

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

District: Cherwell

Application no: 22/03877/F

Proposal: Erection of three industrial buildings, replacement of former scout hut building and associated works

Location: Hatch End Old Poultry Farm, Steeple Aston Road, Middle Aston, OX25 5QL

Response Date: 13/06/2023

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.

Application no: 22/03877/F

Location: Hatch End Old Poultry Farm, Steeple Aston Road, Middle Aston, OX25 5QL

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) as to why material consideration outweighs OCC's objections, and to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

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.
- **Administration and Monitoring Fee - TBC**
This is an estimate of the amount required to cover the 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 a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more

- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

Application no: 22/03877/F

Location: Hatch End Old Poultry Farm, Steeple Aston Road, Middle Aston, OX25 5QL

Transport Schedule

Recommendation

No objection subject to the following.

- S106 Contributions as set out in the County's response to consultation of 27 March 2023.
- Planning Conditions as set out in the County's response to consultation of 27 March 2023.
- Note should be taken of the informatives as set out in the County's response to consultation of 27 March 2023.

Comments

The County's Transport Schedule contained in its response to consultation on this planning application of 27 March 2023 registered an objection for the following reasons.

- A pedestrian footway connection is required.
- Refuse vehicle tracking should be 11.6m if refuse vehicles are proposed to go on the site to collect.

The additional documents address both of these reasons for objection and also set out comments on the County's request for a public transport contribution. These items are considered below.

Pedestrian Footway

The proposed site plan drawing No.2203.PR.03 shows a footway from the site connecting with an existing footpath which borders the southern boundary of the site and connects with Fir Lane. It has been agreed by the County under planning application No.21/01123/F for this site that this would provide a suitable pedestrian route between the site and Steeple Aston to the south. The County would take this opportunity to specify that the internal pedestrian connection should be accompanied by improvement works to the surfacing of the public footpath to which it connects. This item is no longer a reason for objection.

Refuse Vehicle Tracking

Drawing No.J32-7040-AT-A01 shows an 11.6m refuse vehicle entering the site, turning within the site and leaving the site in forward gear. This analysis is acceptable. This item is no longer a reason for objection.

Public Transport

The additional documents include a letter from the applicant's agent to the local planning authority. Amongst other matters the letter questions the validity of the requested public transport contribution, as follows.

"...it has not been demonstrated how the proposed contribution would comply with the tests set out within Paragraph 56 of the NPPF. No evidence has been provided as to why this contribution would be necessary to make the development acceptable. The comments from OCC say that the site is not in a sustainable location for public transport and is not located in close proximity to bus stops and that private car travel will be the main transport used to access the site, but then requests that a financial contribution to support a bus service which will apparently not be used. It is unclear how this contribution would be directly related to the development.

An application for 10 new employment units is currently under consideration by the Council at Apollo Business Park, Wroxton (reference 22/03245/F) and these ten units would provide 1360sqm of Class E employment space. The OCC comments with regard to highway impact offer no objections. These comments are very brief and do not offer any comments on the sustainability of the site, do not require any conditions or financial contributions. It is unclear how a site that is in the open countryside, is not accessible by any public transport or realistic public footpath links and with double the floorspace of the proposals at Hatch End can be considered to be more sustainable and not be required."

The key difference between any application in Wroxton and here in Steeple Aston is that in the former the bus services are operated under contract to Warwickshire County Council and there is no involvement from Oxfordshire. There is also no pipeline of development from which any meaningful improvement or maintenance of the service could be achieved. No reasonable level of contribution would therefore have been appropriate to make the development acceptable.

Conversely, Oxfordshire County Council funds various off-peak, evening and weekend journeys on service S4 from a variety of development sites on the corridor and without these contributions it is likely the entire service would no longer serve Steeple Aston at all, further weakening the sustainability of the development. Therefore it is maintained that the request is relevant to the development, fair and reasonable in relation to it and required to make it acceptable in planning terms.

Officer's Name: Chris Nichols

Officer's Title: Transport Development Control

Date: 13/06/2023

Application no: 22/03877/F

Location: Hatch End Old Poultry Farm, Steeple Aston Road, Middle Aston, OX25 5QL

Lead Local Flood Authority

Recommendation:

Objection

Key issues:

- No drainage strategy drawing or report provided.
- No flood risk assessment provided for the site.

Detailed comments:

The [Sustainable Drainage Systems \(SuDS\) Policy](#), which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The [Sustainable Drainage Systems \(SuDS\) Policy](#) also implemented changes to the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the [Oxfordshire flood tool kit](#) website. The site also includes specific flood risk information for developers and Planners.

The [National Planning Policy Framework \(NPPF\)](#), which was updated in July 2021 provides specific principles on flood risk (Section 14, from page 45). [National Planning Practice Guidance](#) (NPPG) provides further advice to ensure new development will come forward in line with the [NPPF](#).

Paragraph 159 states; *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*

As stated in Paragraph 160 and 161 of the NPPF, we will expect a sequential approach to be used in areas known to be at risk now or in the future from any form of flooding.

The [Non-statutory technical Standards for sustainable drainage systems](#) were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the [“Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”](#) to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA [SuDS Manual \(C753\)](#), and we expect all development to come forward in line with these principles.

In line with the above guidance, surface water management must be considered from the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at an outline stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

Officer's Name: Kabier Salam

Officer's Title: LLFA Engineer

Date: 05/06/2023