

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

District: Cherwell

Application no: 23/00173/OUT

Proposal: Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access)

Location: Land South Of, Green Lane, Chesterton

Response Date: 12/04/2023

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.

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 based on a SHMA mix.

Residential	
1-bed dwellings	15
2-bed dwellings	45
3-bed dwellings	53
4-bed & larger dwellings	34
Commercial – use class	<u>m²</u>
Other (Agriculture)	149000

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	369.71
Nursery children (number of 2- and 3-year olds entitled to funded places)	10.11
Primary pupils	45.47
Secondary pupils including Sixth Form pupils	35.7
Special School pupils	0.90
65+ year olds	38.62

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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) 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 - £4,600**
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.

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Transport Schedule

Recommendation

No objection subject to the following

- S106 Contributions as summarised in the table below and justified in the County's Transport Schedule in it's response of 16 February 2023 and as modified here.
- An obligation to enter into a S278 agreement as detailed in the County's Transport Schedule in it's response of 16 February 2023.
- Planning Conditions as detailed in the County's Transport Schedule in it's response of 16 February 2023..
- Note should be taken of the informatives stated in the County's Transport Schedule in it's response of 16 February 2023.

S106 Contributions

Contribution	Amount	Price base	Index	Towards
Public transport services	£166,551	December 2021	RPI-x	Improvement of bus services in Chesterton.
Public transport infrastructure	£11,223	December 2021	Baxter	Bus stop infrastructure in the vicinity of the Green Lane/Alchester Road junction.
Travel Plan Monitoring	£1,890	April 2023	RPI-x	Monitoring of Residential Travel Plan for a period of five years.
Public Rights of Way	£30,000	Q4 2022	Baxter	Improvements to the public rights of way in the vicinity of the development
Total	£209,664			

Comments

The additional documents include a technical note (TN) which addresses the comments put forward by the County in its Transport Schedule which forms part of its response of 16 February 2023. The TN acknowledges that the County's Transport Schedule raises no objection but offers further comment on the County's response under separate topic headings each of which appears as a separate section in the TN. The County's response to the TN is set out below under the same topic headings.

Section 2 Proposed Development Parking

Section 2 provides a commitment to apply the County's recently revised car and cycle parking standards at the Reserved Matters stage. As such it presents "*Updated Parking and Cycling Standards*" in Table 2.1. However, the standards set out in the table do not align in all cases with those set out in County's Parking Standards for New Developments. Table 4(b) applies to villages and hamlets and is at variance with Table 2.1 as follows.

- 2 bedroom dwelling: up to 2 spaces per dwelling.
- 3 - 4 bedroom dwelling: up 2 spaces per dwelling.
- 5 bedroom dwelling: up to 3 spaces per dwelling.

These standards should be adhered to in a reserved matters application.

Section 2 also provides a commitment to providing electric vehicle charging points as set out in policy EV 8 of the County's Oxfordshire Electric Vehicle Infrastructure Strategy.

Section 3 Highway Safety

Section 3 notes that the Transport Assessment included an offer refresh road markings, improve signage and enhance the visibility and reading of the junction of Green Lane and the Hale. It then notes that since this offer was made the road markings have been refreshed by the County, and states that further enhancement of the junction is not therefore considered necessary.

However, it also notes that this "*...junction is included within the scope of the proposed access junction works, which itself proposes various improvements to Green Lane and its junction to the Hale...*", and suggests that these improvements could be included in the Section 278 agreement.

This position is acceptable to the County and the requirement for a Section 106 contribution is withdrawn.

Section 4 Public Transport

Section 4 of the TN acknowledges the County's request for Section 106 public transport services and public transport infrastructure contributions and confirms that the applicant is prepared to make these contributions. Details of the contributions are set out in the Transport Schedule contained in the County's response to consultation of 16 February 2023.

Section 5 Travel Plan

Section 5 presents detailed comment by comment responses to the County's Travel Plan team comments. These are noted at this stage and should be included in an updated Travel Plan prior to the first occupation at the site. The Travel Plan will then need to be updated again after the site is 50% occupied. This updated Travel Plan will need to provide details of the Travel Plan Coordinator, an updated action plan, and details of how the travel interventions will be funded along with any updated base line travel survey information.

A travel plan monitoring fee of £1,890 will be required as part of the section S106 agreement to enable the travel plan to be monitored for a period of five years post occupation of the site. This sum aligns with that requested in the County's Transport Schedule which forms part of its response of 16 February 2023, but has been re-based to April 2023.

Section 6 Public Rights of Way (PRoW)

Section 6 of the TN notes that the Applicant is prepared "*...in principle, to make a reasonable and proportionate contribution towards the improvements of Public Rights of Way where these are shown to be justified and directly related to the proposed development in the context of the CIL Regulations.*" However, within this context it notes that no specific PRoW schemes are identified, and appears to challenge the size of the £44,000 contribution requested.

Specifically the TN refers to the nearby Wretchwick Way site where a significantly lower contribution per dwelling was secured towards PRoW works. However, it should be noted that the reference to Wretchwick Way is not comparable as Contributions result from site specific assessments, and costs for PRoW measures have increased significantly since that contribution was secured.

Nevertheless the County has considered this position and reduced the radius of the ask to focus on specific routes and associated costs. This has resulted in a revised request for a contribution of £30,000 which targets specific footpaths.

To consolidate this request a draft R122 statement is set out below.

Draft R122 Statement

Oxfordshire County Council manages the legal record and access functions on the public rights of way and access land network. In addition to the statutory functions of recording, protecting and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that will have an impact on the public rights of way and access land network in order to make those developments acceptable. The proposed measures also meet the aims and outcomes of the adopted Oxfordshire Rights of Way Management Plan 2015-2025.

This note applies to the £30,000 index-linked Section 106 contribution, indexed to Baxter from Q4 2022, requested in relation to the application for 23/00173/OUT Land South Of, Green Lane, Chesterton

Meeting the statutory tests in Community Infrastructure Levy Regulation 122

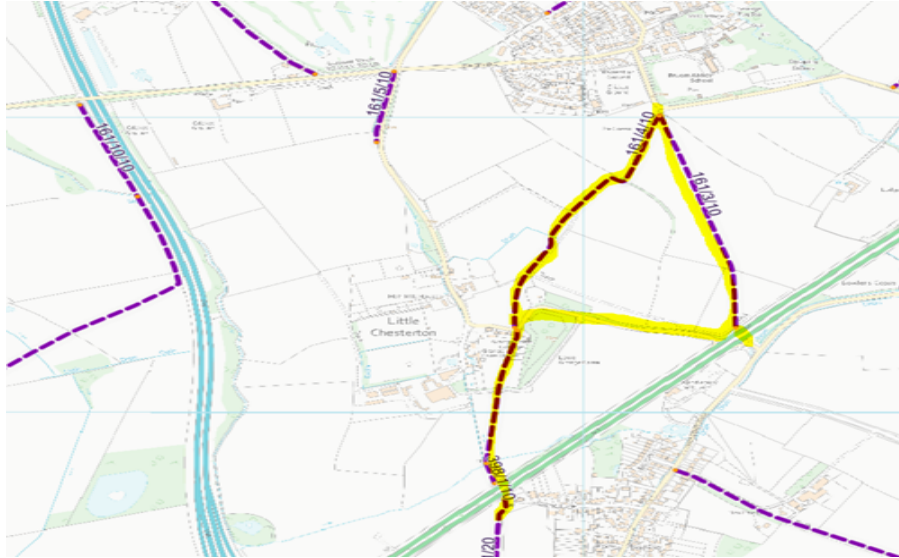
(a) necessary to make the proposed development acceptable in planning terms

There is expected to be an increase in numbers of residents and visitors using the rights of way network around the site simply due to the size of the development in a rural environment. These uses will create more use pressures on the rights of way network in the vicinity of the site and this request helps mitigate that impact.

(b) directly related to the development

The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered along with the range of measures needed to provide mitigation against the impacts of the development. In this case it is the size and location of the development, access to the surrounding countryside and key access roads serving the development that are the key drivers. The rights of way in the vicinity of the site considered to be affected by the development are as follows and are shown in yellow on the map extract below.

- Chesterton Footpath 161/4 and 1612/3
- Wendlebury Footpath 398/1
- Connecting roads and verges



c) fairly and reasonably related in scale and kind to the development

The proposed measures are based on the desk assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per-dwelling or per m² tariff system. The proposed off site measures are in the form of a reasonable financial contribution to allow the Countryside Access Strategy to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims. The contribution would be index-linked and subject to a 10 year longstop.

The contribution would be spent on improvements to the public rights of way in the vicinity of the development in the 'impact' area up to 2km from the site as per the above map extract. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way would also be provided, including the verge and road links over A31 and the minor road to Little Chesterton. The estimated allocation to each PRow identified above is as follows.

- Chesterton Footpath 161/4: gates, surfaces, fencing, ditch crossings, signing, vegetation management, etc - **£15,000**.
- Chesterton Footpath 161/3: gates, surfaces, signing - **£5,000**.
- Wendlebury Footpath 398/1: gates, vegetation management, surfaces, steps to roadside, signing - **£5,000**.
- Connecting roads/verges: vegetation management, surfaces, signing - **£5,000**.

The estimated contribution breakdown is as follows.

- Site and habitat surveys and assessments - 5%

- Landowner negotiations and agreement payments - 5-10%
- Admin processes such as consultation, project management - <5%
- Legal processes such as temporary works closures, creation agreements and contracts - 5%
- Detailed design, walk and talk, early contractor Involvement - 5%
- Materials, plant & equipment, works 60%+
- Contingency/Risk and Ongoing cycle route quality standard retention 10-20%

Section 7 Road Agreements

Section 7 presents detailed comment by comment responses to the County's Road Agreements team comments. These are acceptable at this stage. The majority of the responses are regarding the future on-site proposals which will be provided under a Reserved Matters planning application or under a Section 278 agreement.

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

These contributions are as set out in the County's Transport Schedule in its response of 16 February 2023 except where modified here.

£To be identified Highway Works Contribution

This contribution is withdrawn

£30,000 Public Rights of Way Contribution indexed from Q4 2022 using Baxter Index

Detailed R122 statement is set out in the main body of text above under **Section 6 Public Rights of Way (PRoW)**

£1,890 Travel Plan Monitoring Fee indexed from April 2023 using RPI-x

Justification

Travel Plan Monitoring for a period of five years.

Calculation

Based on 31 hours of staff time across years 0, 1, 3, 5 at £61 per hour, to cover initial checks and set up, and monitoring = £1,890

S278 Highway Works

An obligation to enter into a S278 Agreement will be required as set out in the County's Transport Schedule in its response of 16 February 2023.

Planning Conditions

Planning conditions are as set out in the County's Transport Schedule in its response of 16 February 2023.

Informative

Informative is as set out in the County's Transport Schedule in its response of 16 February 2023.

Officer's Name: Chris Nichols

Officer's Title: Transport Development Control

Date: 06/04/2023

Application no: 23/00173/OUT

Location: Land South Of, Green Lane, Chesterton

Lead Local Flood Authority

Recommendation:

No objection subject to conditions.

Condition:

Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Condition:

Surface Water Management Scheme (Phases):

Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition.

The scheme shall be implemented in accordance with the approved details and timetable.

Reason:

To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

Condition:

SuDS As Built and Maintenance Details

Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Officer's Name: Kabier Salam

Officer's Title: LLFA Engineer

Date: 11/04/2023

Application no: 23/00173/OUT

Location: Land South Of, Green Lane, Chesterton

Archaeology

Recommendation:

The applicant has submitted the approved archaeological desk based assessment, supported by a geophysical survey and evaluation report. These investigations have recorded areas of archaeological features which will need to be subject to a further phase of archaeological excavation.

Key issues:

Legal agreement required to secure:

Conditions:

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

- 1 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and

a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

Informatives:

Detailed comments:

The submitted archaeological desk based assessment has outlined the archaeological baseline of the area, and potential of the site. The submitted geophysical survey recorded a number of potential archaeological features which then informed the trenched evaluation. The site has been subject to an archaeological evaluation, which identified a trackway, and two foci of activity in the north-western and south-western parts of the site. In the north west of the site, a ring ditch and a circular pit alignment were recorded, though these were both undated. To the south were two rectilinear enclosures with abundant Roman pottery and CBM, which suggested a Roman building in the vicinity. Further, isolated, Roman features were recorded in the southern part of the site, such as a cremation and undated field boundaries.

If planning permission is granted, there will need to be a further phase of archaeological excavation on the site prior to any development, secured via the attached conditions.

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

Date: 03/04/2023