

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

**District:** Cherwell

**Application No:** 19/02948/F

**Proposal:** Erection of 10 No two storey residential dwellings with access off South Side including a new pedestrian footway, parking and garaging, landscaping and all enabling and ancillary works

**Location:** Land To The South And Adj To South Side Steeple Aston

**Response date:** *4<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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## **General Information and Advice**

### **Recommendations for approval contrary to OCC objection:**

IF within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via [planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)) as to why material consideration outweigh OCC's objections, and given an opportunity to make further representations.

### **Outline applications and contributions**

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

### **Where a S106/Planning Obligation is required:**

- **Index Linked** – in order to maintain the real value of s106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - TBC**  
This is an estimate of the amount required to cover the extra monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether an s106 agreement is completed or not.

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## Transport Schedule

### Recommendation:

#### **No objection subject to:**

- **S106 Contributions** as summarised in the table below and justified in this Schedule:
- **An obligation to enter into a S278** agreement as detailed below.
- **Planning Conditions** as detailed below.
- Note should be taken of the **informatives** stated below.

#### S106 Contributions

<b>Contribution</b>	<b>Amount</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Public transport services	£10,000	January 2020	RPI-x	Improvements to the bus service that connects Steeple Aston to Banbury and Oxford.
<b>Total</b>	<b>£10,000</b>			

### Key points

- Pedestrian improvements are agreed in principle
- A S278 Agreement, secured by a S106, will be necessary for the improvement works
- A contribution is required towards the improvement of the existing bus service
- Swept path analyses for appropriate large and oversize vehicles have been provided

### Comments:

This response needs to be read in conjunction with our response to the previous application, 19/01177/F. OCC Transport Development Control did not object to that application, but observations were made that have been addressed in this latest submission. The comments below relate to the changes and additional submitted documentation

## Background

Application number 19/01177/F presented five possible pedestrian improvement schemes which were safety audited and distilled down to a single "Preferred Final Option". This option was agreed in principle by OCC, although three minor points regarding signage and surfacing had not been incorporated. The OCC response concluded:

*"OCC are satisfied that the proposals will offer a significant improvement for pedestrians moving to/from the west side of the village to the centre. The virtual footway concept has been used successfully in other locations within Oxfordshire (and elsewhere) and is considered appropriate in this situation, in conjunction with a build-out feature that will reduce vehicle speeds and will effectively reduce traffic flow to a single lane along the length of the virtual footway."*

## Pedestrian Improvements

Drawing number 8171225/6110 has been revised up to A2 with the inclusion of the three points mentioned above. The improvements will provide facilities for pedestrians where they currently share the highway with vehicles, along the southern edge of South Side between the site and Water Lane. The facilities consist of a short length of kerbed footway at the western end, a section of over-runnable footway across the residential access and frontage, and a coloured virtual footway. This revision of the design was subjected to a full Stage 1 Road Safety Audit.

## Road Safety Audit

The Road Safety Audit (RSA) identified eight items of concern. Each of these items has been reviewed by the Design Organisation and a response given. Having examined these problem areas and responses with the OCC Principal Road Safety Officer, our comments are as follows:

- Problem 1. The response is agreed.
- Problem 2. With the build-out reduced in size (i.e. half over-runnable) it may be difficult to position the signs with sufficient set-back from the carriageway. It is worth considering having flexible marker posts (e.g. TMP or similar) on the build-out, with the sign assembly relocated to the west, possibly to the car park access where it is less susceptible to being obscured by vegetation. If there is adequate space for the sign assembly on the build-out then the "Priority over oncoming vehicles" sign could be placed on the reverse.
- Problems 3, 4, 5 and 6. The responses are agreed.
- Problem 7. OCC strongly favour having the same arrangement of demarcation as that used nearby on the virtual footway at Stonesfield. This uses two red reflectors back-to-back in white plastic housings (so they show up well in daylight too), placed just outside a continuous white line.



- Problem 8. The response is agreed.

### Swept path Analyses

The Transport Statement includes swept path analyses for the following vehicles – 12.8m bus, 11.6m refuse collection vehicle, combine harvester and 16.5m articulated HGV. The passage of the latter two vehicles is made possible by the half over-runnable build-out arrangement. It is reasonable to assume that no other vehicles will be waiting at the give-way line as these instances will be very occasional. It is shown to be very tight when a bus passes a waiting car but there is additional space available to the south of the carriageway.

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

**£10,000 Public Transport Service Contribution** indexed from January 2020 using RPI-x

**Towards:** Upgrading of the bus service that connects Steeple Aston with Oxford and Banbury to a half-hourly daytime frequency.

**Justification:** The contribution is necessary to make the development acceptable in planning terms because the increase in frequency would make the destinations of Oxford and Banbury, and the villages inbetween, more accessible by a sustainable mode of transport. It would be in accordance with paragraph 102 of the National Planning Policy Framework (NPPF July 2018), which states that:

*“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: ... opportunities to promote walking, cycling and public transport use are identified and pursued.”*

The contribution is fair and reasonably related in scale and kind to the development because it is based on a contribution of £1,000 per dwelling, a calculation that is applied to all new residential developments in Oxfordshire when contributions for public transport improvements are sought.

**Calculation:** £1,000 per dwelling x 10 dwellings = £10,000

## **S278 Highway Works:**

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

- A bellmouth junction to provide access from the site on to South Side, as shown indicatively on drg. no. P.224.SP.01 Rev. K
- Off-site highway works, including a length of 1.2m wide footway, coloured virtual footway, priority build-out feature, signing, lining and lighting, as shown indicatively on drg. no. 8171225/6110 Rev. A3

### **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.

### **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 highway, 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 and to comply with Government guidance contained within the National Planning Policy Framework

#### **Vision Splay Details**

Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level. The splay to the west of the access shall be 2.4m x 107m, and to the east of the access shall be 2.4m x 45m.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

### **Close Existing Access**

Prior to the first use of the access hereby approved, the existing access onto South Side shall be permanently stopped up by means of hedging and verge, and shall not be used by any vehicular traffic whatsoever.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

### **Parking and Manoeuvring Areas Retained**

Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

### **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.

### **Construction Traffic Management Plan**

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

### **Informative:**

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; [RoadAgreements@oxfordshire.gov.uk](mailto:RoadAgreements@oxfordshire.gov.uk).

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set

the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

**Officer's Name: Roger Plate**

**Officer's Title: Transport Planner**

**Date: 30<sup>th</sup> January**

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## **Local Lead Flood Authority**

### **Recommendation:**

No objection subject to conditions

### **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.

Evidence of consent to connect to Thames Water surface water network to be provided if full infiltration cannot be achieved.

Infiltration test data to be provided.

Groundwater/borehole test data to be provided.

Detailed Design to be submitted for approval based on the following documents and drawings:

Flood Risk Assessment & Drainage Strategy Rev D and proposal laid out therein.

Proposed Site Plan Colour

Landscape Layout

Land survey 1-3

#### **Reason:**

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

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

A management and maintenance plan, in perpetuity, for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

#### **Reason:**

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

**Outline Design Infiltration Condition:**

The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates;

**Reasons:**

To ensure that the proposed development can be adequately drained.

To ensure that there is no flood risk on or off the site resulting from the proposed development.

**Officer's Name: Adam Littler**

**Officer's Title: Drainage Engineer**

**Date: 31 January 2020**

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## **Education Schedule**

### **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>Secondary</b>	<b>£62,882</b>	<b>333 (related to 3Q19)</b>	BCIS All-In TPI	Expansion of secondary capacity serving the proposed development.
<b>Total</b>	<b>£62,882</b>			

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

**£62,882 Secondary School Contribution** indexed using BCIS All-In Tender Price Index Value 333 (published 25 October 2019)

#### **Towards:**

The expansion of secondary capacity serving the proposed development.

#### **Justification:**

The proposed development is nearest to Heyford Park Free School for secondary education, but is in the designated area for The Warriner School in Bloxham.

Heyford Park Free School currently offers 60 Year 7 places each year, and is full or close to full across most of the year groups from Year 7 to Year 11. Years 7 and 8 are currently oversubscribed, with 61 pupils on roll in each of these year groups according to the September 2019 Pupil Census.

The Warriner School is regularly oversubscribed, and an expansion programme is now underway. Prior to its expansion, its capacity was 1300, and as of September 2019 there were 1340 pupils on roll. The school increased its intake by one form of entry in 2017, and by another in 2019, ahead of completion of building works, bringing the total capacity to approximately 1600 places.

Pupil numbers are forecast to increase further at both schools, due to planned housing development in both the Bloxham planning area and at the Heyford site.

Heyford Park School has very limited ability to absorb any additional pupils resulting from housing growth, and additional places are expected to be required in the future. This would also have been the case for The Warriner School, had it not already increased its admission number as result of the current expansion project. The proposed development is therefore required to contribute towards the cost of expansion at either of these schools, in proportion to its expected secondary pupil generation (as the proposed development is expected to generate less than one sixth form pupil, contributions towards expansion of sixth form provision are not being requested).

**Calculation:**

Number of secondary pupils expected to be generated	2.38
Estimated per pupil cost of secondary school expansion, as advised by Government guidance "Securing developer contributions for education" (November 2019)	£26,421
Required contribution = $2.38 * £26,421$	<b>£62,882</b> index linked from All-inTPI 333

**Officer's Name: Joanne Booker**  
**Officer's Title: School Organisation Officer**  
**Date: 16 January 2020**

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## **Archaeology Schedule**

### **Recommendation:**

No Objection.

### **Comments:**

A report for the archaeological evaluation we requested has been submitted with this planning application.

The evaluation has shown that archaeological do not survive on this site. There are therefore no archaeological constraints to this proposal.

**Officer's Name: Richard Oram**

**Officer's Title:** Planning Archaeologist

**Date:** 23<sup>rd</sup> January 2019

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