

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

**District:** Cherwell

**Application No:** 19/02350/OUT-2

**Proposal:** Outline planning permission for 26 dwellings including Access

**Location:** Land at Deerfields Farm, Canal Lane, Bodicote

**Response date:** 12<sup>th</sup> February 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 taken from the application form.

| <b>Residential</b>       | <b>No.</b> |
|--------------------------|------------|
| 1-bed dwellings          | 2          |
| 2-bed dwellings          | 5          |
| 3-bed dwellings          | 13         |
| 4-bed & larger dwellings | 6          |

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   | 73.01 |
| Primary pupils   | 8.98  |
| Secondary pupils   | 5.54  |
| Sixth Form pupils  | 0.86  |
| SEN pupils   | 0.19  |
| Nursery children (number of 2 and 3 year olds entitled to funded places) | 2.24  |
| 20 - 64 year olds  | 49.08 |
| 65+ year olds  | 5.21  |

0 – 4 year olds

8.00

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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.

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## Transport Schedule

### Recommendation:

**No objection subject to:**

- **S106 Contributions** as summarised in the table below and justified in this Schedule:
- **Planning Conditions** as detailed below.

If despite OCC's objection permission is proposed to be granted, then OCC requires prior to the issuing of planning permission a S106 agreement to mitigate the impact of the development plus planning conditions as detailed below.

### S106 Contributions

| <b>Contribution</b>       | <b>Amount £</b> | <b>Price base</b> | <b>Index</b> | <b>Towards (details)</b>                        |
|---------------------------|-----------------|-------------------|--------------|---|
| Public transport services | £26,000         | November 2019     | RPI-x        | Enhancing the bus Oxford to Banbury bus service |

### Key Points

This consultation response should be read in conjunction with the county council's earlier response dated 31<sup>st</sup> December 2019.

- The quantum of development appears to have been revised down to 26 dwellings. The requested public transport contribution has therefore been revised accordingly.
- While noting that the application is for Outline planning permission, there are a number of issues identified with the proposed site plan which will need to be taken into account with any reserved matters applications.
- The provision of a pedestrian and cycle connection with Canal Lane, as shown in the proposed layout plan, is required to provide convenient access to public transport and the wider area.
- A Construction Traffic Management Plan will be required.
- Residential Travel Information Packs will be required.

### Comments:

The revised Design and Access Statement indicates that the proposed quantum of development has been revised to 26 dwellings. The requested public transport contribution, which has been based on a cost-per-dwelling formula, has been revised accordingly.

### Layout

While the current application is for outline planning permission, there remains a number of potential issues with the revised indicative layout which will need to be taken into account with any reserved matters applications.

For instance, the proposed site plan shows zebra style crossings on the access road. These would not be supported due to the very low level of traffic using the access road and the maintenance and infrastructure liability that these would incur on an adopted highway. It is also noted that, as shown, one of the proposed crossings leads directly into a parking space and does not connect to a footway.

The Design and Access statement confirms that integral parking is proposed. These spaces are unlikely to be used for car parking and are often used for storage purposes or otherwise converted into living spaces. This will likely lead to on-street parking. A swept path analysis will be required with reserved matters applications to demonstrate that large refuse and emergency vehicles can safely access and turn within the site, taking account of likely on-street parking.

Road widths and layouts will need to accord with the county council standards set out in OCC's Residential Road Design Guide.

The county council will also request that bollards are provided at either end of the pedestrian / cycle path between Canal Lane and the site. This will be required to prevent inappropriate use of the route by motorised vehicles (mopeds etc.) while still enabling convenient cycle access.

### Construction Traffic

A Construction Traffic Management Plan will be required in the interest 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 Planning

A Residential Travel Information Pack is required prior to first occupation and then distributed to all residents at the point of occupation. This is required to ensure all residents are aware of the travel choices available to them from the outset.

Further information regarding the criteria required can be found within the OCC Travel Information Pack guidance document.

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

**£27,000 Public Transport Service Contribution** indexed from November 2019 using RPI-x

**Towards:**

Enhancing the frequency of the Banbury to Oxford bus service (current S4 service) on Oxford Road.

**Justification:**

A strategy exists for improving the Oxford to Banbury bus service to ultimately operate on a half-hourly basis during the week. This would provide a more attractive level of service and an alternative public transport option for residents of the proposed development for travel to Oxford (reducing the need to travel to Banbury Station). This will provide a more credible level of service for journeys to employment and education in Banbury and Oxford.

**Calculation:**

The amount is based on the cost of using additional vehicles and drivers on the route necessary to provide that additional level of service and amounts to a reasonable level of £1,000 per dwelling, which is equivalent to amounts secured on developments along the bus route.

**S38 Highway Works**

Detailed design of the access from the adjacent residential street will need to be agreed through a S38 agreement. The S106 agreement will secure delivery via future completion of a S38 agreement.

**Planning Conditions:**

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

**Access: Full Details**

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the adjoining residential development parcel, including, position, layout, construction, drainage and vision splays 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.

**Access: Pedestrian and Cycle Access to Canal Lane**

Prior to the commencement of the development hereby approved, full details of the pedestrian and cycle access link between the development site and Canal Lane bridleway, including position, layout, construction and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the pedestrian

and cycle link shall be constructed and retained in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport, in the interests of highway safety, and to ensure a satisfactory standard of construction and layout for the development.

### **Estate Accesses, Driveways and Turning Areas**

Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed 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.

### **Details of Turning for Service Vehicles**

Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse and fire tender access and turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out 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.

### **Cycle Parking Facilities**

Cycle parking facilities shall be provided prior to the occupation of the development hereby approved, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: To encourage the use of sustainable modes of transport.

### **Construction Traffic Management Plan**

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of times for construction traffic and delivery vehicles, which must be outside of peak network hours. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

### **Travel Information Packs**

Prior to occupation of the development hereby permitted, Residential Travel Information Packs, which meet the requirements set out in Oxfordshire County Council's Travel Information Pack guidance document, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Information Packs must be distributed to all residents at the point of occupation of each dwelling.

Reason – To encourage the use of sustainable modes of transport.

**Officer's Name: Tim Peart**

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

**Date: 31 January 2020**

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## **Drainage**

### **Recommendation:**

No objection subject to conditions

### **Key issues:**

Submitted information sufficient as Outline Design stage. Needs to be worked up into full Detailed Design aligned with National and Local Policy.

### **Conditions:**

#### **SuDS**

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing. Detailed Design to be based upon the Surface Water Drainage Strategy reference 4748.

Ambiental to update this report (4748) to reflect the below comments, as it does not appear to have been amended since submission of conditions on 28<sup>th</sup> December 2019 whilst report 4748 is dated 1<sup>st</sup> November 2019.

Full detailed drainage strategy to be provided including all relevant drawings and long/cross sections.

Pipe numbers to be shown on plan to enable auditing against MicroDrainage report.

Full topo plan required.

Post development flow paths to be shown on plan.

Justification that all green space has been utilised to its maximum potential for SuDS incorporation.

Proof of safe ingress/egress in exceedance events.

Evidence of sacrificial temporary shallow ponding on site to help manage exceedance events.

Evidence of consent to connect to existing surface and combined sewer from the relevant WaSC. Connection to combined sewer is not permitted unless robust justification this is the only available option can be demonstrated.

Discharge rate to be as stated at 2l/s

Section 5.14 – demonstration as to how Approach 2 will be implemented to be provided. It appear this is implied to be Long Term Storage, confirmation required.

**Reason:**

To ensure that the principles of sustainable drainage are incorporated into this proposal.

**Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans**

No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

**Reason:**

To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

**Informatives:**

**Detailed comments:**

Full Detailed Design to be submitted to LPA and LLFA for approval taking account of the above Conditions.

By the end of the Concept Stage evaluation and initial design/investigations Flows and Volumes should be known. Therefore, we ask that the following Pro-Forma is completed and returned as soon as possible:

**Officer's Name: Adam Littler**

**Officer's Title: Drainage Engineer**

**Date: 11 February 2020**

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## Education Schedule

### Recommendation:

As advised in the county's response (dated 31/12/2019) to the original application, this proposed development would contribute towards the need for additional school places. A full assessment was provided for 27 dwellings for this application.

This amendment reduces the number of dwellings, and hence pupil generation, and would result in changes to the level of contributions required.

The revised contributions would be:

| Contribution                            | Amount £        | Price base                   | Index           | Towards (details)   |
|---|-----------------|------------------------------|-----------------|---|
| <b>Primary and Nursery</b>              | <b>£216,366</b> | <b>333 (related to 3Q19)</b> | BCIS All-In TPI | Expanding primary and nursery capacity serving the development      |
| <b>Secondary (including sixth form)</b> | <b>£169,094</b> | <b>333 (related to 3Q19)</b> | BCIS All-In TPI | Expanding secondary and sixth form capacity serving the development |
| <b>Total</b>                            | <b>£385,460</b> |                              |                 |   |

In all cases, a matrix provision would be required to address the outline nature of the development proposal.

### **Calculation:**

|  |                 |
|--|-----------------|
| Number of primary and nursery pupils expected to be generated (8.98 primary + 2.24 nursery)  | 11.22           |
| Estimated per pupil cost of primary school (including nursery) expansion, as advised by Government guidance "Securing developer contributions for education" (November 2019) | £19,284         |
| 11.22 * £19,284  | <b>£216,366</b> |

|  |         |
|--|---------|
| Number of secondary and sixth form pupils expected to be generated (5.54 secondary + 0.86 sixth form)  | 6.40    |
| Estimated per pupil cost of secondary school expansion, as advised by Government guidance "Securing developer contributions for education" (November 2019) | £26,421 |

|                |                 |
|----------------|-----------------|
|                |                 |
| 6.40 * £26,421 | <b>£169,094</b> |

The above contributions are based on a unit mix of:

2 x 1 bed dwellings  
5 x 2 bed dwellings  
13 x 3 bed dwellings  
6 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: Joanne Booker**  
**Officer's Title: School Organisation Officer**  
**Date: 27 January 2020**

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