

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

District: Cherwell

Application no: 19/01177/F

Proposal: Erection of 10 no. two-storey residential dwellings with access off South Side, including a new pedestrian footway, parking and garaging, landscaping, and all enabling and ancillary works.

Location: Land To The South And Adj To South Side Steeple Aston

Response date: 21st August 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 taken from the application form.

Residential	No.
1-bed dwellings	
2-bed dwellings	2
3-bed dwellings	5
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	29.98
Primary pupils	3.82
Secondary pupils	2.38
Sixth Form pupils	0.38
SEN pupils	0.08
Nursery children (number of 2 and 3 year olds entitled to funded places)	0.94

20 - 64 year olds	19.73
65+ year olds	2.04
0 - 4 year olds	3.35

Application no: 19/01177/F

Location: Land To The South And Adj To South Side Steeple Aston

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 - TBC**
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.

Application no: 19/01177/F

Location: Land To The South And Adj To South Side Steeple Aston

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	£10,000	July 2019	RPI-x	Improvements to the bus service that connects Steeple Aston to Banbury and Oxford.
Total	£10,000			

Key points

- Pedestrian improvements are agreed in principle
- A S278 Agreement, secured by a S106, will be necessary for the improvement works
- A contribution is required towards the improvement of the existing bus service
- A swept path analysis of the final layout, including the passage of appropriate agricultural vehicles, is required.

Comments:

Background

This site has been subject to two previous applications (17/02414/F and 18/01482/F). The OCC response to the latter application, which was identical to the

original application, is included in Appendix B of the Transport Statement. Although these two previous proposals were for six dwellings rather than the ten now put forward, the principle of development is the same in transport terms.

OCC, as the Local Highway Authority (LHA), objected to the previous schemes due to the lack of existing provision for pedestrians on the route between the site and the village. Subsequently, the applicant and their Transport Consultant have engaged in pre-application discussions with the LHA to formulate the required improvements for pedestrians, as discussed further below. The proposed improvements are considered satisfactory by the LHA, so I am able to remove my objection to the development of the site, subject to the terms in the Recommendation above.

Pedestrian improvements

The applicant's Transport Consultant, Glanville, initially produced five options that were evaluated by a Road Safety Audit. Following consideration of the "problems" associated with each option, a "Preferred Final Option" was derived. After further assessment and a site meeting, the proposed layout drawing was modified to that included in Appendix F of the Transport Statement (drg. no. 8171225/6110 Rev. A1).

OCC have some outstanding comments on this drawing which have been communicated (ref. email in Appendix G of the TS) but which are yet to be incorporated:

- We are still of the opinion that the priority sign to diagram 615 needs to be lit. The TSRGD requires this to be illuminated as it is within 50m of a street light which forms part of a system of street lighting, and it is a 30mph speed limit.
- The 811 sign is not in a suitable position as it is too distant from the build-out. As it is an advisory sign there is no requirement to provide it in conjunction with 615, but we would prefer that the sign is provided, assuming that a suitable alternative location can be found, taking account of site constraints. The 811 sign does not need to be lit.
- The virtual footway should be buff colour, rather than grey.

OCC are satisfied that the proposals will offer a significant improvement for pedestrians moving to/from the west side of the village to the centre. The virtual footway concept has been used successfully in other locations within Oxfordshire (and elsewhere) and is considered appropriate in this situation, in conjunction with a build-out feature that will reduce vehicle speeds and will effectively reduce traffic flow to a single lane along the length of the virtual footway.

Parking

The proposals incorporate adequate car parking provision so there should not be the risk of overspill parking in the highway.

As every dwelling has a garage and enclosed back garden there will be opportunities to conveniently store bicycles. Single garages must have internal dimensions of at least 6.0m x 3.0m to allow cycle storage along with a car.

Visibility splays

Visibility splays at the access junction were considered as part of the previous application, where the required splay length was determined from the trustworthy speed data (i.e. that which was not recorded during days of snow and ice). I have requested a condition to create and maintain the splays over the required dimensions.

Bus services

Steeple Aston is served by the Banbury-Oxford inter-urban bus route (currently S4) on an hourly basis during Mondays to Fridays.

The development needs to make a contribution to the cost of improving the frequency and hours of operation of the bus service. Other developments in Bodicote, Adderbury, Deddington and Tackley have made a contribution of £1,000 per additional dwelling.

The S4 bus service provides a very valuable public transport facility for the residents in Steeple Aston village, linking them with many opportunities and facilities in Banbury and in Oxford. The desire for an improved pedestrian environment along the narrow village road is certainly understood. However, the full-sized Gold-specification buses used on this route are 12 metres long and 3 metres wide (including mirrors). A width of 2.82 metres is shown at one point on the reconfigured road.

Swept path analysis

Swept path analyses were carried out using a 12.8m long bus and a 11.6m refuse collection vehicle, for the five initial options. For completeness, these vehicles should be tracked along the final proposed layout. I note that there is also an occasional need for oversize agricultural vehicles to move along this stretch of road. The applicant needs to determine what type of vehicles these will be, and perform a swept path analysis to ensure that they can pass through.

Road agreements

Standard comments regarding Road Agreements:

- 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.

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

£10,000 Public Transport Service Contribution indexed from July 2019 using RPI-x

Towards: Upgrading of the bus service that connects Steeple Aston 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 10 dwellings = £10,000

S278 Highway Works:

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

- A bellmouth junction to provide access from the site on to South Side, as shown indicatively on drg. no. P.224.SP.01 Rev. H

- Off-site highway works, including a length of 1.2m wide footway, coloured virtual footway, priority build-out feature, signing, lining and lighting, as shown indicatively on drg. no. 8171225/6110 Rev. A1

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, 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

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 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 0.6m above carriageway level. The splay to the west of the access shall be 2.4m x 107m, and to the east of the access shall be 2.4m x 45m.

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

Close Existing Access

Prior to the first use of the access hereby approved, the existing access onto South Side shall be permanently stopped up by means of hedging and verge, and shall not be used by any vehicular traffic whatsoever.

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

Parking and Manoeuvring Areas Retained

Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

Estate Accesses, Driveways and Turning Areas

Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

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.

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 CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

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: 8 August 2019

Application no: 19/01177/F

Location: Land To The South And Adj To South Side Steeple Aston

Lead Local Flood Authority

Recommendation:

No objection subject to conditions

Key issues:

See "Detailed Comments"

Conditions:

SuDS

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason:

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

Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans

No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

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

Detailed comments:

Submitted information sufficient as Outline Stage, now needs to be fully developed into final Detailed Design for Surface Water Management.

Note, the following points need to be addressed:

Plan detailing pre and post development surface water flow paths needs to be submitted on a topo plan.

Section 4.7: Surcharging from piped network at limited locations, as stated, needs to be fully explained and justified. Where is this likely to happen, where will surcharged water go, what will be impact on rest of system.

The above in conjunction with the MicroDrainage Calculations which demonstrate Flood Risk on many sections of the pipe network needs to be explained fully and robust justification provided.

Greenfield run-off rates must be met for all relevant return periods.

Evidence/explanation of a treatment and management train needs to be provided.

Management and Maintenance stand alone document needs to be worked up and provided.

Exceedance plan, including detail of any sacrificial areas where temporary shallow ponding will be permitted on site needs to be provided.

Full Detailed Design Surface Water Management Strategy including all drawings, cross/long sections of any drainage related features/structures need to be provided.

Plan needs to be provided detailing final outfall point, rate and any flow control mechanism.

Confirmation required that the proposal is for a fully infiltration designed site.

Green space should be re-examined and all opportunities for SuDS inclusion should be re-evaluated. This is noted in Appendix E "SuDS Compatibility Matrix". All opportunities to use SuDS techniques should be maximised.

Written explanation as to how the piped sections will function under surcharge conditions, due to the MicroDrainage report indicating flooding on many sections needs to be robustly justified.

Safe ingress and egress during exceedance events needs to be further proven/justified.

Officer's Name: Adam Littler
Officer's Title: Drainage Engineer
Date: 20 August 2019

Application no: 19/01177/F

Location: Land To The South And Adj To South Side Steeple Aston

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)
Secondary	£54,945	2Q17	PUBSEC	Creation of additional secondary capacity through expansion of Heyford Park Free School
Total	£54,945			

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

£54,945 Secondary School Contribution indexed from 2Q2017 using PUBSEC Index

Towards:

Expansion of Heyford Park Free School to create additional secondary school capacity.

Justification:

The proposed development is nearest to Heyford Park Free School for secondary education, which is currently at capacity. Demand is expected to grow due to the large scale development planned for the area, resulting in the need for additional places. It is expected that Heyford Park Free School will need to expand in the long term in line with local population growth, and the proposed development would contribute towards the need for the expansion of secondary school capacity at this school.

Heyford Park Free School currently offers 60 Year 7 places each year, and is full or close to full across the year groups from Year 7 to Year 11, as demonstrated by the January 2019 pupil census:

7	8	9	10	11
59	61	60	59	54

The school therefore has very limited ability to absorb any additional pupils resulting from housing growth, and numbers are forecast to grow rapidly due to new housing development in the Heyford area. The school's sixth form capacity is expected to be sufficient for the currently expected scale of growth.

The Mid-Cherwell Neighbourhood Plan recognises the need for expansion of Heyford Park Free School, stating that the aim of the Mid-Cherwell Neighbourhood Plan Forum (MCNP) is to ensure that expansion of the school is approximately 0.5 FE larger than the demand generated from the Heyford Park area, in order to provide sufficient places for children living outside of Heyford Park but within the wider Neighbourhood area.

Calculation:

Number of secondary pupils generated	2.38
Estimated cost per pupil of expanding a secondary school	£23,086
Required contribution = 2.38 * £23,086	£54,945

Officer's Name: Joanne Booker

Officer's Title: School Organisation Officer

Date: 26 July 2019

Application no: 19/01177/F

Location: Land To The South And Adj To South Side Steeple Aston

Archaeology Schedule

Recommendation:

Objection for the following reason/s:

The site is located in an area of archaeological interest and further information on the survival of below ground archaeological remains will be required as set out in the National Planning Policy Framework (2019), paragraph 189, before we can provide further advice.

Comments:

The site is located in an area of archaeological interest 90m west of a location where human remains have been found during the creation of a patio. The burial was undated but thought to be Roman in date in association with further Roman burials recorded to the east.

An archaeological evaluation and subsequent excavation was undertaken ahead of a housing development in the late 1990s which recorded Neolithic, Iron Age and Roman settlement along with a number of Roman burials, 700m east of this proposed development. It is likely that the burial found immediately west of the application site relates to this settlement. The extent of this settlement and its associated burials is unknown and may continue into the application area.

A programme of archaeological evaluation will therefore need to be undertaken ahead of the determination of this planning application as set out in paragraph 189 of the National Planning Policy Framework (2019).

In accordance with the National Planning Policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

Officer's Name: Richard Oram

Officer's Title: Planning Archaeologist

Date: 15-7-19

Application no: 19/01177/F

Location: Land To The South And Adj To South Side Steeple Aston

Minerals & Waste Planning Schedule

Recommendation:

Objection for the following reason/s:

- The application is contrary to development plan policy on safeguarding of mineral resources in policy M8 of the adopted Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, September 2017.

Comments:

Published BGS mapping shows the application site to be within an area that is generally underlain by deposits of sand of the Middle Jurassic Horsehay Sand Formation. These deposits occur within a relatively limited area in this part of northern Oxfordshire and are currently quarried at Duns Tew.

The Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, adopted September 2017 (Core Strategy) identifies strategic resource areas as principal locations for mineral extraction (policy M3). For soft sand, these areas include 'The Duns Tew area'. Most of the application site and the adjacent land to the north, west and south lie within this strategic resource area. 'The Duns Tew area' strategic resource area is also identified in the Core Strategy as a mineral safeguarding area for soft sand (as shown on the Policies Map), to which policy M8 of the Core Strategy on safeguarding mineral resources applies. These sand deposits are of long-term strategic importance for aggregate mineral supply in Oxfordshire.

The application should be considered against policy M8 of the Core Strategy, which forms part of the development plan.

Policy M8 states:

“Mineral resources in the Mineral Safeguarding Areas shown on the Policies Map are safeguarded for possible future use. Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that:

- The site has been allocated for development in an adopted local plan or neighbourhood plan; or
- The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or
- The mineral will be extracted prior to the development taking place.”

The first and third bullets do not apply in this case but the second bullet should be addressed in the application and in its determination.

The proposed development would sterilise and therefore prevent the working of any mineral deposits within the application site. It would also be likely to prevent or otherwise hinder working and thereby effectively sterilise mineral deposits within adjoining land, particularly the land to the south, due to the need there would be for unworked margins (a buffer zone) between any future mineral working and the dwellings in order to protect the amenity of the occupants. A buffer zone of at least 100m width would be likely to be needed.

The planning application does not appear to address mineral safeguarding. The Planning Statement does not refer to the Core Strategy and does not mention mineral safeguarding policy or the impact of the proposed development on mineral resources.

I do not consider that the application includes an adequate consideration of the importance of the mineral resource within and adjacent to the application site in relation to the need for and/or benefits of the proposed development. Consequently, it does not provide sufficient justification for the development to override mineral safeguarding interests such that the second bullet of Core Strategy policy M8 is demonstrated to have been met. I therefore consider this application to be contrary to Core Strategy policy M8.

In the event that the applicant submits additional information which provides a consideration of the importance of the mineral resource within and adjacent to the application site in relation to the need for and/or benefits of the proposed development, the County Council will reconsider this response in the light of that additional information.

Planning Conditions:

None

Officer's Name: Peter Day

Officer's Title: Principal Minerals & Waste Policy Officer

Date: 16 August 2019
