

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

District: Cherwell

Application no: 17/02394/OUT-2

Location: East Of Last House Adjoining And North Of Berry Hill Road, Adderbury

Proposal: Outline planning permission for up to 53 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road.

Response date: 11th April 2018

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 taken from the application form

Residential	
1-bed dwellings	7
2-bed dwellings	13
3-bed dwellings	23
4-bed & larger dwellings	10

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	138.85
Primary pupils	16.28
Secondary pupils	9.96
Sixth Form pupils	1.52
SEN pupils	0.33
Nursery children (number of 2 and 3 year olds entitled to funded places)	4.11

20 - 64 year olds	95.84
65+ year olds	10.32
0 - 4 year olds	14.67

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Strategic Comments

There are no strategic comments for this site, but a number of transport issues that result in an objection.

Officer's Name: Jacqui Cox

Officer's Title: Cherwell Locality Lead (interim)

Date: 11th April 2018

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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 - £5,000**
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

Objection for the following reasons

- Feasibility of the footway link between the development site and the existing pedestrian network is not demonstrated.
- Further examination of personal injury accident data is required.
- Turning count data needs to be checked and verified
- Visibility splay amendments are required and consistent plans submitted
- Further drainage information is required.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives as detailed in the County's response to Cherwell District Council of 16 January 2018.

The additional information supplied for this planning application includes a document entitled "Response to Highway Comments – February 2018". This document provides a direct response to the County's comments of 16 January 2018, and is referred to here where relevant.

Comments here refer to the reasons for objection set out in the County's response to Cherwell District Council of 16 January 2018. These are addressed in the order that they are presented in the County's previous response. All other comments in the County's response to Cherwell District Council of 16 January 2018 remain valid unless modified here.

S106 Contributions

As set out in the County's response to Cherwell District Council of 16 January 2018. The document "Response to Highway Comments – February 2018" accepts these contributions.

Key points

- Feasibility of the footway link between the development site and the existing pedestrian network is not demonstrated.
- Further examination of personal injury accident data is required.
- Visibility splay amendments are required.
- Further drainage information is required.

Comments

Transport Strategy

The document "Response to Highway Comments – February 2018" presents a personal injury accident (PIA) analysis using data obtained from the County. The analysis identifies three personal injury accidents at the junction of Berry Hill Road and the A4260 Oxford Road, and notes that *"Three personal injury accidents at this junction over a near 6 year period would not constitute a particular safety issue given the levels of traffic that travel through this junction, especially on Oxford Road."*

However, the analysis fails to acknowledge the potential significance of the fact that all three PIAs involved the same right turning movement from Berry Hill Road onto the A4260 Oxford Road. Further insight is required, especially in connection with the proposed pedestrian facility at this junction. **Reason for objection.**

The surveyed flows at the junction of Berry Hill Road and the A4260 Oxford Road (Response to Highway Comments February 2018, Figures) appear considerably lower than automatic link counts taken just north of the junction in October 2017. It is hard to compare like for like as the text says Figures 1 and 2 have been converted into Passenger Car Units (pcus), however, given the mix of vehicles at this locality this conversion would be expected to increase the figures not decrease them. The text says that these are 5-day average counts, but they seem to be closer to the 7-day average counts. This certainly needs closer examination and confirmation.

Reason for objection.

Transport Development Control

The document "Response to Highway Comments – February 2018" explains that the green area to the north of the proposed development is intended as public open space and will not be the subject of further residential development. This is accepted.

The document "Response to Highway Comments – February 2018" points out that **Drawing No.1899-F01 Revision A** shows the extent of highway land on Berry Hill Road and notes *"The plan clearly shows that the new footway can be accommodated within the extent of adopted highway."* However, the extent of highway land shown on drawing No.1899-F01 Revision A does not reach as far as the intended tie in with the existing footway on Horn Hill Road. Furthermore, revised **Drawing No.1899-F01 Revision B** still notes *"Adopted highway to be confirmed"* to the north of the extent of highway land shown. This still suggests that the feasibility of a footway linking the development site with the existing footway on Horn Hill Road is not established. This footway is regarded as an essential provision for a development site with relatively poor sustainability credentials and its deliverability must be established. **Reason for objection.**

The document "Response to Highway Comments – February 2018" presents a detailed traffic impact analysis of the development generated traffic at the junction of Berry Hill Road and the A4260 Oxford Road. The analysis demonstrates that the development generated traffic flows will not have a significant adverse impact on the highway network. This needs to be double checked once the traffic flow data has been confirmed.

The document “Response to Highway Comments – February 2018” presents a personal injury accident (PIA) analysis using data obtained from the County. The analysis identifies three personal injury accidents at the junction of Berry Hill Road and the A4260 Oxford Road, and notes that *“Three personal injury accidents at this junction over a near 6 year period would not constitute a particular safety issue given the levels of traffic that travel through this junction, especially on Oxford Road.”* However, the analysis fails to acknowledge the potential significance of the fact that all three PIAs involved the same right turning movement from Berry Hill Road onto the A4260 Oxford Road. Further insight is required, especially in connection with the proposed pedestrian facility at this junction. **Reason for objection.**

Road Agreements

- The developer needs to check the highway boundary. It is almost certainly the roadside edge of the ditch but this can vary locally. If the highway boundary is the roadside edge of the ditch then a 2.0m footway may be difficult to achieve, and the ditch may need piping or the footway/road retaining in some way.
- The drawing in the TA showing the visibility splays is not same plan as the separately submitted access plan. **Reason for objection.**
- The highway tree just to the north west of the proposed access might be in visibility splay or even in the construction so this requires checking with the tree team if it is acceptable to remove. **Reason for objection.**
- The County has requested visibility splays to be compliant with the Design Manual for Roads and Bridges (DMRB) rather than the Manual for Streets (MfS). The document “Response to Highway Comments – February 2018” states that *“These are shown on the Site Access plan on **Drawing Number 1899-F01 Revision A** and are shown to be achievable on land within the site or on adopted highway.”* However, both **Drawing Nos.1899-F01 Revision A and Revision B** both still show MfS compliant visibility splays only. DMRB visibility compliant visibility splays are required. **Reason for objection.**
- Pedestrian refuge is acceptable in principle at the proposed location with the given design speeds of circa 47mph. However, it will need to be a minimum 1.8m wide and will need to be lit by two street lights, with one at either side. The County’s street lighting team will need to also be consulted as to whether they would wish the approximately 300m gap between the crossing and the nearest Adderbury street light to be filled in.

Drainage

The additional information submitted with this application does not address the comments raised previously by the County. **Reason for objection.**

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

As set out in the County’s response to Cherwell District Council of 16 January 2018. The document “Response to Highway Comments – February 2018” accepts these contributions.

S278 Highway Works

As set out in the County's response to Cherwell District Council of 16 January 2018.

Planning Conditions

As set out in the County's response to Cherwell District Council of 16 January 2018.

Informatives

As set out in the County's response to Cherwell District Council of 16 January 2018.

Officer's Name	:	Chris Nichols
Officer's Title	:	Transport Development Control
Date	:	20 March 2018

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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)
Nursery and Primary	£449,090	1Q 16	PUBSEC	Expanding nursery and primary provision at Christopher Rawlins CE (VA) Primary School
Secondary (including sixth form)	£221,893	4Q 14	PUBSEC	Expanding secondary provision at The Warriner School
Total	£670,983			

£449,090 Nursery and Primary School Contribution indexed from 1Q2016 using the PUBSEC Index and based on the project costs for Christopher Rawlins CE Primary School Expansion.

Towards:

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

Justification:

Expansion of primary school capacity in the Adderbury/Deddington area 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. As of September 2017, the school had 208 primary pupils on roll, and would therefore have been effectively full. Pupil numbers at the school are forecast to increase.

Due to planned and permitted housing development in the area, the school is expanding to 1.5 form entry, and will now be able to provide 45 places per year, 315 primary pupils in total. In Adderbury, nursery education is provided through Christopher Rawlins CE Primary School's nursery class. The school's expansion will also facilitate the expansion of the nursery places provided from 40 part-time equivalent to 52 part-time equivalent (i.e. 12 more part-time equivalent places or 6 more full-time equivalent places.)

This expansion meets the need of already permitted development and also enables the expected pupil generation from this proposed development to be accommodated, and is therefore necessary to make this proposed development acceptable. 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 and pre-school sufficiency duty in this area, including meeting the needs generated by the proposed development.

The necessary additional accommodation is being completed during 2017/18, and Section 106 developer contributions towards the expansion of Christopher Rawlins CE Primary School are required.

Calculation:

Number of primary and nursery pupils expected to be generated	20.39
Estimated cost per pupil based on the project costs for Christopher Rawlins CE Primary School expansion.	£22,025
20.39 * £22,025	£449, 090

£221,893 Secondary School Contribution indexed from 4Q2014 using PUBSEC Index.

Towards:

The expansion of secondary school provision at The Warriner School, Bloxham.

Justification:

Expansion of secondary school capacity in the area is necessary as a direct result of housing development. This area feeds to the Warriner School, which currently has a capacity of 1300 places, and as of September 2017 had 1323 pupils on roll. Pupil numbers at the school are forecast to increase.

Paragraph 72 of the NPPF makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to expand schools to maintain, or widen choice in education. Without expansion of the Warriner School, housing development would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. As such it would go against the intention of NPPF para 72 by reducing the choice of school places available to meet the needs of existing and new communities.

If the Warriner School is not expanded, children who would otherwise have attended the school would be displaced to other schools in nearby Banbury. Some of these schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will also need to be expanded as these higher pupil numbers feed through, and therefore should the schools also be required to accommodate growth as a result of housing development in this area, the scale of expansion would be greater as a consequence.

Expansion of secondary school capacity at both the Warriner School and at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places. Contributions are sought towards the expansion of the Warriner School, where a capital project is underway.

Calculation (4Q14):

Number of secondary pupils expected to be generated	9.96
Estimated cost per pupil of expanding a secondary school, based on Department for Education (DfE) advice weighted for Oxfordshire	£19,158
9.96 * £19,158	£190,814

+

Number of sixth form pupils expected to be generated	1.52
Estimated cost per pupil of expanding sixth form education, based on Department for Education (DfE) advice weighted for Oxfordshire	£20,447
1.52 * £20,447	£31,079

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Secondary contribution + sixth form contribution	Total
£31,079 + £190,814	£221,893

CIL Regulation 123

OCC considers that the following education contributions meet the tests required by Regulation 122 (2) of the CIL Regulations but they are not sought due to Regulation 123.

Contribution	Amount £	Price base	Towards (details)
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SEN school capacity	31,079	4Q 14	The expansion of SEN provision at Frank Wise School
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Officer's Name: Lucy Mills

Officer's Title: School Organisation Officer

Date: 15th March 2018
