

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

District: Cherwell

Application No: 18/01309/REM-2

Proposal: Reserved matters application for 14/02156/OUT - appearance, landscaping and layout (including the layout of the internal access roads, footpaths and cycleways) for 58 dwellings

Location: Land South Of Cotefield Business Park Phase 2 Adj To Blossom Field Road, Bodicote

Response date: 19th October 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.

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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 - £0**
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

- Parking provision requires amendment for some units.
- There are highway levels issues.

Comments

The County's comments in its response to this consultation dated 5 September are addressed in the amended documents and summarised in the agent's letter to Cherwell District Council of 1 October 2018. These amendments are considered in reference to the County's comments which are repeated here.

Transport Development Control

Comments in relation to the parking strategy shown on **drawing No.P18-1568_14**, are as follows.

Plot Nos.43 and 44 show parking spaces shaded in green but these do not appear on the key and should be defined. **This item is now satisfactorily clarified. No objection.**

The allocation of parking spaces for plot Nos. 47 – 52 and 60 – 62 is not clear. It is possible that some units have no allocated space or an allocated space which is not adjacent. This will lead to on street parking. **This item is now clarified. However, Plot Nos.46 and 47 are two bedroomed units but only have one allocated parking space each. This is likely to lead to on-street parking. Reason for objection.**

Plot Nos.71 and 72 do not appear to have any allocated parking spaces. This will lead to on street parking. **This item is now clarified. However, spaces provided for these units are not directly adjacent to the plots themselves. This is likely to lead to on-street parking since residents prefer to park immediately outside their dwellings where possible. Reason for objection.**

Secure cycle parking is shown for units that do not have a garage but no details are given. **This item can be dealt with in discharge of a condition of planning permission. No objection.**

Road Agreements

The forward visibility to the main site access is not shown. The County requires to see the visibility splays for both accesses, existing and proposed, the inter-visibility

between the two and the forward visibility to both from both approaches. **This item is now clarified. No objection.**

Drawing No. 5692:P500G. Forward visibility opposite plot No.87 around bend goes through a visitor parking bay. This is not acceptable and the parking bay should be removed from the splay. It is noted that gaps are shown between this provision of visitor parking bays. Capacity would be better used if bays are butted up to each other as per the standard practice. **This item is now resolved. No objection.**

Drawing No. 5692:P500G. The County would not adopt the area in front of Plot Nos.79 and 80. **This item is now resolved. No objection.**

Drawing No. 5692:P500G. The footway link to the side of plots 43 and 53 stops at the red line boundary and it is not clear whether it ties in with any existing provision. The County would not adopt this link if it does not link to highway. **This item is now resolved. No objection.**

Drawing No. 5692:P500G. Parking outside plot No.62 is not ideal on the bend. Cars reversing out will have difficulty in peak times. **The applicant states that “there is no alternative location for these parking spaces”. However, the applicant should explore removing the footway from the site boundary side, locally narrowing the carriageway to 4.8m and providing longitudinal parking bays along on the straight road. Reason for objection.**

There are serious concerns over the levels shown on the long sections plan. A gradient of 1:12 is the absolute maximum allowed and only in circumstances where it is unavoidable over short lengths. **The applicant states that “On the Phase 1 approval levels were conditioned. The same approach should be taken for Phase 2. However, the County objected to the Phase 1 planning application (18/00193/REM) for the same reason and maintains its objection to this planning application on these grounds. Reason for objection.**

Drainage

The outline application for this site (14/02156/OUT) included a Flood Risk Assessment by Forge Engineering. Testing demonstrated an average rate of $3.15 \times 10^{-6} \text{m/s}$ across the site. The original drainage proposals included permeable paving and soakaways to manage surface water. This was in accordance with the SuDS hierarchy of disposal of surface water, infiltration of surface water to ground being preferred to off-site disposal. The groundwater table was not encountered in 5 of the 6 trial pits, which were excavated to a maximum depth of 2.250m.

The drainage proposals accompanying this Reserved Matters application (18/01309/REM) highlights the risk of slip planes and springs to occur between limestone and clay layers at the site if infiltration were used due to site gradients. The current application proposes a conventional drainage system and underground attenuation tank to manage surface water.

However, the County considers infiltration may be possible in some areas of the site. It is understood that a neighbouring Cala Homes site does use infiltration techniques where practicable. The County considers some infiltration may be possible on lower

areas of the site, and expects that the Applicant seeks the advice of a geotechnical specialist to confirm the assertion that slip planes could develop if infiltration were used on higher areas of the site. Given the proposed absence of the use of any infiltration at the site, the County objects to the application. **The applicant argues that this issue can be dealt with in discharge of Condition 12 (Drainage) of the outline consent (14/02156/OUT). The County accepts Applicant's response that the drainage details do not form part of the planning approval for the REM stage, and that the required drainage details will be submitted as part of the approval of the surface water condition No.12 of the outline consent (14/02156/OUT). No objection.**

S38 Highway Works – Spine Road / On-Site Rights of Way

Section 38 highway works are as set out in the County's response to this consultation of 5 September 2018.

Planning Conditions

Planning conditions are as set out in the County's response to this consultation of 5 September 2018.

Informative

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. Alternatively, the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

Officer's Name: Chris Nichols

Officer's Title: Transport Development Control

Date: 15 October 2018
