

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

District: Cherwell

Application No: 18/01491/OUT

Proposal: OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10 no. dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.

Location: Land Adj To Cotwold Country Club and South Of Properties On Bunkers Hill, Shipton On Cherwell

Response date: 24 September 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	No.
4-bed & larger dwellings	10
Commercial – use class	m²
D2	390

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	39.60
Primary pupils	5.10
Secondary pupils	3.50
Sixth Form pupils	0.70
SEN pupils	0.12
Nursery children (number of 2 and 3 year olds entitled to funded places)	1.15
20 - 64 year olds	24.20
65+ year olds	2.00
0 – 4 year olds	4.10

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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 outweigh 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 - £250**
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

This application is a resubmission of application ref: 17/02148/OUT with the notable change being the inclusion of a passing bay along the access drive (as illustrated on Drwg no. 392/17/PL1002 Rev K). With this safety improvement, the LHA reiterates with the same recommendation below.

Recommendation:

No objection subject to conditions, legal agreements and financial contributions outlined below.

S106 Contributions

Contribution	Amount	Price base	Index	Towards (details)
Public transport services	£10,000	November 2017	RPI-x	The cost of increasing the frequency of buses serving the existing Bunkers Hill bus stops on the A4260 Banbury Road and providing services to Banbury, Kidlington, and Oxford.
Public transport infrastructure (<i>if not dealt with under S278/S38 agreement</i>)	£1090	November 2017	Baxter	The cost of one premium route bus stop flag pole and timetable information case to be installed at the nearest bus stop to the site on the western side of the A4260 Banbury Road.
Traffic Reg Order (<i>if not dealt with under S278/S38 agreement</i>)	£2700	November 2017	RPI-x	The cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/derestricted speed limit on the A4095 Bunkers Hill from its current location immediately south of the proposed access to a point 50m southwards.
Total	£13,690			

Key Points

- The applicant has provided Drawing No. **392/17/PL1002 Rev K** which shows that the applicant controls sufficient land that is required to build a passing bay on the southern side of the access road. This is required to ensure that safe and suitable access to the development is achievable for all road users in accordance with the National Planning Policy Framework.
- The applicant has provided 85th percentile wet weather speer surveys and I am satisfied that, subject to certain planning conditions being adhered to and a Traffic Regulation Order (TRO) being implemented, adequate visibility splays can be provided in both directions.
- The existing bell-mouth to the proposed access road has a current width of 9m. The new bell-mouth will need to have radii of 5m to be considered for adoption by the Local Highway Authority.
- A financial contribution of £10,000 will be required under S106 of the Town and Country Planning Act 1990 to help increase the frequency of existing bus services between Banbury and Oxford that serve a bus stop 400m from the access to the development.
- The applicant will be expected to provide a hard-standing area at the north-bound bus stop on the A4260 Banbury Road as part of their agreement under S278 of the Highways Act 1980.
- A Traffic Regulation Order (TRO) is required under the Road Traffic Regulation Act 1984 to enable the relocation of an existing speed limit on the A4095 Bunkers Hill in the near vicinity of the proposed access.

Comments:

Vehicular Access to the Development

The applicant intends for motorists and pedestrians to access the development from the A4095 Bunkers Hill via a bell-mouth access and an existing private access road that is east of this road, and then heads eastwards for approximately 50m, and then heading northwards for a distance of approximately 200m. This access currently has a bell-mouth with a total width of 9m. The bell-mouth needs to have minimum radii of 5m for it to be adopted by the Local Highway Authority as public highway maintainable at public expense. The applicant will also need to enter into a legal agreement under S278 of the Highways Act 1980 to construct this bell-mouth.

The stretch of the A4095 at Bunkers Hill is a reasonably straight road, and functions as a strategic distributor road for motor traffic to get from the A4260 Banbury Road to Bicester. Immediately south of the access, the A4095 changes from 40mph to a derestricted speed limit for southbound traffic towards the A4260 Banbury Road. It also changes from a derestricted speed limit to 40mph for northbound traffic at the same point.

The applicant has submitted Drawing No. 392/17/PL1002 Rev. A which recommends a visibility splay of 2.4m x 75m in both directions from the site access. This appears to have been allowed when Cherwell District Council's Planning Committee gave outline planning permission for the planning application No. 14/02132/OUT in April 2016. There was no documentary evidence that justified these proposed visibility splays apart from the plan provided.

On 5 December 2017 I responded saying that, in accordance with DMRB TD42/95, visibility splays of 2.4m x 120m were required. However, I have since been informed by a member of Oxfordshire County Council's Road Agreements team that the visibility splays set out in this guidance only need to be strictly applied in accordance with the current design speed of the road in instances where completely new access points are being created on to existing major roads or when completely new accesses are being proposed on to completely new major/trunk roads. This is in accordance with Paragraph 1.10 of TD42/95, DMRB.

I have been informed that, in instances where an existing access on to an existing major road is being improved to serve a proposed development, visibility splays from the Design Manual for Roads and Bridges still apply, but these are guided by the observed/surveyed 85th percentile wet weather speeds on the major road at or near to the access that is to be improved.

On 1 February 2018 the applicant completed a speed survey which observed an 85th percentile wet weather speed of 45mph in a south-westerly direction and 41mph in a north-easterly direction along the A4095 at the current access point which is to be improved. If the formula given in paragraph 7.5.3 of *Manual for Streets* is used, and a driver perception/reaction time of 2 seconds, and a vehicle deceleration rate of 2.45m per second is assumed, this would mean that a visibility splay of 2.4m x 89.79m is required in a north easterly direction from the access and a visibility splay of 2.4m x 75.18m would be required in a south-easterly direction. Provided that the applicant can cut the hedgerow back that is to the north-east of the access, as shown in blue on Drawing No. 392/17/PL1002 Rev. A, then I am satisfied that the visibility splay can be achieved in this direction and have recommended a planning condition to ensure that this happens.

The visibility splay to the south-east of the access is constrained by the presence of an existing speed limit sign that I have described above. To remove this constraint, and to reduce average vehicle speeds along this stretch of the A4095, I recommend that this speed limit sign is relocated to a point 50m south-west of its existing location. The applicant will need to apply for a Traffic Regulation Order to do this under the Road Traffic Regulation Act 1984 to do this. Please note that this process is subject to the outcome of consultation with the relevant bodies and is not guaranteed. A fee of £2,700 will be payable to Oxfordshire County Council's Road Safety Engineering team for the cost of administering this process. This can be secured through the applicant's S106 agreement.



The Proposed Access Road

The applicant proposes an access road with a carriageway width of 4.1m and no footways. This carriageway is of insufficient width to allow a car to pass a refuse vehicle safely in accordance with guidance set out in Figure 7.1 on page 79 of *Manual for Streets* and I recommended objection because this access road does not allow safe access to the proposed development for all road users in accordance with paragraph 35 of the NPPF. The applicant has now provided Drawing No. 392/17/PI1101 – Rev. C which shows that they have control of land to the south of the access road which will enable them to construct a passing bay which will allow two vehicles to pass each other safely. Subject to the applicant agreeing to construct

this passing bay as part of their Private Street Agreement under S220 (see below) of the Highways Act 1980, I remove my objection.

Because the access road will serve more than 5 dwellings, the applicant will need to enter into a Private Street Agreement with the Local Highway Authority under S220 of the Highways Act 1980 to ensure that the access road is built and maintained to an appropriate standard. Please see the link below for more information:

<https://www2.oxfordshire.gov.uk/cms/content/section-38-section-278-and-private-street-agreements>

Access to the Development for Non-Car Users

There is a continuous footway of approximately 1.2m in width which leads from the A4260 Banbury Road/A4095 Bunkers Hill junction to the southern edge of the proposed access to the development. The footway continues northwards past a row of houses, all of which have direct access on to the A4095, and then ceases. This is the only footway in the vicinity of the site, which is served by two strategic distributor roads. Therefore, the only means of accessing key services and amenities for people who do not have access to a car is by the existing S4 bus service which serves an existing bus stop on the A4260 Banbury Road and provides hourly bus services to Oxford, Banbury and Kidlington (Monday – Saturday daytime) and two hourly services to these destinations on Sundays in the daytime. This bus stop can be accessed via the above-mentioned footway. I consider it vital that a financial contribution is secured to increase the frequency of this existing bus service to make the development accessible for people who do not have the use of a car.

Additionally, the northbound bus stop, which is located in a layby adjacent to the carriageway of the A4260 Banbury Road, has no hardstanding area for bus passengers and does not appear to have a timetable or flagpole. The southbound bus stop has both of these. Therefore, I consider it necessary to secure a financial contribution towards a bus stop flagpole and timetable case, and also require the applicant to install a hardstanding area immediately west of the layby within the highway boundary at the northbound bus stop as part of their S278 agreement.

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

£10,000 Public Transport Service Contribution indexed from November 2017 using RPI-x

Towards: the cost of increasing the frequency of bus services which operate between Oxford, Kidlington and Banbury from their current hourly basis (Monday – Saturday daytime, two-hourly, Sunday daytime) to half hourly (Monday – Saturday) and hourly (Sunday). This service stops at the bus stop marked “Shipton-on-Cherwell Turn” on the A4260 Banbury Road which is located approximately 400m from the site and can be accessed from the site via a continuous footway.

Justification: The contribution is necessary to make the development acceptable in planning terms because it is in accordance with Paragraph 32 of the NPPF which states that:

“All developments that generate significant amounts of traffic should be accompanied by a transport statement. Plans and decisions should take account of whether:

- *The opportunities for sustainable travel have been taken up;*
- *Safe and suitable access to the development can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development.”*

The road network close to this development comprises of the A4095 and the A4260, both are strategic distributor roads with few footways that provide access to the key service centres of Oxford, Banbury, Kidlington and Bicester by car. The only way people living in this development who did not have access to a car could access any amenities or services is by bus from the above-mentioned bus stop that can be accessed on foot.

The current bus service that operates between Banbury, Kidlington, and Oxford, is classified as a Connector Transit services in paragraphs 23 and 24 of Oxfordshire County Council's current Bus Strategy, which is a document that supports *Connecting Oxfordshire*, Oxfordshire County Council's current Local Transport Plan. Paragraphs 23 and 24 describe the Council's policy of “protecting and improving the commercial viability (of connector transit services) through infrastructure and service enhancements such as (improving) integration with more frequent bus and rail services.” The current bus service which this contribution would help improve would be able to provide more frequent services from the development to Oxford city centre, where residents could access onward coach services to London and high quality rail services to the rest of the United Kingdom.

The contribution is directly related to the development because the bus stop mentioned above, which is accessed by current services, is one of the few amenities that residents would be able to access on foot without walking on the mainline carriageway of two strategic distributor roads. The development is located in an area with no other amenities or services. Therefore, this bus service would be the only means that residents who did not have the use of a car would be able to get to and from the development safely.

The contribution is fair and reasonably related in scale and kind to the development because it is based on a calculation of £1000 per new residential dwelling. This rate is applied throughout the Cherwell district when Oxfordshire County Council asks for financial contributions to increase the frequency of bus services.

Calculation: £1000 x 10 new dwellings = £10,000

£1090 Public Transport Infrastructure Contribution indexed from November 2017 using Baxter Index

Towards: The installation of an Oxfordshire County Council standard bus stop flagpole and timetable information case to be installed at the northbound “Shipton-on-Cherwell Turn” bus stop on the A4260 Banbury Road which is located approximately 400m from the site and can be accessed from the site via a continuous footway.

Justification: The contribution is necessary to make the development acceptable in planning terms in that the only means residents of this development who do not have the use of a car will be able to access key services and amenities is by bus. The timetable information and flagpole will make this bus stop more easily identifiable to them and make the information more accessible. It is in accordance with the policy set out in paragraph 23 of Oxfordshire County Council's bus strategy for connector transit routes, which is to "protect and improve the commercial viability (of connector transit services) through infrastructure and service enhancements such as improving bus stops and hubs."

It is directly related to the development because the existing bus stop is approximately 400m south of the development's access and can be accessed via the only footway in the vicinity of the site. Therefore, residents will be direct beneficiaries of this improvement.

It is fair and reasonably related in scale and kind to the development in that this charge is a standard rate that applies to all new developments when the County Council asks for funding for bus stop infrastructure.

Calculation: The cost of 1 x OCC standard issue bus stop flag pole = £545 + £545 commuted sum = £1090

£2700 Traffic Regulation Order Contribution indexed from XX using RPI-x

Towards: The cost of administering a Traffic Regulation Order (TRO) which, if successful, will result in the current 40mph/derestricted speed limit immediately south of the access being relocated 50m in a southerly direction. This would reduce traffic speeds in both directions on the A4095 Bunkers Hill, and would remove the signage from its current position, which would be within the southern visibility splay and could obstruct motorists' vision.

Justification: The Contribution is necessary to make the development acceptable in planning terms as, if successful; it will enable the relocation of existing speed limit signage that is currently within the southern visibility splay of the access of the development. Locating the speed limit 50m further south on the A4095 Bunkers Hill will also reduce traffic speeds on this road in the vicinity of the proposed development, thereby reducing the likelihood of collisions brought about by excessive vehicle speeds. Therefore, this TRO, if applied successfully, will help provide safe and suitable access to the development in accordance with the National Planning Policy Framework.

The contribution is fair and reasonably related in scale and kind to the development as it is a fixed fee for administrative costs and does not include funding for any physical works.

S278 Highway Works:

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

- The provision of a bell-mouth access with minimum radii of 5m within the highway boundary on the A4095 Bunkers Hill to enable access to the development and to tie into the existing carriageway and footway on this road.
- Resurfacing of the mainline carriageway on the mainline A4095 at the point of the bell-mouth and for a distance of 50m either side of it to improve carriageway safety.
- The provision of a hardstanding area at the North-bound bus stop known as the “Shipton-on-Cherwell Turn” on the A4260 Banbury Road.

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.

S38 Highway Works - Spine Road and Footways

An obligation to provide a spine road as part of the highway network will be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement.

The S106 agreement will identify for the purpose of the S38 agreement;

- Approximate location of spine road and information as to provision e.g. minimum width of carriageway, footways etc. as appropriate.
- Timing – this may be staged.
- Additional facilities/payments e.g. on-site bus infrastructure and related payments.

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, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, 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.

Visibility Splays

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 proposed development, 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 0.9m above carriageway level.

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

New Estate Roads

Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with plans that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the development, construction shall commence 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.

Vehicle Tracking

Prior to the commencement of the development, a plan, which must show that a refuse vehicle of not less than 11.6m in length can enter, turn in, and exit the development safely in forward gear, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the development, construction shall commence 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.

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
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing
- No private drainage into the existing public highway drainage system
- No private drainage into the adoptable highway drainage system.

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

Construction Traffic Management Plan

Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, construction shall only commence 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.

Officer's Name: Rashid Bbosa

Officer's Title: Transport Engineer

Date: 21 September 2018

Application no: 18/01491/OUT

Location: Land Adj To Cotwold Country Club and South Of Properties On Bunkers Hill, Shipton On Cherwell.

Archaeology Schedule

Recommendation:

No Objection subject to the planning conditions below.

Comments:

The site is located in an area of archaeological interest 260 south of the location of a scheduled Neolithic Long Barrow (SM 30873) and 90m south of a Bronze Age barrow surviving as a low earthwork and visible as a ring ditch on aerial photographs. Two further possible Neolithic Long barrows are located in the area 500m north west of the proposed site. A further Bronze Age barrow has been identified 450m south east of the proposed site.

Iron Age and Roman settlement has been identified 380m north of the site from field walking and aerial photographs and a Roman settlement has also been recorded 700m south east of the proposed development. The site is also located 200m east of the line of the Oxford Ridgeway which is thought to be a Saxon street.

It is therefore possible that further archaeological remains related to these features could survive on the site and would be disturbed by any development. In line with paragraph 199 of the National Planning Policy Framework (NPPF 2018) a programme of archaeological evaluation and mitigation will need to be undertaken on the site ahead of any development.

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

Planning Conditions:

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

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 (2018).

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 staged programme of archaeological evaluation and 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.

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 (2018).

Officer's Name: Richard Oram

Officer's Title: Planning Archaeologist

Date: 07 September 2018

Application no: 18/01491/OUT

Location: Land Adj To Cotwold Country Club and South Of Properties On Bunkers Hill, Shipton On Cherwell.

Minerals & Waste Planning Schedule

Recommendation:

Comments

Comments:

The application site is in close proximity to an operational quarry and waste management facility (Shipton-on-Cherwell quarry). This should be taken into consideration in the siting and design of the proposed dwellings and any appropriate mitigation measures put in place, in particular regarding noise, to ensure that the operation of the quarry and waste management facility is not prejudiced by the proposed development.

Planning Conditions:

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

None

Officer's Name: Peter Day

Officer's Title: Principal Minerals & Waste Policy Officer

Date: 11 September 2018
