

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

District: Cherwell

Application No: 18/02147/OUT

Proposal: Outline planning application for up to 21 dwellings comprising 2, 3 and 4 bedroom dwellings together with access, garaging and landscaping.

Location: Stone Pits, Hempton Road, Deddington, Banbury OX15 0QH.

Response date: 21st January 2019

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 | No. |
|--------------------------|------------|
| 1-bed dwellings | 3 |
| 2-bed dwellings | 5 |
| 3-bed dwellings | 9 |
| 4-bed & larger dwellings | 4 |

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 | 54.85 |
| Primary pupils | 6.40 |
| Secondary pupils | 3.92 |
| Sixth Form pupils | 0.60 |
| SEN pupils | 0.13 |
| Nursery children (number of 2 and 3 year olds entitled to funded places) | 1.62 |
| 20 - 64 year olds | 37.90 |
| 65+ year olds | 4.08 |
| 0 – 4 year olds | 5.77 |

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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 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 - £3,750**
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.

CIL Regulation 123

Due to pooling constraints for local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.

That decision is taken either because:

- OCC considers that to do so it would breach the limit of 5 obligations to that infrastructure type or that infrastructure project or
- OCC considers that it is appropriate to reserve the ability to seek contributions to that infrastructure type or that infrastructure project in relation to the impacts of another proposal.

The district planning authority should however, take into account the whole impact of the proposed development on the county infrastructure, and the lack of mitigation in making its decision.

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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

| Contribution | Amount | Price base | Index | Towards (details) |
|--|----------------|-------------------|--------------|---|
| Public transport services | £21,000 | December 2018 | RPI-x | Improvements to the bus service that connects Deddington to Banbury and Oxford. |
| Traffic Reg Order <i>(if not dealt with under S278/S38 agreement)</i> | £3,400 | December 2018 | RPI-x | Alteration of the speed limit TRO on Hempton Road, and traffic calming in the form of a build-out feature |
| Total | £24,400 | | | |

Key points

- Site location is just acceptable with regard to sustainable transport
- Traffic-calming is required to reduce traffic speeds on Hempton Road
- Speed limit to be extended

Comments:

Transport strategy

This site is on the very western edge of the village, on a road not served by regular public transport. There is thus an extensive walking distance from the proposed

dwellings on this site to bus stops in the village centre. Whilst there is a southbound bus stop in Horsefair, approximately 650m away, the distance is 800m from the northbound stop (towards Banbury) in the Market Place. The distances are therefore greater than the recommended 400m. However, the walking route to the village centre is good, with streetlit footways along Hempton Road and a signalised crossing adjacent to the site.

Although the development is not ideally located in terms of sustainable transport, it is not considered to be a sufficient reason for objection.

Travel planning

The proposals are not large enough to necessitate the submission of a residential travel plan with a planning application. However, we would expect residential travel information packs to be provided to first time residents. These would be secured through a relevant planning condition.

Access

Visibility appears to be good in both directions from the proposed new access location. Splays of 2.4m x 123m and 126m have been determined on the basis of the 85%ile speeds recorded by the ATC survey, taken at a point 50m to the west (of the access and the 30mph speed limit). However, the speed of the traffic coming into the village at that point is 38.6mph (average) and 45.0mph (85%ile), which is considered excessive for this to be a safe and suitable access, in accordance with the NPPF, cl. 108. It is appreciated that the speed limit will have to be relocated further out, but this is unlikely to reduce inbound speeds sufficiently without the addition of traffic-calming.

The most appropriate traffic-calming measure at this location is a build-out feature, which would necessitate eastbound traffic to give way to vehicles leaving the village. The build-out would be located at the same place as the repositioned speed limit change, as shown on drawing no. 20172-01. The village name sign can also be moved to this point, possibly mounted on a gateway feature.

Both the speed limit change and the traffic-calming will require a consultation procedure before they can be imposed. If allowed, the physical works can be incorporated as part of the S278 agreement.

Other highway works associated with the new bellmouth junction will be the removal of the patch of red surfacing with the 30 roundel, and the repositioning of the traffic signals warning sign. This sign is currently placed where the speed limit change will move to. It needs to be kept within 110-180m of the crossing, in accordance with the Traffic Signs Manual, Chapter 4 App. A.

OCC Streetlighting should be consulted regarding the need to extend lighting out to the new speed limit and traffic-calming feature.

Pedestrian access

Pedestrian access into the site will be via a new 2.0m wide footway along the eastern side of the access road, that will tie into the existing provision on Hempton Road.

Site layout

This application is for outline permission with all matters reserved, except for access. Therefore, the layout will be considered in greater detail at a later stage.

My only concern regarding the Illustrative Concept Plan (drg. no. A_1807 P100 Rev. A) is the proximity of the first driveway on the left to the junction. Vehicles emerging from the driveway may not be able to see another vehicle turning into the junction from the west.

Standard comments from Road Agreements are as follows:

- Tracking needs to be carried out with the below vehicle details
OCC require a swept path analysis for refuse vehicle for all manoeuvres in forward gear. All internal bends and junctions will need to be tracked with two vehicles (refuse vehicle and medium sized car) using the bend/junction at the same time.
Phoenix 2 – 23W with elite 2 6x4 chassis
Dimensions;
Overall length – 11.6m (including bin lift)
Overall Width – 2.530m
Overall body height – 3.205m
Min body ground clearance – 0.410m
Track width – 2.5m
Lock to lock time – 4.00s
- Visibility Splays must be dedicated to OCC if they fall out of the existing highway boundary.
- If there is not a footway adjacent to the carriageway an 800mm maintenance margin is required.
- Visitor parking bays should not interfere with internal vis splays.
- No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design will be subject to a full technical audit.
- Informative note: OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway.
- Foul and surface water manholes should not be placed within the middle of the carriageway, at junctions, tyre tracks and where informal crossing points are located.
- No property should be within 500mm of the proposed highway. No doors, gates, windows, garages or gas/electric cupboards should open onto the proposed highway.

- Trees within the highway will need to be approved by OCC and will carry a commuted sum. No private planting to overhang or encroach the proposed adoptable areas.
- Trees that are within 5m of the carriageway or footway will require root protection, trees must not conflict with street lights.
- No private drainage to discharge onto existing Highway.
- No private drainage to discharge onto any area of proposed adoptable highway.

Car and cycle parking

The proposals incorporate a suitable amount of allocated parking for each dwelling. The number of visitor parking spaces (seven) is as per the guidelines, but it is not well distributed around the site. The two spaces in the north-east corner will, in reality, be used solely by the residents and guests of plots 15 and 16, leaving five spaces for the rest of the development.

Properties without a garage are expected to have a shed or other secure facility for cycle storage.

Drainage

The OCC Drainage Engineer has not yet been able to review the application. Any comments received in the near future will be forwarded; however, at the moment I am requesting the standard Drainage condition.

Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) would need to be submitted to and agreed in writing by the local planning authority prior to commencement of any development if planning permission were to be given. The following sets out what we would expect the CTMP to include:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.

- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0345 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

£21,000 Public Transport Service Contribution indexed from December 2018 using RPI-x

Towards: Upgrading of the bus service that connects Deddington 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 21 dwellings = £21,000

£3,400 Traffic Regulation Order Contribution indexed from December 2018 using RPI-x

Towards: Consultation on the alteration of the speed limit TRO on Hempton Road, and a traffic-calming build-out feature.

Justification: The speed limit currently changes at the location of the proposed new access, and therefore it will have to be relocated to a suitable point further to the west. A consultation process is required before the TRO can be modified. It is also intended to install a traffic-calming feature as the measured speeds are well in excess of the 30mph limit. This will also require a consultation process.

Calculation:

| | |
|--------|--|
| £2,600 | current charge for standard Traffic Regulation Order |
| £ 800 | current charge for other consultations |
| £3,400 | total |

S278 Highway Works:

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

- Formation of a new site access
- Provision of approximately 25m of footway, eastwards from the new access
- Removal of the 30 roundel and red surfacing
- Relocation of the village sign
- Relocation of the speed limit signs
- Relocation of the “Traffic signals ahead” warning sign
- Construction of a build-out traffic-calming feature

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, and vision splays shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, and prior to the first occupation of any of the development, 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 dwellings 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.

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

Car parking and turning areas

Prior to the commencement of the development hereby approved, full specification details of the access drives, car parking and turning areas to serve the development which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any part of the development, the access, car parking and turning areas for that part of the development shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.

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.

Travel Information Pack

Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack

Reason – to ensure all residents and employees are aware of the travel choices available to them from the outset

Cycle Parking Provision

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 and to ensure a satisfactory form of development, in accordance 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 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.

Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- SUDS (Permeable Paving, Soakaways, Infiltration devices, Attenuation Pond, Swales)
- Sizing of features – attenuation volume
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365 (To include comprehensive infiltration testing and annual monitoring and recording of groundwater levels across the site)
- Detailed drainage layout with pipe numbers
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

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.

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 Plater

Officer's Title: Transport Planner

Date: 16th January 2019

Application no: 18/02147/OUT

Location: Stone Pits, Hempton Road, Deddington, Banbury OX15 0QH.

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) |
|--------------------|----------------|-------------|--------|---|
| Early Years | 10,805 | 2Q17 | PUBSEC | The expansion of nursery and early years provision in Deddington. |
| Primary | 148,845 | 2Q17 | PUBSEC | Expanding primary provision at Christopher Rawlins CE (VA) Primary School |
| Total | 159,650 | | | |

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

£10,805 Early Years Contribution to be index linked from 2Q 2017 using the PUBSEC Index.

Towards:

The expansion of nursery and early years provision in Deddington.

Justification:

In Deddington, nursery education is provided through a partnership of two charities - Deddington Partnership Foundation Stage Unit, co-located on the Deddington Church of England Primary School, and Deddington Village Nursery Ltd located at Hempton Road, Deddington, adjacent to the Windmill Community Centre.

There is a shared unit co-located at the school that accommodates 3 and 4-year-old provision. The 3-year-old part is managed by a charity which also governs a modular unit off site that takes younger children. This modular unit is located close to the Windmill Community Centre on the edge of the village playing fields.

Deddington Partnership Foundation Stage's unit needs urgent replacement to provide a planned replacement subject to all necessary consents. If the building is not replaced, and the nursery forced to close, Oxfordshire County Council would not be able to meet its statutory sufficiency duty in this area.

The replacement building would be larger, so that the needs generated by the proposed development are met. A proportionate contribution is therefore sought towards the capital cost of ensuring sufficient nursery education provision to meet the needs of this development.

Calculation:

| | |
|--|----------------|
| Number of nursery pupils expected to be generated | 1.62 |
| Estimated cost per pupil of providing modular nursery accommodation in Oxfordshire | £6,670 |
| 1.62 * £6,670 | £10,805 |

£148,845 Primary School Contribution to be index linked from 2Q 2017 using PUBSEC Index.

Towards:

The expansion of primary school provision at Christopher Rawlins CE (VA) Primary School, Adderbury.

Justification:

Expansion of primary school capacity in the Adderbury/Deddington area considered as a whole and is necessary as a direct result of planned local housing development.

Christopher Rawlins CE (VA) Primary School in Adderbury was previously a 1 form entry school, providing 210 primary places (30 places per year) plus a nursery. Due to the cumulative effect of planned and permitted housing development in the area the school expanded to 1.5 form entry from September 2017 and numbers are forecast to grow rapidly. This expansion meets the need of already permitted developments and enables the expected pupil generation from this proposed development to be accommodated, and is therefore necessary to make this proposed development acceptable.

Although the proposed development sits within the designated planning area of Deddington CE Primary School, it is in close geographical proximity to Christopher Rawlins CE Primary School, and the villages of Deddington and Adderbury, respectively, and planned housing in the area are considered together. At the time when additional primary capacity was required to meet the forecasted need from housing developments, it was considered necessary that only one school in the area needed to expand by 0.5 forms of entry. The most feasible solution to creating this additional capacity was to expand Christopher Rawlins CE Primary School. Thus, it is directly related to the proposed development, and a contribution towards the capital cost of the expansion is sought in proportion to the development's expected pupil generation, and based on the tender costs estimate per pupil of expanding the school.

Without this additional accommodation, Oxfordshire County Council would not be able to meet its statutory school sufficiency duty in this area, including meeting the needs generated by this proposed development.

The necessary additional accommodation has now completed and Section 106 developer contributions towards the expansion of Christopher Rawlins CE Primary School are required.

Calculation:

| | |
|--|-----------------|
| Number of primary pupils expected to be generated | 6.4 |
| Estimated cost per pupil of expanding Christopher Rawlins Primary School | £23,257 |
| $6.4 * 23,257$ | £148,845 |

Officer's Name: Lucy Mills

Officer's Title: School Organisation Officer

Date: 16th January 2019
