

APPLICATION NO.	P20/V1388/O
SITE	Land South of A415, Marcham Oxon
PARISH	MARCHAM
PROPOSAL	Outline planning permission for residential development of up to 90 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved. (As per the updated air quality assessment received on 11 November 2020, drainage technical note 29 March 2021, Frilford Lights technical note 31 March 2021 and Frilford lights mitigation 23 July 2021).
WARD MEMBER(S)	Catherine Webber
APPLICANT	Catesby Land Promotions Ltd
OFFICER	Adrian Butler

RECOMMENDATION

It is recommended that authority to grant planning permission is delegated to the head of planning subject to:

1. A S.106 agreement being entered into to secure contributions towards local infrastructure, management of public open spaces and to secure affordable housing; and
2. Conditions as follows:
 1. Reserved matters (internal access arrangements, appearance, landscaping, layout and scale) to be submitted
 2. Application for approval of reserved matters within three years and development to commence within two-years of approval of final reserved matter
 3. Approved plans

Pre Commencement Conditions

4. Tree and hedge protection to be approved
5. Levels to be agreed
6. Construction Management Plan including wheel washing, HGV delivery route, dust suppression and deliveries outside the hours of 7.30 to 9.30 and 16.00 to 18.00
7. Surface water drainage to be approved
8. Archaeological written scheme of investigation
9. Staged programme of archaeological investigation

10.A construction environmental management plan for biodiversity (CEMP: Biodiversity) to be approved

Pre-Occupancy or Other Stage Conditions

11. Foul water drainage to be approved
12. Drainage compliance report to be submitted and approved.
13. Noise mitigation to be set out as part of the reserved matters application
14. Concurrent with the submission of any reserved matters application a Biodiversity Enhancement Plan (BEP) to be submitted to and approved
15. Access to A415, pedestrian crossing point, foot/cycle way provision beside the A415, relocation of speed limit and gateway in accordance with approved plan and prior to occupation of any dwelling.
16. Concurrent with the submission of any reserved matters application details of pedestrian and cycle access to the A415 to be submitted
17. Travel plan and travel information pack
18. Active electric vehicle charging points for each dwelling
19. Details of hedge planting behind vision splays as part of reserved matters submission
20. Market housing mix to be agreed
21. Space standards - policy DP2 compliant

Post Occupancy Monitoring and Management Conditions

22. Maximum two storeys dwellings only
23. No more than 90 dwellings permitted

Informatives

1. Broadband provision
2. Bird nesting
3. Protection of Thames Water underground assets
4. S106 Obligation

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application was presented to planning committee on 8 September 2021. A decision was deferred for the following reasons:

1. School capacity
 - Does Marcham primary school have capacity for pupils likely to live in the development including the planned extension to the school? Oxfordshire County Council (OCC) provided figures that indicated the school was at capacity despite the plans to extend it.
2. Foul water flooding
 - Is there capacity in the foul drainage system for this development?

- Can a planning condition secure any required improvements prior to occupation of the houses?

3. Primary care

- What does the Oxfordshire Clinical Commissioning Group (OCCG) need and how much would it cost?

4. Air quality

- Further information about air quality impacts.
- What are the impacts for air quality of extra traffic queuing at the pinch point/chicane in Marcham village?

5. Frilford junction

- What improvements would take place?

6. Cycle access:

- More information on a cycle access in the north west corner of the site.
- Priority for cyclists crossing the vehicular access to the site.

7. A Members site visit

1.2 This report addresses items 1 to 6 above only. A site visit for committee members will be held prior to the meeting. All other material planning matters are outlined in the report to planning committee on 8 September 2021 which together with its appendices, is **attached** at Appendix 1.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 A summary of the responses received is contained in the original report to planning committee dated 8 September 2021. A full copy of all the comments made can be seen online at www.whitehorsedc.gov.uk

3.0 **PLANNING CONSIDERATIONS**

3.1 The reasons for deferral related to the following :

1. School capacity
2. Foul water
3. Primary care
4. Air quality
5. Frilford junction
6. Cycle access

3.2 **School Capacity**

From the response provided by the Oxfordshire County Council (OCC) and which is quoted below, it is evident that the balance between Marcham's school capacity and housing related population growth is very tight, but on balance sufficient school capacity is expected.

- 3.3 In its statement to planning committee on 8 September the Parish Council advised:

“However, when we reworked their figures using the County Council formulae it showed that the school lacked adequate capacity. We passed our figures to the County Councillor (Richard Webber) who asked the officer whether we had got the figures right. The Councillor received the response from the Head of Access to Learning, I quote: “The short answer is yes. A summation of pupil generation and current pupil numbers does exceed the school’s capacity”.

- 3.4 OCC is the Education Authority and following the committee meeting in September, they advise:

“The full response sent in June to Cllr Webber, to which I believe the Parish Council is referring, was:

A summation of pupil generation and current pupil numbers does indeed exceed the school’s capacity – an apparent deficit of 8 places would be roughly one child per year group. However, there are three other factors to consider:

- 1. The estimated pupil generation for each individual site relates to the peak years – all developments typically show a pattern where pupil generation rises to a peak and then subsides somewhat. If all the developments peak at the same time, and if the underlying population level stays as now, then there is a risk that there could be a small shortage of places. However, it is more likely that developments will peak at different times, so that one peak has subsided before the next happens.*
- 2. The pupil generation from housing also has to be balanced against a general sustained fall in birth rates in recent years, which will tend to reduce pupil numbers in the absence of housing growth.*
- 3. In addition, not all of the children currently at the school live within catchment. That is, of course, very common for popular schools like Marcham, where places will fill up from out of catchment if there are any vacancies, but in future years, higher in-catchment population will displace out of catchment applicants as they have higher priority in the admissions criteria.*

Overall, therefore, while the balance between Marcham’s school capacity and housing related population growth is clearly very tight, on balance we would expect sufficient school capacity.

The financial contribution is sought towards the actions the county council has already taken, and forward-funded, to expand the school to 1 form entry to enable it to accommodate its growing catchment population, including from Local Plan allocated site”.

Officers therefore see no reasonable ground to withhold permission in relation to school capacity.

Foul Water

- 3.5 As reported previously and confirmed again by Thames Water following the September meeting, there is currently insufficient foul water drainage capacity, and the sewerage network needs to be upgraded to accommodate the development. Thames Water advise that the development site is currently being modelled and the outcome of the study will define the necessary upgrade and reinforcement works required to alleviate any detriments seen in the model. Thames Water also advise the development site is at risk of flooding due to ground water and surface water infiltration during wet weather conditions. To overcome this risk Thames Water require the entire site to be served by the proposed foul water pumping station with its rising main discharging to the existing Thames Water foul sewer within Marcham Road. Thames Water therefore recommend that the following condition is imposed:

“The development shall not be occupied until confirmation has been provided that either:

- 1 All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or,*
- 2 A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.”*

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents”.

- 3.6 Officers recommend that this condition is imposed. The applicant is agreeable to its imposition and the condition meets the tests for imposing conditions.

Primary care

- 3.7 OCCG seek £77,760 towards improving primary care infrastructure at the nearest practice, which is Marcham Road Health Centre, Abingdon. However, should a local scheme not go ahead for any reason, the funding will be invested into other capital projects which directly benefit this Primary Care Network (PCN) location and the practices in the PCN.
- 3.8 As explained in paragraph 5.56 of the original report to planning committee, in accordance with the current adopted Developers Contributions Supplementary Planning Document (SPD), CIL contributions could be used by OCCG towards healthcare provision. (The latest draft Developers Contributions SPD also confirms that in cases such as this CIL will be used to fund healthcare facility improvements).
- 3.9 The development will be subject to CIL which will be calculated at reserved matters application stage, as that application will provide full details of the market dwellings floor areas which are needed to calculate CIL. However, as an example, a SHMA compliant scheme of 59 two storey market dwellings

meeting at least the minimum space standards required by development policy (DP) 2 of the LPP2, could generate £688,820 in CIL funds. 5% of this sum would be used for administering CIL and 15% would be provided to the Parish Council. Of the remainder (£550,576), 20% (£110,115) would be available towards community healthcare which OCCG could seek to use to fund local health care improvements.

Air quality

- 3.10 The council's air quality officer has provided further information since the previous committee meeting which is set out below and does not raise any objections.
- 3.11 Air quality impacts have been assessed based upon the predicted increase in traffic volume associated with this proposed development. This has been modelled by the applicant's air quality consultant and follows a recognised modelling approach to predict worst case impacts at sensitive receptors including the part of Marcham by the 'pinch point' where nitrogen dioxide (NO₂) exceedances are greatest.
- 3.12 This modelling has predicted the impacts in 2024 which is the year when the development is anticipated to be fully open and has included other committed developments in the area within the model which could be completed by 2024.
- 3.13 The modelling includes the reduction in vehicle 'emission factors' over future years, predicted using the Defra Emission Factor Toolkit (EFT). The EFT models the reductions associated with the renewal of the vehicle fleet over time with less polluting vehicles, to predict emissions in future years. If the reduction in emissions associated with the renewal of the fleet exceeds the additional impacts from extra vehicles, then a reduction in actual levels is a probability.
- 3.14 The Defra emission factors for future years have been independently evaluated and there is an indication that predictions in the reduction of emissions in future years may be underestimated in the current version of the EFT and the actual reduction in vehicle emissions in future years may exceed the predictions.
- 3.15 The applicant's modelling adopts a cautious worst-case approach and has not included the anticipated fall in background concentrations in future years as the fleet emissions improve. The predictions are that the impacts on air quality will be negligible overall and negligible at the worst affected monitoring site at the pinch point in Marcham village.
- 3.16 The predictions indicate that in the 2024 opening year, levels in Marcham will be below the objective level at all sensitive locations, both with and without this development. The air quality predictions indicate that by 2024 the levels will be below the objective, despite the contribution from the proposed development, which at the pinch point would be just 0.16ug/m³ increasing the predicted annual mean level of NO₂ to 39.35ug/m³ against the annual mean NO₂ objective level of 40ug/m³. In air quality assessment terms such a small increase is negligible. At all other points in the AQMA the predicted annual

mean NO₂ remains below 40ug/m³ with the ranges being between 18.41ug/m³ and 30.07ug/m³.

- 3.17 There was concern that the additional traffic associated with this development will increase queuing at the 'pinch point' and reduce air quality. The quantity and make up of traffic and traffic speeds form part of the air quality modelling. OCC Highways Officers have assessed the traffic details which have been used in the modelling and they accept that data used is correct and representative.
- 3.18 The modelling is based on recognised procedures and the approach to air quality modelling is considered to be robust. The modelling has been undertaken for a baseline year of 2019 and for 2024 and the model has been calibrated against monitored results from 2019.
- 3.19 The air quality officer is satisfied with the proposal and raises no objections.

Frilford junction

- 3.20 This matter is addressed at paragraph 5.29 of the original report. Without mitigation an additional 15 two-way traffic movements in the peak hours would add to the queues at the Frilford junction which are considered by the Highway Authority as severe.
- 3.21 Mitigation has been identified by increasing the length of the left hand turn lane on the west bound carriageway of the A415 opposite the existing petrol station, as shown on the plan **attached** at Appendix 2. This lane would be extended by approximately 50m and at its widest by approximately 1.8m. OCC confirm this work would all be within public highway land. A stage 1 safety audit has not identified any safety issues.
- 3.22 As explained in OCC's response to the application which is set out in the consultation section of the previous report, modelling of the junction shows that the proposed increase in the physical length of the A415 Frilford Road left-turn lane would not only mitigate the development impact of an additional 15 two-way vehicle movements through Frilford Lights for all future year assessment scenarios, but it would also improve the overall operation of the junction.
- 3.23 This improvement can be secured in a s.106 agreement requiring either direct delivery by the developer or securing a financial contribution enabling OCC to undertake the works. Officers therefore consider there are no reasonable grounds to withhold permission on this issue.

Cycle access

Cycle Access to the NW Corner of the Site

- 3.24 An indicative cycle/pedestrian connection from the site to the cycle/footway beside the A415 is shown on the plan **attached** at Appendix 3. The detail itself will follow as part of a reserved matters application as the detailed layout of development could shape how the connection is made. The connection and path should be a minimum 3m wide and finished with an all-weather surface.

The delivery of this pedestrian/cycle access can be secured by proposed condition 16.

Priority Cycle/Pedestrian Access Crossing

3.25 At the vehicular access to the site the applicant sought to provide a priority crossing for cyclists and pedestrians designed to accord with LTN 1/20 - Cycle Infrastructure Design. The crossing design as **attached** at Appendix 4, has been subject to a stage 1 safety audit and deemed unsafe. The safety audit identified four concerns and recommendations as stated below:

3.26 1. *“A shared footway / cycleway is provided along the southern side of the A415 through the proposed scheme area. This is to be retained with a priority cycle crossing provided across the site access via a 75mm tabletop. Such crossings are typically provided for segregated cycle lanes with an appropriate crossing arrangement provided for any adjacent pedestrian facilities. The proposed design does not take into account the shared use nature of the footway / cycleway; as such, no pedestrian crossing facility and associated tactile paving is provided. This may lead to pedestrians, particularly those who are visually impaired continuing onto the cycle crossing unaware that they are on a carriageway leaving them vulnerable to being struck by passing vehicles”.*

Recommendation:

“Pedestrian crossing facilities and associated tactile paving are incorporated into the crossing design. This may require the omission of a priority cycle crossing to reflect the unsegregated shared use nature of the footway/cycleway”.

Officers consider this issue could be overcome by providing pedestrian crossing facilities including tactile paving and widening the crossing for segregation.

3.27 2. *“A 5.0m set back from the edge of the A415 carriageway to the cycle crossing is proposed. Whilst this is in accordance with the minimum set back shown in LTN 1/20, the Audit Team is concerned that site conditions are such that should a turning large vehicle overhang onto the A415 carriageway, it will be vulnerable to being struck by following / passing vehicles”.*

Recommendation

“It is recommended that a greater set back is provided for the cycle crossing to reduce the likelihood of a vehicle overhanging the A415 carriageway”.

Officers consider the priority crossing would need to be set back a minimum of 11.6m to accommodate large vehicles including the council’s 11.6m refuse vehicle. This set back would involve a deviation from the cycle/footway into the site that could be inconvenient and which

cyclists and pedestrians may seek to avoid leading them to take a direct route across the junction which is counterproductive.

- 3.28 **3.** *The junction design incorporates 12.5m radii on both sides of the access road. Such radii may lead to vehicles turning into the access road at inappropriate speeds increasing the likelihood of them failing to stop for crossing cycles. It should be noted that LTN 1/20 indicates a maximum radius of 6.0m for junctions incorporating priority cycle crossings”.*

Recommendation

“It is recommended that a maximum junction radius of 6.0m is provided in line with LTN 1/20. If this is not suitable for the proposed site access, the priority cycle crossing should be omitted from the scheme”.

Officers consider reducing radii to 6m would result in turning traffic coming into conflict with eastbound A415 traffic with larger vehicles crossing the A415 centre line into oncoming traffic. Similarly, vehicles turning into and out of the site access arm would come into conflict. Therefore, reducing radii to 6m is considered unsafe.

- 3.29 **4.** *“Lack of ‘Give way’ triangular carriageway markings may lead to failure to stop collisions”.*

Recommendation

“Give way’ triangular carriageway markings are installed on both approaches to the cycle crossing, as well as for the A415 junction”.

Officers consider give way signs could be included.

- 3.30 Consequently the applicant does not propose changing the access arrangements and the access as proposed without a priority crossing falls to be considered..

- 3.31 In conclusion on this matter, officers consider the priority crossing would be unsafe as the reduced radii required would lead to vehicular conflicts on the A415 and for vehicles turning into and out of the access. Moving the priority crossing some 11.6m into the site may address the radii issue but would involve a deviation from the straight line cycle/footway route and some users may choose to take a direct route across the junction which is counterproductive. The proposed access, as explained in the report to 8 September 2021 planning committee, is acceptable and supported by the Highway Authority.

4.0 CONCLUSION

- 4.1 The site is allocated for 90 dwellings in the LPP2 and in considering the site the planning inspector examining the LPP2 advised there are *“no overriding objections to its development, the site provides a suitable opportunity for further expansion of the village”.*

- 4.2 The reasons for deferral have been addressed and impacts of the development can be mitigated by planning conditions (foul drainage), by securing financial contributions through a s.106 agreement (education and the Frilford lights) and by CIL (healthcare improvements). A priority cycle access across the site access is considered unsafe and is not therefore, proposed.
- 4.3 There is negligible harm for air quality in the Marcham AQMA and the LPP2 states *“The Council is satisfied that the relatively small development (90 dwellings) proposed to the south-east of Marcham will not adversely impact the AQMA located in Marcham village”*.
- 4.4 Subject to planning conditions and completing a s.106 agreement this outline planning application proposal is considered acceptable.
- 4.5 Furthermore, the approval of this site would make a small but important contribution to the Council’s 5-year supply of housing land as the applicant has indicated that all homes will be delivered within the next five years.

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