignificant’.
- Paragraph 9.36: The viability expertise was provided by BPS on behalf of the Council to give an independent view of the viability evidence submitted by the Applicant.

- Paragraph 9.48: For clarity, a maximum of 3,500 square metres of local centre uses are proposed, of which a maximum of 700 square metres may be delivered as 'Sui Generis' uses.
- Paragraph 9.65: 'Principles' here relates to the Development Principles set out in the Development Specification document.
- Paragraph 9.68: References to paragraphs 154 and 155 are of the adopted National Planning Policy Framework (December 2023).
- Paragraph 9.110: 'IHRA' is the acronym for the Information to support a Habitats Regulations Assessment that was provided by the Applicant.
- Paragraph 9.118: The reference to the HRA that supports the application should be interpreted as referencing the IHRA provided by the Applicant.
- Paragraph 9.119: For clarity, it is for the competent authority – in this case Cherwell District Council – to carry out the appropriate assessment of the development proposals. CDC has had regard to the evidence submitted by the Applicant contained in the IHRA, as well as the comments of Natural England, which have been given significant weight. Based on this information, the Council are able to conclude that the proposed development would not lead to adverse effects on the integrity of the Oxford Meadows SAC either alone or in combination.
- Paragraphs 9.129-130 and 9.137-138: These paragraphs should be read in light of the Environment Agency retracting their objection on the grounds of foul water management as of 28<sup>th</sup> August 2024.
- Paragraph 9.149: The proposals would also not lead to unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The proposals therefore pass the test set out in paragraph 115 of the NPPF

#### 4. Planning balance

- Paragraph 10.10: The provision of a 20% net gain in onsite biodiversity is also considered a benefit of the proposals that carry significant positive weight.
- Paragraph 10.16: The reference to impacts on the use of the cemetery is erroneous and should be disregarded.

#### Officer Response

*The comments are noted.*

### **Further Consultation Responses**

NETWORK RAIL – seek to provide clarification on their current position.

Oxford University Developments (OUD) provided Begbroke Innovation District Level Crossing Report (BIDLCR) which contained additional information including a suite of mitigation options. Network Rail (NR) provided a response to the BIDLCR identifying gaps in the report and providing risk assessment calculations from NR's All Level Crossing Risk Model (ALCRM) system. Using the data provided in the BIDLCR and the outputs obtained from the ALCRM system a risk score was provided (although this scoring does not account for or able to predict future near misses or trespassing on the railway).

The letter from NR sets out the concerns we have previously raised in-so-much as the report does not provide any forecast of vehicles movements over Sandy Lane or Yarnton Lane level crossings. The letter considers each mitigation measure proposed and what risk benefit this might achieve. In addition, other mitigation measure was also considered. The letter concluded that the package of mitigation proposed would not be sufficient to mitigate the impact of the development and that without an assessment of vehicle movements the report does not fully assess the impacts of the development.

Roundham level crossing modelling was undertaken following the BIDLCR; this concluded that following the development there would be an additional 1175 trips and 115% increase in safety risk at the crossing.

Network Rail commissioned Transport Consultants Watermans to undertake a study of Sandy Lane and Yarnton Lane level crossings in order to understand the traffic flow that would be generated by the PR8 development where no mitigation is provided over either of the level crossings. The report sets out the existing traffic flows for vehicles, pedestrians and cyclists. This is followed by a forecast of traffic flows up until 2033 should the development take place. This was done because traffic studies provide within the application were undertaken with Sandy Lane being closed to vehicles.

The Waterman report also provides a count on a year by year basis based on various assumptions. This could be used to understand at what point mitigation should be in place.

NR undertook a breakdown of ALCRM modelling based on the data from the Watermans study and provided a risk score and %change of risk on a year by year basis, for Sandy Lane level crossing. This concluded that without Sandy Lane being closed to vehicle traffic following the build out of just 5% of the dwellings the increase risk would be 17% (assuming the build did not import additional vehicles over Sandy Lane), should the crossing be closed to vehicles prior to building there would not be an impact until 25% of the development occurs with the increase in safety risk being 3%.

The modelling undertaken in ALCRM also concluded that if all the development of PR8 is granted and no mitigations are implemented at any of the crossings the risk increases as follows:

- Sandy Lane increases in risk by 351% (or, by 4.5 times)
- Yarnton Lane increases in risk by 88% (or, almost doubles)
- Roundham Increases in risk by 115% (or, by more than double)

Mitigation was offered to NR by OUD in the form of a contribution for a footbridge at Sandy Lane and the cost of a TRO for the closure of Sandy Lane to vehicular traffic.

NR welcome the provision offered by OUD but raised concern in regard to the trigger of the TRO and access provision for occupants of houses and land between the railway and the canal. NR provided a solution for these without further cost to OUD.

Officer Response:

*The views of Network Rail have been noted and carefully considered as part of the main report. The summary now provided presents Network Rail's opinion of their actions and position but lacks the assessment of actions and work by the applicant, County Council and the District Council to resolve these concerns, policy and the evidence which forms part of the Adopted Local Plan. Officers and the applicant continue to work on resolving Network Rail's concerns. No changes are proposed to the recommendation as a result of the further representation.*

CROSS COUNTRY TRAINS: objection

The above planning application affects CrossCountry due to the level crossings at Sandy Lane and Yarnton. Our trains approach these crossings at a maximum speed of 100mph in the Up direction – Banbury to Oxford, and 95mph in the Down direction – Oxford to Banbury.

Due to the nature of the automatic half barrier crossings and the approach speed of the trains, the barriers can remain in the lowered position for considerable periods of time.

Automatic half barrier crossings only lower a barrier to stop road traffic in the direction of travel, which promotes a high level of risk due to pedestrians and vehicles being able to openly maneuver around the half barrier and cross the railway lines when the barriers are lowered and the lights flashing.

We have had two instances in recent years of cars being struck by trains travelling at high speeds whilst motorists have chosen to ignore the warnings and barriers and navigated around them. Pedestrians have also chosen to ignore the warnings, with several 'near misses' reported by CrossCountry train drivers at both crossing locations.

The proposed planning application concerns CrossCountry greatly due to the inevitable increase in road traffic it will generate over level crossings that already see misuse.

CrossCountry have been working closely with Network Rail and other passenger and freight operating companies on schemes to close both Sandy Lane and Yarnton crossings, but a lack of funding has so far resulted in both crossings remaining open for use.

Given the scale of the planning application, we would urge the developers to work with Network Rail to find an alternative solution to the crossings, be it road bridge or underpass in order that the level crossings can be closed and a safer method of crossing the railway lines at these locations implemented.

*Officer Response: Officers note the response of Cross Country Trains on the safety of the Sandy Lane crossing and are working on a potential mitigation package to Sandy Lane with Network Rail and County Council. No change to the recommendation is proposed.*

OXFORDSHIRE COUNTY COUNCIL: further clarification on the following matters:

Conditions

Request conditions in relation to Access, A44 works, Traffic Management Plan and on street parking be added. Concerned about the omission of these conditions.

Officer response:

*There are no omissions of the conditions of the highway authority. The matters are simply worded differently and referenced to the specific documents and mitigation referenced in the Environmental Statement. Further parking strategy condition is sufficient and already added and travel plan conditions have been added specific to the uses based on the framework travel plan already submitted. Access is a Reserved Matter and therefore there will be a Reserved Matters submission which will be tested against policy at the time of submission.*

*Further as stated in the PR9 appeal (para 61) it is not necessary to attach conditions relating to off-site highway works and the provision of a residents' parking zone prior to highway adoption because they would duplicate the expected contents of the s106 obligation on these subjects.*

*No change to the recommendation and conditions are not added as they would not meet the tests of adding such conditions and have been directed as such at appeal.*

## S106 Matters

### Sandy Lane S106

The Committee Report notes that the applicant has proposed to provide an active travel bridge over the railway at Sandy Lane, and that, in consultation with the LPA, OCC and Network Rail, suitable mitigation measures will be developed to ensure the safety of that route. It is noted that the delivery of an active travel bridge over the railway at Sandy Lane is included within the table of S106 obligations at Appendix 1 of the report. However, OCC also considers that the delivery of a bridge should be included in the list of obligations set out in the recommendation to the Committee, as most other key items of infrastructure have been, to ensure that it is absolutely clear that this crossing is critical and necessary for the delivery of the site.

#### Officer Response:

*Noted. As stated in the recommendation the proposed mitigation and details need to be agreed to overcome Network Rail's objection. This may be in the form of an additional condition/obligation or both. The satisfaction of Network Rail's objection is therefore sufficient in this instance. No change.*

### Rail Halt Safeguarding

OCC understands that the location and layout of the land required to be safeguarded for a potential future rail station at Begbroke, required under policy PR8, would be determined during the second phase of the planning process for this site, given the 'three tiered' approach of the applicant. OCC appreciates that funding towards a feasibility study for a potential future station is included in the draft list of obligations. However, OCC considers that the obligation to safeguard land for a potential future rail station should be secured through the S106 for the development, and that this should also be included in the list of obligations

#### Officer Response:

*Noted however the mitigation referenced in the Environmental Statement and key documents and shown on movement parameter plans. The land therefore is safeguarded for the purposes of the current application. Future submissions will need to take this into account. No change necessary and the clause would not be appropriate.*

Also suggests that it be noted that the Public Transport Service Contribution sought for Public Transport Services is £4,064,524 index linked to October 2021 using RPI-x.

It is also noted that the Mobility Hub Contribution (£12,032,379 index linked from June 2022 using Baxter Index) is listed twice in the table of contributions.

The provision of bins is a CDC matter.

Officer Response:  
*Agreed and noted*

Other Matters raised by the County Council:

On Secondary School Noise Levels Paragraph 5.16 states that: 'OCC have expressed general support with regard to the location of the secondary school next to the railway line subject to technical criteria.' OCC have concerns about achieving low enough noise levels to deliver the outdoor curriculum. The applicant has demonstrated that 55 dB LAeq and lower is achievable using acoustic mitigation (fences and bunding along the railway line) and this will need to be achieved prior to the freehold transfer of the site to OCC which will be required as part of the S106 agreement.

Officer Response:  
*Noted. No change to the recommendation required.*

To Kidlington Parish Council Objection. The county council appreciates the parish council's concern that any additional school capacity should be planned in such a way as to avoid unnecessary detrimental impact to existing schools. The county council works closely with schools and academy trusts to plan expansion of capacity where that is necessary to meet local population growth. The county council's response of September 2023 sets out how additional education capacity will be planned. The cumulative impact of the Cherwell Local Plan Partial Review sites clearly exceeds the ability of local existing schools to absorb additional pupils, and new provision will be required, which will be within the PR8 site.

Officer Response:  
*Noted. No change to the recommendation required.*

**Agenda Item 9 – Part of OS Parcel 7700 Adjoining B4035 and Swalcliffe Road, Upper Tadmarton**

Agent: Further ecological details received.

Officer Response: These are currently out for consultation

**Agenda Item 10 – Turpins Lodge, Tadmarton Heath Road, Hook Norton, Oxfordshire, OX15 5DQ**

Agent: Requests that the buildings currently being used are not removed as part of the S106.

Officer Response: The recommendation should be changed to the following:

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO**

- **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**

- **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
  - (a) Details for the future use of the existing stables and arena to be submitted to the Council**
  - (b) to ensure the extant permission is not used as grooms accommodation.**
  - (c) The receipt of Nature space Licence**

In addition, there is an additional condition is imposed relating to the door details:

No development shall commence above slab level until details of the construction, including cross sections, of the proposed windows/doors, etc to a scale of not less than have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first use of the indoor arena and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.