

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

**District:** Cherwell

**Application no:** 23/02338/OUT

**Proposal:** Erection of 15 detached and semi-detached single and two-storey dwellings (including affordable housing) together with access, parking, amenity space and landscaping - re-submission of 22/03049/OUT

**Location:** Land West Of Oxford Close And North Of Corner Farm, Station Road, Kirtlington

**Response Date:** 17/10/2023

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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 based on a SHMA mix.

<b>Residential</b>	
1-bed dwellings	2
2-bed dwellings	4
3-bed dwellings	6
4-bed & larger dwellings	3

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	37.29000
Nursery children (number of 2- and 3-year olds entitled to funded places)	1.00000
Primary pupils	4.51000
Secondary pupils including Sixth Form pupils	3.54000
Special School pupils	0.09316
65+ year olds	3.90000

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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 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.

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## Transport Schedule

**Recommendation:**

### **Objection for the following reasons**

The visibility splay to the south shown within the Transport Statement is not achievable – further information is required to confirm that access can be safely provided to the site.

If the Local Planning Authority is minded to approve, OCC would require the following:

- **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 Contribution	£16995 £1502	December 2021	RPI-x	Continuation of Bus service in Kirtlington  Improvements to infrastructure at the Oxford Arms bus stop
<b>Total</b>				

## Key Points

Further information is required to demonstrate that the proposed access is safe: speed survey, Road Safety Audit Stage 1, and resubmission of drawings.

## Comments:

Access is proposed onto Lince Lane (A4095) immediately north of the existing 20mph speed limit sign, on the outside of a curve. The speed limit to the south is 50mph. The transport statement says there is a visibility splay of 2.4m x 120m to the south, with the sight line crossing the opposite verge on the inside of the curve. However, having revisited the site, we find this is not achievable, due to the gradient and vegetation. Visibility measured along the edge of the northbound carriageway is between 90 and 100m. Therefore, the drawing is misleading in our opinion, and this is a **reason for objection**.

While no speed survey data has been provided with this application, a speed survey carried out for the previous application ref 22/03049/OUT (for fewer dwellings using the same access) used equipment placed immediately south of the 20mph sign, i.e. very close to the access, in January 2023. This showed 85<sup>th</sup> percentile speeds of 34mph northbound. To be confident that visibility to the south is adequate, given that drivers heading north could be braking from 50mph close to the speed limit sign, a speed survey should be carried out further to the south, I would suggest close to the limit of visibility of around 90m.

The drawing should be resubmitted showing the achievable visibility splays, together with the speed survey data and a Stage 1 Road Safety Audit (RSA1) in accordance with GG119 (5.46.1) A Designers Response should accompany the RSA1 with the Overseeing Organisation agreeing and signing off the RSA.

The application proposes extending the speed limit further south. Officers would support this but given the rural nature of the road on the approach, it may be more appropriate to provide a 30mph buffer between the 50mph and 20mph limit. This would be subject to a separate statutory consultation, which could be carried out as part of the S278 process. (A S278 agreement would be required for the construction of the access).

The application proposes to provide a 2m footpath into the site, and to extend this along the verge, linking to the existing footpath towards the village. The existing footpath is in need of improvement further towards the village, opposite the junction with Bletchingdon road, where there is a small unsurfaced gap. This should be improved as part of the S278 works, to provide a continuous walking route.

## Public Transport

The County Council seeks to ensure that new development is well served by public transport. With this in mind, financial contributions are requested from the promoters of development schemes for the maintenance and/or improvement of public transport services where reasonable and appropriate, in order to mitigate the impact of their proposals and to secure sustainable development in line with policy objectives.

Up until 2022, Kirtlington enjoyed an hourly bus service to Oxford city centre and Bicester. However, this was withdrawn following expiry of developer funding from the Heyford Park scheme, and the County Council have committed funds from its Bus Service Improvement Plan (BSIP) to provide a more limited service as per that reflected in the Transport Statement.

However, these funds are only in place until March 2025 and there is no guarantee of service continuation beyond that point.

The rail service frequencies from Tackley station contained in Table 2.5 are inaccurate. Service levels are slightly lower than that stated on Mondays to Fridays, and there are significantly fewer trains to Didcot. The Sunday service is also significantly overstated as there are only three trains each way between Banbury and Oxford, none of which serve Didcot.

Access to Tackley station is via an unlit, unsurfaced bridleway, which is subject to flooding and is unlikely to be attractive to anyone except the most determined. It cannot be relied on as a realistic transport choice for anything but a small minority of development residents.

The Council has a standard rate of £1,133 per dwelling for public transport service contributions in this area. As this development comprises 15 dwellings, the expected contribution will be **£16,995**, indexed to December 2021 and payable on first occupation. This will be utilised towards maintenance of the existing bus service or on community transport services in the event the conventional bus service is withdrawn.

In addition, a public transport infrastructure contribution is requested for improvement to the bus stops closest to the site (at the Oxford Arms). The infrastructure here is in a poor condition and to make the facilities more attractive to development residents a contribution of **£1,502** (£751 per stop x 2) will provide a new pole, flag and timetable case at each of the stops.

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

**£ 16995 + £1502 Public Transport Contribution indexed** from December 2021 using RPI-x

**Towards:** The continuation of a bus service in Kirtlington and improvements to the infrastructure at the Oxford Arms Bus Stop.

**Justification:**

The infrastructure is in a poor condition and to make the facilities more attractive to development residents.

**Calculation:**

£1,502 (£751 per stop x 2) will provide a new pole, flag and timetable case at each of the stops.

15 x £1,133 per dwelling = £16,995 towards maintenance of bus services in Kirtlington.

**S278 Highway Works:**

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

- Creation of bell-mouth access,
- 2m-wide footway linking to existing footway towards the village centre and improvements to the existing footway opposite Bletchington Road-
- Relocation of the 20. speed limit.
- Other localised safety mitigation measures as may be considered necessary dependent on the outcome of the safety audit

**Notes:**

This is to be 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, including commuted sums, that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works. In this case it would include a fee for the consultation on changes to the speed limit TRO.

## **Planning Conditions:**

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

### **CTMP**

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) including routeing avoiding Kirtlington village shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

**Reason:** In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

### **Means of Access**

No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

**Reason** - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

### **Cycle Parking**

Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

**Reason** - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

### **Electric Vehicle Charging**

Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in



writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve, and retained as such thereafter.

**Reason** - To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

**Informative:**

Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be granted.

**Officer's Name: Ben Mundy**

**Officer's Title:** Assistant Transport Planner

**Date:** 03/10/2023

**Application no: 23/02338/OUT**

**Location:** Land West Of Oxford Close And North Of Corner Farm, Station Road, Kirtlington

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## **Lead Local Flood Authority**

### **Recommendation:**

No Objection subject to conditions

### **Conditions**

#### **SuDS:**

The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Reference: Drainage Strategy 402 Rev V2 August 2023

#### **Reason:**

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

### **Surface Water Drainage**

**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

### **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: Shada Hasan**

**Officer's Title: LLFA Engineer**

**Date: 20 September 2023**

**Application no: 23/02338/OUT**

**Location:** Land West Of Oxford Close And North Of Corner Farm, Station Road, Kirtlington

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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 education</b>	<b>£103,968</b>	<b>327</b>	BCIS All-In TPI	Secondary education capacity serving the development
<b>Total</b>	<b>£ 103,968</b>	<b>327</b>	BCIS All-In TPI	

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

**£103,968 Secondary School Contribution indexed from TPI = 327**

**Justification:**

This site is served for secondary education by The Marlborough School. This school currently has capacity to provide 180 places per year for Years 7-11, and each of these year groups already has at least 175 pupils on roll (January 2023 pupil census). The school also has a sixth form.

Demand for places at the school is forecast to rise as a result of population growth which has already increased numbers at local primary schools, and also due to the already permitted housing growth in the area. To meet the forecast future demand, the school would need to expand by 1 form of entry (30 places per year group), and the responsible academy trust is developing a scheme for additional accommodation to achieve this.

**Calculation:**

Number of secondary pupils expected to be generated	4
Estimated per pupil cost of secondary school expansion	£25,992
Pupils * cost =	<b>£ 103,968</b>

2 x 1 bed dwellings  
4 x 2 bed dwellings  
6 x 3 bed dwellings  
3 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: Louise Heavey**

**Officer's Title:** School Place Planning Lead

**Date:** 02/10/2023

**Application no: 23/02338/OUT**

**Location:** Land West Of Oxford Close And North Of Corner Farm, Station Road, Kirtlington

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## **Archaeology**

### **Recommendation:**

The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

### **Detailed comments:**

An archaeological evaluation was carried out on the site as part of a pre-application scheme in 2014. No significant archaeological features were recorded in the proposal area, and there are no further archaeological constraints to this scheme.

**Officer's Name: Victoria Green**

**Officer's Title:** Planning Archaeologist

**Date:** 20th September 2023

**Application no: 23/02338/OUT**

**Location:** Land West Of Oxford Close And North Of Corner Farm, Station Road, Kirtlington

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## **Waste Management**

### **Recommendation:**

No objection subject to S106 contributions

### **Legal agreement required to secure:**

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

- S106 Contributions as summarised in the tables below and justified in this Schedule.

<b>Contribution</b>	<b>Amount</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Household Waste Recycling Centres	<b>£1,409</b>	327	BCIS All-In TPI	Expansion and efficiency of Household Waste Recycling Centres (HWRC)

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

**£1,409** Household Waste Recycling Centre Contribution indexed from Index Value 327 using BCIS All-in Tender Price Index

#### **Towards:**

The expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.

#### **Justification:**

1. Oxfordshire County Council, as a Waste Disposal Authority, is required under the Environmental Protection Act 1990 (Section 51) to arrange:

*“for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited”;*

*and that*

*“(a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;*

*(b) each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25<sup>th</sup> December or 1<sup>st</sup> January);*

*(c) each place is available for the deposit of waste free of charge by persons resident in the area;”*

2. Such places are known as Household Waste Recycling Centres (HWRCs) and Oxfordshire County Council provides seven HWRCs throughout the County. This network of sites is no longer fit for purpose and is over capacity.
3. Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently ‘over capacity’ (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 15 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 60 HWRC visits per year.
4. Congestion on site can reduce recycling as residents who have already queued to enter are less willing to take the time necessary to sort materials into the correct bin. Reduced recycling leads to higher costs and an adverse impact on the environment. As all sites are currently over capacity, population growth linked to new housing developments will increase the pressure on the sites.
5. The Waste Regulations (England and Wales) 2011 require that waste is dealt with according to the waste hierarchy. The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt. Combined with the complex and varied nature of materials delivered to site it will become increasingly difficult over time to comply with the EU Waste Framework Directive 2008, enacted through the Waste Regulations (England and Wales) 2011 (as amended), maintain performance and a good level of service especially at busy and peak times.



**Calculation:**

Space at HWRC required per dwelling (m <sup>2</sup> )	0.18	Current land available 41,000m <sup>2</sup> , needs to increase by 28% to cope with current capacity issues. Space for reuse requires an additional 7%. Therefore, total land required for current dwellings (300,090) is 55,350 m <sup>2</sup> , or 0.18m <sup>2</sup> per dwelling
Infrastructure cost per m <sup>2</sup>	£275	Kidlington build cost/m <sup>2</sup> indexed to 327 BCIS
Land cost per m <sup>2</sup>	£247	Senior Estates Surveyor valuation
Total land and infrastructure cost /m <sup>2</sup>	<b>£522</b>	
Cost/dwelling	£93.96	
No of dwellings in the development	<b>15</b>	
Total contributions requested	<b>£1,409</b>	

**Detailed comments:**

Oxfordshire councils have ambitious targets to reduce the amount of waste generated and increase the amount recycled as demonstrated in our Joint Municipal Waste Management Strategy 2018-2023. Enabling residents of new dwellings to fully participate in district council waste and recycling collections is vital to allow Oxfordshire's high recycling rates to be maintained and reduce the amount of non-recyclable waste generated.

At the reserved matters application stage, we expect to see plans for how the developer will design the development in accordance with waste management policies in Cherwell District Council's waste planning guidance.

Bin storage areas must be able to accommodate the correct number of mixed recycling, refuse and food recycling bins; be safe and easy to use for residents and waste collection crews and meet the requirements of the waste collection authority.

The development will increase domestic waste arisings and the demand for all waste management services including Household Waste Recycling Centres (HWRCs).

**Conditions:**

In the event that permission is to be given, the following conditions should be attached: N/A

**Officer's Name: Mark Watson**

**Officer's Title: Waste Strategy Projects Officer**

**Date: 14 September 2023**