

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

**District:** Cherwell

**Application no:** 19/00616/OUT

**Proposal:** The erection of up to 38 dwellings and associated access

**Location:** OS Parcel 9507 South Of 26 And Adjoining Fewcott Road Fritwell

**Response date:** 3<sup>rd</sup> June 2019

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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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## **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.

<b>Residential</b>	<b>No.</b>
1-bed dwellings	5
2-bed dwellings	10
3-bed dwellings	16
4-bed & larger dwellings	7

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	98.70
Primary pupils	11.51
Secondary pupils	7.03
Sixth Form pupils	1.07
SEN pupils	0.24
Nursery children (number of 2 and 3 year olds entitled to funded places)	2.91
20 - 64 year olds	68.38
65+ year olds	7.37
0 – 4 year olds	10.38

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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](mailto: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 - £3750**  
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:**

- No evidence has been provided that the proposed footpath into the development from the village of Fritwell can be delivered.
- In order to achieve the required visibility splay at the access junction no planting can occur within the hatched area shown on drawing J32-3847-PS-005 and any existing growth would need to be maintained. This hatched area does not appear to be within the site boundary or public highway and therefore there is no certainty that the visibility splay can be achieved.
- The application form states that 85 parking spaces are to be provided, however, the Transport Assessment states that only 77 spaces are to be provided, which is deemed unsuitable in a location which will rely solely on car use for the majority of residents travelling to work and for leisure.

### **Key points**

- In a previous application (16/01594/F) the footway for Fritwell village was proposed to be 1.5m. At this stage an objection was raised with one of the sited reasons being *“it has not been demonstrated that a footway of adequate width (1.5m) can be delivered – it appears that there is at least some non-highway land outside of the control of the applicant that will be needed to deliver a suitable footway.”* There is no mention of this comment within the Transport Assessment and as such it cannot be determined that the footpath is achievable.
- Despite the application form stating that 85 parking spaces are to be provided the Transport Assessment only states 77 spaces. Despite OCC's parking standards being maximum, it is considered that due to the unsustainability of the site location and the residents likely reliance on car use that a higher number is needed.
- The applicant has shown that visibility splays of 2.4m x 215m can be achieved at the proposed site access, however, there is a planting in areas which does not appear to be within the site boundary or publicly maintained land. There are therefore no assurances that the visibility splay can be maintained.
- On-site carriageway widths are insufficient and will need to be widened in order to allow to 2 vehicles to pass whilst allowing adequate space for pedestrians. Space is also needed to allow refuse/servicing vehicles to pass cars parked on the carriageway which is likely to occur if further parking provision is not added.

If despite OCC's objection permission is proposed to be granted, then OCC requires prior to the issuing of planning permission:

A S278 to enable the new site access to be built. Also, the extension of the existing footway to the development access, the extension of the 30mph limit and the relocation of the existing village entry treatment (with additional traffic calming – required to ensure the 30mph transition is effective) to a point south of the new access.

A S106 to secure the above S278 highway works plus the below Public Rights of Way contribution:

The applicant proposes to create an access onto public footpath 219/6, this will be conditioned, however, the PROW from the development to Southfields Lane is narrow and currently unsuitable for increased use. As such a contribution of £15,000 is sought through the S106 agreement to improve this for the benefit of the site.

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.

### **Planning Conditions:**

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

### **Travel Information Pack**

Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack. *Reason – to encourage residents to use sustainable modes of transport as much as possible in line with the NPPF*

### **Cycle Parking Provision**

No dwelling of the development hereby permitted shall be occupied until cycle parking has been provided according to a plan showing the number, location and design of cycle parking for the dwellings that has previously been submitted to and approved in writing by the Local Planning Authority. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development. *Reason - To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.*

### **Car Parking**

No dwelling shall be occupied until car parking spaces to serve them have been provided according to plans showing parking and the necessary manoeuvring and turning to be submitted to and agreed by the Local Planning Authority. Car parking shall be retained unobstructed at all times thereafter except for the parking and manoeuvring of vehicles at all times thereafter. *Reason - To ensure appropriate levels of car parking are available at all times to serve the development, and to*

*comply with Government guidance contained within the National Planning Policy Framework.*

**Access: Full Details**

Prior to the commencement of the development hereby approved, details of the means of access between the land and the highway on Fewcott Road, including position, layout and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of any of the dwellings, 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*

**Construction traffic management plan**

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details. *Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.*

**Informative:**

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. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)

**Comments:**

**Site Location**

The site is considered very unsustainable, with poor access to public transport and little cycle infrastructure in the area. It is therefore likely that the site will be largely reliant on private car ownership which in turn leads to increased congestion and worsens air quality.

The applicant proposes to extend the footpath, which currently ceases at the village boundary, into the development. This is proposed to be 2 metres and would be beneficial to the residents of the development as it links the site with the amenities within the village of Fritwell. However, the land proposed for the footpath is not within the site boundary and it is not clear whether it is all within publicly maintained land.

The highway boundary is the carriageway edge of the highway ditch and it is not clear whether a 2-metre footpath could be accommodated within this section. If it is possible, Oxfordshire County Council do not object to a S278 being undertaken to

provide this, but further information is required. If this is not possible then the site is not considered acceptable on highway grounds.

Public Right of Way 219/6 connects the south of the site with Southfields Lane, however, this is not deemed acceptable for increased use at this time and a contribution is therefore sought to improve this for the benefit of the application site.

### Site Access

Following comments from previous application 16/01594/F which stated that due to the fact that the reduction in speed limit required consultation and cannot therefore be certain, the applicant must show that the visibility splays must be based on 60mph. The access has been moved slightly towards the village and visibility splays of 2.4m x 215m have been provided, however, the splay goes across land which is not dedicated as public highway and does not fall within the site boundary.

As neither the applicant or the county council have control of the planting in this area, adequate visibility cannot be achieved and as such safe and suitable access into the site cannot be achieved. As such, Oxfordshire County Council recommend refusal on highway safety grounds.

### Traffic Generation

To determine the level of traffic generated by the development the applicant has undertaken an assessment using the TRICS database. The result of their assessment shows an AM peak hour movement of 27 vehicles and a PM peak hour movement of 28 vehicles. This is considered low for a site which has very limited alternative options to car use, although closer to the realistic level of trip generation than that stated in previous applications. It is not considered, however, that the site will create a large proportion more than this and any small increase to this number will not negatively impact upon the local highway network.

### Car/Cycle Parking

The Transport Assessment states that the site will be provide 77 car parking spaces, whereas the application form states that 85 will be provided. Oxfordshire County Council's parking standards are a maximum, however, due to the site being so unsustainable and offering little alternative to private car, it is deemed that the maximum level should be provided. In terms of increasing sustainability, it would be beneficial to include 1 or 2 car-club bays to the development, these could count as unallocated.

Another consideration is the manoeuvrability of large vehicles around the site. With the widths provided, any on street parking will effectively block refuse vehicles from travelling around the site.

No information has been provided regarding cycle parking. Cycle parking for each dwelling should be provided in the curtilage of the dwelling and should be covered, secure and easily accessible. If planning permission is granted, a condition will be required to ensure the correct level and form of cycle parking is provided. More

information can be found here:

<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/CyclingStandards.pdf>

### Detailed Design

The following points have been raised by our Road Agreements team:

- The speed limit should be extended approximately 160m minimum out of the village to allow for the whole site frontage to be included within a 30mph limit and ensure adequate vis splays are provided. As there is no certainty this will pass consultation, visibility splays showing 215m are required.
- A 4.2m wide shared surface is not really appropriate. Desirable shared surface is 6m, however a minimum of 4.8m should be provided to ensure two-way traffic can pass and provide space for pedestrians.
- Tracking needs to be carried out with the below vehicle details  
OCC require a swept path analysis for refuse vehicle for all manoeuvres in forward gear. All internal bends and junctions will need to be tracked with two vehicles (refuse vehicle and medium sized car) using the bend/junction at the same time.  
Phoenix 2 – 23W with elite 2 6x4 chassis  
Dimensions;  
Overall length – 11.6m (including bin lift)  
Overall Width – 2.530m  
Overall body height – 3.205m  
Min body ground clearance – 0.410m  
Track width – 2.5m  
Lock to lock time – 4.00s
- Visibility Splays must be dedicated to OCC if they fall out of the existing highway boundary.
- If there is not a footway adjacent to the carriageway an 800mm maintenance margin is required.
- Visitor parking bays should not interfere with internal vis splays.
- No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design will be subject to a full technical audit.
- Informative note: OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway.
- Foul and surface water manholes should not be placed within the middle of the carriageway, at junctions, tyre tracks and where informal crossing points are located.
- No property should be within 500mm of the proposed highway. No doors, gates, windows, garages or gas/electric cupboards should open onto the proposed highway.



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

### Public Right of Way

Fritwell public footpath 219/6 passes to the south of the site's boundary and is a key pedestrian link to the village centre. It is noted that the DAS states "A footpath link is proposed from the development to the Public Right of Way running adjacent to the South Western Boundary to provide a pedestrian route through the development and into the footpath network beyond."

This access provision is welcomed but applicant may only open an access onto the footpath if it controls the boundary feature (gate, wall, fence etc) otherwise written 3rd party agreement will be needed. The path's continuation eastwards from Southfields Lane is narrow and currently unsuitable for increase in use.

Notwithstanding the proposed footway to be provided west side of Fewcott Road it is expected that the development will fully fund the improvement of the footpath to a more accessible standard. This may include widening, surfacing, furniture and lighting. A contribution of £15,000 is sought through a Section 106 agreement to ensure pedestrian permeability is adequately provided.

### Travel Information Pack

In order to ensure that residents of the development are fully aware of all the travel options available to them from day one of occupation, particularly sustainable options, the developer will need to submit a travel information pack for approval. This pack will be supplied to each resident on first occupation.

**Officer's Name: Will Madgwick**  
**Officer's Title:** Transport Planner  
**Date:** 8 May 2019

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## **Lead Local Flood Authority**

### **Recommendation:**

No objection subject to conditions

### **Key issues:**

- Concept Design acceptable however, further information required to enable full technical assessment of the proposal.
- See Detailed comments

### **Conditions:**

Outline Design Infiltration Condition:

The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and
- f) A management and maintenance plan, in perpetuity, for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

## **Reasons**

To ensure that the proposed development can be adequately drained.

To ensure that there is no flood risk on or off the site resulting from the proposed development.

## **Detailed comments:**

Accepted as Concept Design stage, now needs to be developed to full Detailed Design.

Greenfield discharge rates to be adhered to.

Evidence to be provided that correspondence and approval have been obtained and granted from Anglian/Thames Water.

Confirmation as to methodology used for calculations, FSR or FEH.

Infiltration test results to be supplied, these should also include shallow infiltration tests which differ from BRE365.

Confirmation that 10% Urban Creep allowance has been taken into account.

Confirmation/justification that the first 5mm has either been included in the calculations or excluded.

Stand-alone Maintenance and Management plan to be submitted in full.

Stand-alone Surface Water Drainage Strategy document to be submitted in full.

Plan of surface water flow routes both pre and post development to be marked on a plan and submitted.

Evidence that sacrificial areas have been set aside for temporary ponding in the event of design exceedance.

Proof of safe ingress/egress from site to be submitted.

It is considered that the use of the SuDS toolbox and methodologies have not been maximised on site and green space has not been utilised to its full potential. For example, bio-retention, rain gardens, blue/green roofs, downpipe disconnections, swales incorporation as a means of conveyance, temporary storage and treatment train, use of tree pits.

Crate storage as shown on drawing DWG8180850-SK02 Rev P1 to be confirmed that these are all infiltration soakaways.

MicroDrainage calculations to be provided.

MicroDrainage: Default programme values have been used. These are not specific to the site. Cv values of 0.95 for roofs and 0.9 for paved areas are more realistic.

The designer must fully justify why it is believed that the default Cv values are appropriate to the site.

Confirmation required as to whether 30% or 40% Climate Change allowance has been used in calculations. MicroDrainage files seem to quote both. Also confirmation required as to methodology FSR or FEH.

Confirmation required as to discharge rate to ditch line, as proposed, any flow control mechanism and that permission has been sought and granted to allow this discharge.

**Officer's Name: Adam Littler**

**Officer's Title: Drainage Engineer**

**Date: 31 May 2019**

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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)
<b>Secondary</b>	<b>£168,622</b>	<b>2Q 17</b>	PUBSEC	Creation of additional secondary school capacity through expansion of Heyford Park School
<b>Total</b>	<b>£168,622</b>			

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

**£168,622 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.

<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
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	7.03
Estimated cost per pupil	£23,986
Required contribution = 7.03 * £23,986	<b>£168,622</b>

**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.

<b>Contribution</b>	<b>Amount £</b>	<b>Price base</b>	<b>Towards (details)</b>
Nursery	<b>£15,964</b>	<b>4Q 14</b>	Increasing nursery capacity at Fritwell CE Primary School.
SEN	<b>£8,170</b>	<b>4Q 14</b>	Projects to expand Bardwell School and increase SEN capacity.

No contributions are currently required for primary capacity in this area.

The above contributions are based on a unit mix of:

5 x 1 bed dwellings  
10 x 2 bed dwellings  
16 x 3 bed dwellings  
7 x 4 bed dwellings

It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation.

**Officer's Name: Joanne Booker**

**Officer's Title:** School Organisation Officer

**Date:** 25 April 2019

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## **Minerals & Waste Planning Schedule**

### **Recommendation:**

No Objection.

### **Comments:**

The application site lies within a Mineral Safeguarding Area for crushed rock (limestone) to which policy M8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy applies. Under this policy, development that would prevent or otherwise hinder the possible future working of minerals will not normally be permitted.

To the north west, the site is adjoined by existing houses on the south eastern edge of Fritwell village; it is bounded by roads to the north west and south east; and to the south west, beyond a small field, are farm buildings. Taking these factors into account, I consider that any sterilisation of mineral deposits that would result from the need for unworked margins (buffer zones) between the proposed housing and any mineral extraction would be relatively small and would not be significant enough to justify safeguarding under policy M8. Therefore, no objection should be raised to this application on mineral safeguarding policy grounds.

### **Planning Conditions:**

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

**Officer's Name:** Peter Day

**Officer's Title:** Principal Minerals & Waste Policy Officer

**Date:** 15 April 2019

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