

SUPPLEMENTARY INFORMATION

Planning Committee

24 November 2016

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CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

24 November 2016

WRITTEN UPDATES

Agenda Item 7 16/01209/OUT Heatherstone Lodge, Banbury Rd. Finmere

Comments have now been received from Oxfordshire County Council's Highways Department, School Organisation Officer and Planning Liaison Officer. These responses are available to view in full in the attached appendix. Below is a summary of these consultation responses:

- **OCC Local Highways Authority: Object** to the proposal. The Local Highways Authority has reinforced the concerns raised by officers in the highways safety section of the officer report in that the proposal would not be a highly sustainable one in transport terms. This is because Finmere has a very limited bus service and that the travel of the residents of the development is likely to be dominated by driving.
The Local Highways Authority has stated that the site is approximately 200m the 'wrong' side of the existing restriction on motorised vehicles (Traffic Regulation Order). This restriction would need to be altered if vehicular access to this development is to be possible. The Local Highways Authority has stated that without a change to the vehicle restriction, suitable vehicle access cannot be made and the development would not be acceptable (or possible).
The Local Highways Authority has stated that in order to provide safe and suitable access to the site for all, the section of the B4031 that would be re-opened to vehicular traffic would need to be brought back up to the standard required for regular use as a public highway. This would include the widening and resurfacing of this highway, as well as a footway. These improvements to the former B4031 would need to be delivered by means of a S278 agreement secured using a S106. However, no such agreement has been drafted.
Such improvements to the highway would urbanise the rural character of the Old Banbury Road and would add to the harm to the rural setting of the village and would draw attention to the detached nature of the development in relation to the existing settlement, as highlighted in Paragraph 8.26 of the officer report.
Furthermore, OCC has raised concerns in relation to the drainage. They note that the Flood Risk Assessment (FRA) does not apply the current factors to increase the intensity of rainfall to reflect future climate change and this constitutes a reason for objection. They also state that there is concern about the high risk area of flooding to the north boundary of the site and how the FRA quantifies the potential level of any flood water in this area, and the consequence of blockage/failure at the outfall and that

this constitutes a reason for refusal.

- **OCC School Organisation Officer**: No objections and no legal agreement is sought
- **OCC Planning Liaison Officer**: No objections and No legal agreement is sought.

- **Additional Reasons for Refusal**

4. The Flood Risk Assessment submitted with this application does not comply with the requirements set out within the National Planning Policy Framework and does not sufficiently address the high risk area of flooding to the north of the boundary of the site. Thus, the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF.

5. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC3 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

- **Response to Letter Circulated to Members**

Officers are aware that a letter from the applicant's agent has been circulated to Members (dated 22nd November). Officers consider that most of the points raised in this letter are addressed in the officer report. However, officers wish to respond to the key issues below.

The applicant's agent has stated that there is a need for Cherwell District Council to maintain a consistent five year housing land supply, and that the Council needs to continue to grant planning permissions for new housing on sustainable greenfield sites to ensure that a five-year supply can continuously be demonstrated and maintained throughout the plan period.

Whilst there is a need to maintain a five year housing land supply, the proposed development is considered to constitute an unsustainable form of development for the reasons outlined in the officer report.

The applicant's agent makes reference to Oxford's unmet need and that this should be a material consideration which is afforded due weight. The matter of Oxford's unmet housing need is dealt with specifically at Paragraph B.95 of the Cherwell Local Plan (2011-2031) Part 1, which makes clear that this matter is appropriately addressed by way of a partial review of the Local Plan *"to be completed within two years of adoption"*. A partial review is underway, and the two year period specified in Paragraph B.95 has not yet expired. The Local Plan Part 1 was found sound on this basis, and so it must follow that the policies for the supply of housing contained in the adopted Local Plan remain up-to-date. Furthermore, in a recent appeal decision in respect of a housing proposal at the village of Kirtlington (12th May 2016 - APP/C3105/W/15/3134944), the Inspector concluded: *"Although Cherwell, along with other authorities, will need to have regard to Oxford's unmet housing need in the future currently there is no agreement between the relevant authorities on how or where this should be met."* The Inspector went on to conclude that the Council's policies for the supply of housing remain up-to-date.

The applicant's agent has also requested that the application is deferred until further information in relation to archaeology and landscape harm is submitted. In relation to the landscape harm, it is noted by the applicant's agent that the Council's Landscape Team has suggested that further work is required to consider the landscape impacts of the proposal. However, the Council's Landscape Team stated that this development is inappropriate for this site and that the major effects could not be mitigated. Furthermore, officers consider that the proposed development is unacceptable in principle and the submission of this further information would not overcome the identified in principle harm therefore waiting for the submission of this further information is not considered necessary or worthwhile.

Agenda Item 8 16/01430/F The Lion, Main St. Wendlebury

- A stone sample panel and slate samples were inspected on site on 18th November 2016 and these samples are considered to be acceptable by officers. Thus, conditions 4 and 5 on page 68 of the committee agenda are no longer deemed necessary and it is recommended that these conditions are not attached

Agenda Item 9 16/01548/F Land N Gaveston Gdns. Deddington

- Two e-mails received from local residents indicating concern at the shortness of the notice that this application was being reported to this Committee, and repeating previous objections. Further comments are

made as follows

Furthermore, and more importantly, it should be noted that for rather more than two weeks large scale earth moving operations have been taking place on the site and are continuing. This seems to indicate a complete disregard by the developers and the Council of the principles and purposes of public consultation., of a kind that in many years involvement in planning and development I have never before experienced. It all seems to indicate a failure in the Council's administration which I suggest should be explained and remedied.

Members to note that David Wilson Homes are lawfully implementing the consent granted in May 2015 for the reserved matters following on from the outline granted on appeal.

No breach of planning control is occurring as far as we are aware, albeit that this is being investigated

- Letter sent to Members from Deddington Development Watch

The above application is little different from application 16/00053/F which was refused by Planning Committee on 7th July. The principal reasons for refusal cited by those members who spoke were the high density relative to surrounding developments and the developer's insistence on unadopted estate roads.

Housing density

The applicant's scheme proposes a density of 26 d.p.h. The assessment of the application site in the October 2013 SHLAA produced a Final Suggested Yield of 50 (13 d.p.h.) *"due to the sensitive location of the site"*.

The applicant claims that the density of the proposed development, which includes 29 2½ storey dwellings, is compatible with neighbouring developments, when in reality Gaveston Gardens, The Daedings and The Leyes are much lower density developments of 2-storey detached houses with garages and ample gardens. The density in Gaveston Gardens is approx. 20 d.p.h. and in The Daedings is approx. 15 d.p.h.

Policy BSC 2: *The Effective and Efficient Use of Land - Brownfield Land and Housing Density* of the Cherwell Local Plan provides (amongst other things) that *"New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development"*.

This policy is qualified by paragraph B.102 which states: *"However, the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites"*.

Policy BSC 2 also needs to be read in conjunction with Saved Policy C30(i). This provides that design control will be exercised to ensure *"that new housing development is compatible with the appearance, character, layout, scale and **density** [emphasis added] of existing dwellings in the vicinity"*.

Paragraph 9.69 of the Adopted Local Plan 1996 elaborates that *"proposals that would change the established character of an area, by, for example, introducing high-density housing development where low densities predominate, will normally be unacceptable"*

Unfortunately, there is extant planning permission to build 85 dwellings. Outline permission was granted on appeal in December 2013 at a time when Cherwell had neither a five-year housing land supply nor an up-to-date Local Plan.

While this already represents over-development, to increase the number of dwellings from 85 to 99, including a significant proportion of 2½ storey buildings, would result in an even more cramped environment manifestly out of keeping with the surrounding residential developments.

Estate infrastructure

On 3rd November 2014 the CDC Executive passed a resolution (set out below) expressing the Council's strong preference that public open space, outdoor sports pitches and play areas on new developments continue to be publicly adopted, and resolving that the Council will only accept ownership and management responsibility being vested in a private management company if certain conditions (also set out below) are all met.

In the case of the above application, it is proposed that the following infrastructure should be vested in a residents' management company:

- estate roadways/footways
- parking courts
- visitor parking lay-bys
- LEAP play area
- public open spaces
- attenuation pond

LEAP play area

We are particularly concerned at the prospect of the children's play area not being publicly adopted like the four other playgrounds in the Parish,

which is surely contrary to principles of social cohesion and inclusion.

If the LEAP play area on the new development is not adopted, the consequences include the following:

1. The residents of the new development, who will pay Council Tax like other residents, will have to manage and pay for the maintenance of the play area, including replacement equipment, whilst receiving a lesser service from their local authorities.
2. There is a perceived risk that the equipment in the estate play area will not be maintained to the same standard as in the existing play areas managed by the parish council.
3. The cost of maintenance of the central green, including the children's play area, will fall on residents even though it will be a public amenity open to everyone. It will be the closest play area for Gaveston Gardens residents.

In several nearby villages, such an arrangement has led to tensions between parents from within and outside the estate. Some parents resident on the new development are reportedly resentful of children from elsewhere using, and perhaps causing wear and tear to, a play area that they are responsible for maintaining and paying for.

4. Ongoing maintenance costs will include not only the cost of replacement equipment but also the cost of arranging insurance cover for public liability.
5. The maintenance service charges are likely to be particularly burdensome on the occupiers of the 34 affordable homes.
6. It seems that before new residents can have a say, the initial applicant nominated directors of the management company will have appointed managing agents, presumably connected with the applicant, which will involve yet more expense for residents.

According to the CDC Executive resolution, a residents' management company should only be considered if the developer meets nine conditions, including:

- method statement for developer funding of future maintenance and replacement of equipment;
- diminishing bond to cover costs if Cherwell has to step in because maintenance and management fail to match CDC's technical specifications;
- cap on management service charges to protect residents of affordable housing (see condition 7);

- provision for transfer to the Council if the management company goes into administration.

The above application contains no mention of compliance with these safeguards.

Refuse collection

According to the Planning Obligations draft SPD (July 2011), page 150, *"The Council will not collect waste or recycling if this involves driving over a private road. Residents living in properties situated on private roads will be required to carry or wheel their refuse and recycling to the nearest public highway"*, presumably the A4260 Banbury Road.

The lack of a kerbside collection service is another example of how residents will be disadvantaged by private estate infrastructure, with no possibility of a corresponding abatement of Council Tax. Even if the Council were to relent, query whether there would be adequate manoeuvre space for waste and recycling vehicles given the tight road layout and risk of obstruction by parked cars ?

Conclusion

Accordingly, we ask you to withhold support for this application unless it is amended (i) to relate to 85 dwellings and (ii) to provide for the adoption of estate roads, LEAP play area and other public open space.

- **A4260 footpath**

Officers are aware of concern about the apparent uncertainty about the provision of a footpath on the western side of the A4260 between this site and the existing provision near the traffic light controlled junction. It is understood that this is to be included in the Section 278 works , but as in our view this is a necessity it is intended to add an **additional condition** to require this before the first occupation of any dwelling

- **Recommended conditions**

The conditions recommended to be attached to the application refused in July are attached below. If the recommendation is agreed they will require minor adjustments to match the latest plans and consultation responses

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Except where otherwise stipulated by condition, the application shall be carried

out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement] and (drawings numbers need to be inserted)

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 3) Prior to the commencement of the development hereby approved, samples of the materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4) Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5) Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6) All windows shall be side hung flush fitting casements or sash windows which shall be of a sliding sash design

Reason- To ensure the satisfactory appearance of the completed development and to comply with Policy C18 of the adopted Cherwell Local Plan 1996, Policy ESD15 of the adopted Cherwell local plan 2011-2031 and Government guidance within the National Planning Policy Framework.

- 7) Prior to the commencement of the development, full design details of the joinery of the doors and windows, including bay windows and dormer windows hereby approved, at a scale of 1:20 including elevations, vertical and horizontal cross sections, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and

windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8) Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9) Prior to the commencement of the development hereby approved, full details of the new boundary walls to be constructed in the positions indicated on the external finishes plan, drawing number 15-061/37 Rev D shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the new boundary treatment shall be erected, in accordance with the approved details, and retained and maintained in situ at all times.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10) Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid and marked out, drained and complete in accordance with specification details which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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

- 11) Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site, including full written justification for any changes in levels, together with full details of any necessary retaining structures for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan and detailed retaining structures.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12) Prior to the first occupation of the development hereby approved, the appropriate

number of refuse bins required in relation to the dwellings shall be provided and, other than on the day of refuse collection, the refuse bins shall be stored at all times within the curtilages of the dwellings hereby approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13) Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

- 14) Upon the commencement of the development hereby approved, full details of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 15) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained

within the National Planning Policy Framework.

- 16) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 17) Except to allow for the means of access and vision splays the existing hedgerow along the western, Banbury Road boundary of the site shall be retained and properly maintained at a height of not less than 2.5 metres, and that any hedgerow which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18) The existing hedgerow/trees along the northern boundary of the site shall be retained and properly maintained at a height of not less than 2.5 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 19) Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
- b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 20) Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 21) If any retained tree is identified as being or having the potential to be a 'veteran tree', it shall be the subject of a specific management plan devised by a qualified and competent arboriculturalist. No work to the veteran tree, or within its vicinity, which might compromise the environs of the tree shall be carried out without the written approval of the Local Planning Authority.

Reason - To ensure the retention and protection of veteran trees which are important ecological habitats for a wide range of wildlife including Red Data Book species as identified in the UK Biodiversity Action Plan (BAP) and are of significant cultural value and to comply with the adopted Cherwell BAP and Government guidance contained within the National Planning Policy Framework.

- 22) Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the

creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 23) Prior to the commencement of any development on the site, full details of any pruning works necessary to the TPO trees along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in accordance with those approved details.

Reason – In the interests of the visual amenities of the area and the protection of the TPO Trees and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

- 24) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) <25.4.2016 / D200 Issue 2 /PFA Consulting and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Infiltration pond and permeable paving (para 4.11 and 4.13)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

- 25) Prior to commencement of the development hereby approved, the SuDS design for the site shall be required to be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate how the system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

- 26) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until

the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 27) Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 28) Prior to the commencement of the development hereby approved, specification details of the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the details originally agreed upon in drawing no JNY8344-01 Rev C of 14/02111/REM. Further, operation details of the toucan crossing to be provided by the developer must be linked with the signalised junction at the A4260/B4031 junction to avoid exacerbating delays – this linkage must be in place prior to opening.

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

- 29) Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the estate roads, turning area and parking spaces within the curtilage of the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the areas in question shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason – In the interests of highway safety and to comply with Government guidance within the National planning Policy Framework

- 30) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason – In the interests of sustainability and to ensure a satisfactory form of development and to comply with Government guidance contained within the national Planning Policy Framework.

- 31) Prior to the first occupation of the development hereby approved, a Construction Traffic Management Plan, prepared in accordance with the Department of

Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", 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 and to comply with Government guidance within the National planning Policy Framework

- 32) 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 – In the interests of sustainability and to ensure a satisfactory form of development and to comply with government guidance within the National Planning Policy Framework

- 33) Prior to the commencement of the development hereby permitted, an intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 34) If contamination is found by undertaking the work carried out under condition 33, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 35) If remedial works have been identified in condition 34, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 34. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 36) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 37) No removal of hedgerows, trees shrubs or vegetation, that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 38) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 39) The development hereby approved shall be carried out strictly in accordance with the details, mitigation strategy and recommendations set out in the preliminary Ecological Assessment Report No: RT-NME-120802 dated October 2015 Rev A December 2015 submitted with the application, which was prepared by Middlemarch Environmental dated December 2015.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 40) Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any dwelling, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 41) Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.

Reason – To retain the open character of the development and the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 42) Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 43) The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

- 44) Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs).

Reason - To facilitate home-working and information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Archaeology

The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE (Telephone 01865 **328944**).

2. Legal Agreement

Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

3. Third Party Interests

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

4. Construction Sites

The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour

Manager on 01295 221623 for further advice on this matter.

5. Biodiversity/Protected Species

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

6. Bats

Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

7. Nesting Birds

Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Agenda Item 12 16/01761/F Beaumont Road, Banbury

- Banbury Town Council raise no objections

Agenda Item 13 16/01960/F 2-4 Old Grimsbury Road, Banbury

- **Submission from OCC Cllr Mike Beal**

Please may I request that the committee consider the following before their decision:

Old Grimsbury Road is narrow. The corner upon which No 2/4 is situated is blind. Already cars park with their rear in Old Grimsbury Rd and their nose in West St.

6 or as previously stated 12 rooms will produce parked cars – no one is that naive– there is no room for this. The County Council has recommended a refusal of the application on the grounds of it having a detrimental effect to safety and movement on the highway. I lived at 1 Old Grimsbury Road for over 20 years and know the existing dangers. The Fire and Rescue service have stated their worry over access to both Old Grimsbury and Gibbs Roads should there be a fire. The inevitable additional on street parking which will occur can only make the risks

greater.

This property is being developed as a House of Multiple Occupation. This was the intention from purchase and despite planning refusal, local objection and petition they continue regardless. They know the council will ultimately give permission one way or another.

Grimsbury is a conservation area and all planning applications must take heed of this. This development is not sympathetic to the locality or to the community. The heart of Grimsbury has been ripped out by the large scale conversions to flats and bedsits. It is time that planners take into account the conservation of community life and stop developments of this nature

- **Additional condition**

Officers note the concerns raised about the intended use of the building in the future, and have acknowledged in the report to Planning Committee that the floor plans submitted with this planning application indicate an intended use as bedsits or an HMO.

Officers remain of the very firm view that to refuse a householder planning application for windows, rooflights and render on the grounds of an apparent intended future use would be wholly unreasonable and an appeal against such a refusal would leave the Council open to a costs award and affect its reputation as a local planning authority.

However, given that the proposed first floor windows are at a lower level than those existing, allowing the opportunity for a third tier of accommodation and thereby additional floor area, officers consider it would be reasonable to impose a condition restricting the use of the application building to Class C3 of the Use Classes Order, i.e. that of a residential dwelling.

Condition 7

The application site shall be used only for purposes falling within Class C3 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose(s) whatsoever.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

District: Cherwell

Application no:16/01209/OUT

Proposal: Residential development and associated infrastructure

Location: Heatherstone Lodge, Banbury Road, Finmere Buckingham

Purpose of document

This report sets out Oxfordshire County Council's view on the proposal.

This report contains officer advice in the form of a strategic localities response and technical team response(s). Where local member have responded these have been attached by OCCs Major Planning Applications Team (planningconsultations@oxfordshire.gov.uk).

District: Cherwell

Application no: 16/01209/OUT

Proposal: Residential development and associated infrastructure

Location: Heatherstone Lodge Banbury Road Finmere Buckingham MK18 4AJ

Transport

Recommendation:

Objection

- There is no proposal for a footway alongside the B4031 connecting the development to the rest of the village. At least half of the length of the B4031 the 'wrong' side of the existing no vehicles barrier will have no development frontage and as such a footway is needed to ensure safe and suitable access for all. Particularly in the absence of street lighting
- The proposals for drainage are not satisfactory – the FRA does not apply the current factors to increase the intensity of rainfall to reflect future climate change and there is concern about the high risk area of flooding to the north boundary of the site

As such, the proposals do not comply with local plan policy or the NPPF

Additional key issues:

- Finmere has very limited bus services and the village has very few local services apart from the primary school. As such, travel of the residents of this development is likely to be dominated by driving. The development therefore does not seem to constitute sustainable development according to NPPF
- If access is to be taken from the B4031, an amendment to the traffic regulation order (TRO) banning motor vehicles will need to be made. This would be subject to public consultation (a £2,500 contribution would be needed from the developer to allow the county council to carry this out) and a decision by a county council committee – as such the outcome is not guaranteed. Without a change to the vehicle restriction, suitable vehicle access cannot be made and the development would not be acceptable (or possible).
- The speed limit on the stretch of the B4031 leading up to the site access should be reduced from 60mph to 30mph. This would also need a contribution of £2,500 from the applicant to fund the necessary legal procedures.
- Careful treatment will need to be given to the public rights of way (footpaths) that cross the development site to ensure they follow the routes shown on the definitive map. A financial contribution of £10,000 is needed to improve nearby off site public footpaths.

Legal agreement required to secure:

If Cherwell District Council is minded to grant planning permission, the following legal agreements would be needed:

Section 278

- for provision of the means of access/junction onto B4031
- together with the upgrading of the B4031 (reinstating the road width to at least 5.5m wide with a 1.8m wide footway on the northern side and any reinstatement of drainage system) from the site access as far as a point approximately 50m east of the current position of the prohibition of motor vehicles restriction (this is where there is house frontage helping to positively influence vehicle speeds and making walking in the road more acceptable).
- £2,500 for the changes to the traffic regulation order to relocate the vehicle restriction point to immediately west of the site access
- £2,500 for the reduction in the speed limit to 30mph on the stretch of the B4301 reopened to vehicular traffic

Section 106

- to secure the works specified above
- a financial contribution of £10,000 towards surface improvements of public rights of way leading to the site – in recognition of the additional use the development will induce and to make them as attractive as possible to new users.

Conditions:

If Cherwell District Council is minded to grant planning permission the following conditions are recommended:

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 on the B4031, including position, layout, construction, drainage and vision splays 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 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*

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, lighting 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.*

Car Parking

No dwelling or other buildings shall be occupied or implemented until car parking space(s) to serve them have been provided according to plans showing parking and the necessary manoeuvring and turning to be submitted and agreed by the Local Planning Authority. All car parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. Car parking shall be retained unobstructed 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.

Cycle Parking Provision

Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided prior to first occupation of the development. 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.

Public Rights of Way

Prior to the commencement of the development hereby approved, full details of surface improvements to the public right of way footpaths 213/10 and 213/1 as they run through the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these surface improvements shall be constructed and retained in accordance with the approved details. *Reason: To ensure safe and suitable access to the development for all persons.*

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 may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken 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 plans
- Flood Risk Assessment

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Information Packs

Travel information packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every resident on first occupation. *Reason - In the interests of sustainability 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 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.*

Informatives:

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

Detailed comments:

Site location and traffic impact

The site is on the western edge of the village and even though pretty much all journeys within the settlement are within 1km (heart of the village is 0.5km away), the only meaningful day to day destination is the primary school. Bus services in the village are very limited for every day travel. Therefore the bulk of the travel by people living in this development would be by car.

The Transport Statement accompanying the application predicts that the development would generate 34 and 36 two way vehicle flows in the am and pm peaks respectively. Whilst this would represent a significant percentage increase in the existing traffic flows on the roads in the village, that is clearly from a small base and it is still a small absolute increase. Therefore, in my view this new traffic would not cause anything other than a minor negative impact on the local transport network.

Site access

The applicant is not seeking detailed permission for the site access although it is proposed that it would be along the southern site boundary along the B4031. This location is currently approximately 200m the 'wrong' side of the existing restriction on motorised vehicles. Clearly, the restriction would need to be altered if vehicular access to this development is to be possible. I have no objection to this although the restriction cannot simply be removed; rather it must be relocated immediately to the west of the proposed site access.

The stretch of the B4031 from the current vehicle restriction point to where it would be relocated is currently a 60mph speed limit. It is clearly preferable for the speed limit to be reduced to 30mph in line with the rest of the village roads. This will help to make walking and cycling to/from the site as attractive as possible and help to integrate the development within the village. The applicant would need to pay £2,500 to allow the speed limit to be reduced to 30mph.

In order to provide safe and suitable access to the site for all, the section of the B4031 that would be re-opened to vehicular traffic would need to be brought back up to the standard required for regular use as a public highway – it has clearly deteriorated since the restriction has been in place. It would need to be widened to 5.5m and resurfaced. Drainage would need to be repaired to current standards if necessary. Because the stretch of road in question would for the most part have no properties fronting it, (which ordinarily helps to

moderate vehicle speeds and ensure acceptable conditions for pedestrians) and in order to encourage as much walking as possible to and from the site for local journeys, the improvements should include a minimum 1.8m wide footway along the northern side. This footway should extend as far as the first property fronting the B4031 i.e. approximately 50m east of the existing vehicle restriction.

Assuming the vehicle restriction point is relocated immediately to the west of the site access and that the speed limit along the B4031 is 30mph, the site visibility splay at the site access to the east would be 2.4m by 43m according to Manual for Streets standards.

These improvements to the B4031 would be delivered by means of a S278 agreement secured using a S106.

It is recommended that the applicant discusses any details of the site accesses and improvements to the B4031 with the county council's Road Agreements team – roadagreements@oxfordshire.gov.uk

Public rights of way

There are two public rights of way footpaths (213/10 and 213/1) that cross the site and lead to the built up area to the east, having continued across an open field. Together with the footway alongside the B4031, these paths will be useful for residents of the proposed development, especially for journeys to school and for other leisure purposes. However, the layout of the development will need to protect the routes on the site – every effort should be made to design the footpaths into the development. For further details please contact the county council's Countryside Services team – they will be able to supply the applicant with a large scale plan showing the accurate locations of the footpaths before any detailed plans are prepared. The location of existing stiles and the routes currently walked should not be assumed as being correct. We would expect structures on the footpaths to be removed or improved (eg stiles replaced with gates).

We also require a financial contribution of £10,000 towards the improvement of the footpaths 213/10 and 213/1 as they continue off the site towards the village. These paths are very likely to see increased usage as a result of the development and in any case should be improved to encourage people living on the development to travel as sustainably as possible.

Car and cycle parking

Car parking will need to be provided in accordance with the county council's recommendations for car parking standards as set out in the county council's design guide (<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/DesignGuidePublication.pdf>). Additionally, the applicant will need to make provision for resident and visitor cycle parking, presumably on a Reserved Matters application should the Outline application be approved.

Drainage

The flood risk assessment (FRA) by AAH Planning consultants (Ref:50496) dated June 2016 did not appear to apply the current factors to increase intensity of rainfall to reflect future Climate Change. This constitutes a reason for objection.

There is a concern about the high risk area of flooding to the north boundary of the site and how the FRA quantifies the potential level of any flood water in this area, and the consequence of blockage/ failure at the outfall. This also constitutes a reason for objection.

There appears to be no ground investigation site specific data that would indicate ground water levels at the site. This data is needed to give confidence in any revised drainage proposals.

The value of QBar provided in the FRA could be potentially a little high as the Soil value selected in the calculation would appear to represent a relatively impermeable type and the entire existing greenfield area appears to have been used in the calculation. Some of the existing greenfield area may fall naturally to the outfall and not be included in proposed landscape areas.

Travel planning

A travel information pack should be submitted to and agreed in writing by the local planning authority in order that all new residents can be supplied with the pack to help them understand all the travel options available to them.

Construction Travel management Plan (CTMP)

A CTMP will be needed for this development. A typical CTMP would cover the following ground:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Officer's Name: Craig Rossington

Officer's Title: Senior Transport Planner

Date: 14 November 2016

District: Cherwell

Application no: 16/01209/OUT

Proposal: Residential development and associated infrastructure

Location: Heatherstone Lodge Banbury Road Finmere Buckingham MK18 4AJ

Archaeology

Recommendation:

Objection

Key issues:

The site is located in an area of archaeological interest to the north of an area of Iron Age settlement. A programme of archaeological evaluation will need to be undertaken and the report submitted with any planning application for the site.

Legal agreement required to secure:

None

Conditions:

Not at this stage

Informatives:

None

Detailed comments:

The site is located in an area of archaeological interest to the north of an area of Iron Age settlement recorded during the construction of the B4031 diversion. This excavation recorded a series of linear features, pits, a circular gully thought to relate to an Iron Age roundhouse and a hearth. The features extend beyond the northern limit of the road diversion and may continue into the application area. The site is also located 500m north west of the projected route of the Roman road from Alchester to Towcester.

It is therefore possible that archaeological features related to the Iron Age and Roman settlement of the area could survive within this proposed site. Little formal archaeological investigation has been undertaken in the area and so our knowledge of the extent of further archaeological features in the vicinity of the proposed development is limited.

There is currently therefore insufficient information regarding the potential impact of this development on any surviving archaeological deposits for an informed decision to be made. We previously provided advice on this site as part of an pre application response (16/00077/Preapp) in May 2016 where we highlighted the requirement for a predetermination evaluation.

In accordance with the National Planning Policy Framework (NPPF, para 128), 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. The report from this evaluation should be submitted along with any planning application for the site.

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: 04 November 2016

District: Cherwell

Application no: 16/01209/OUT

Proposal: Residential development and associated infrastructure

Location: Heatherstone Lodge Banbury Road Finmere Buckingham MK18 4AJ

Education

Recommendation:

No objection

Key issues:

Based on the unit mix stated in the application, this proposed development has been estimated to generate 3.64 Nursery Pupils, 14.43 primary pupils, 10.18 secondary pupils (including 1.35 sixth formers) and 0.30 pupils requiring education at an SEN school.

Primary education

- OCC is not seeking Education contributions to mitigate the impact of this development on primary school infrastructure. Existing school capacity is forecast to be sufficient, taking into account this proposed development and other development already approved.

Secondary education

- OCC is not seeking Education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

Special Educational Needs (SEN) education

- OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

Legal Agreement required to secure:

None.

Informatives:

- Contribution calculations are based on the District Council's policy compliant numbers and mix of dwellings.

Total Dwellings	1 Bed	2 Bed	3 Bed	4 + Bed	Total
Policy Compliant Mix of New Dwellings	6	12	20	9	47
Dwellings to be Demolished					0
Net Dwellings	6	12	20	9	47

Age group	Pupils generated			
	1 bed	2 bed	3 bed	4+ bed
0 to 4 year olds (EY&C)	0.03	0.16	0.36	0.41
Primary	0.00	0.17	0.39	0.51
Secondary	0.00	0.09	0.23	0.35
Sixth Form	0.00	0.01	0.03	0.07
SEN – Across Oxfordshire 1.11% of pupils are taught in special schools				

Detailed Comments:

Primary:

As is common in small village schools, intake numbers at Finmere CE Primary School are erratic, but overall it has the potential to absorb modest levels of local housing development. Developer contributions towards capacity at this school are not currently sought.

Secondary:

Bicester secondary schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishments, which are planned for SW Bicester and NW Bicester.

Special:

Bardwell School admits from Bicester, Kidlington and surrounding villages. A recent £1m capital project has expanded permanent accommodation. Given the scale of planned housing growth in this area, further additional SEN capacity is likely to be needed in due course. Across Oxfordshire 1.11% of pupils are taught in special schools.

Education contributions required to mitigate the impact of the development on infrastructure but for which Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) prevents OCC seeking a s106 obligation

- £254,429 Section 106 contribution towards the construction of a new secondary school within SW Bicester by a total of 10.18 pupil places.
- £10,255 Section 106 as a proportionate contribution to expansion of Special Educational Needs provision in the area by a total of 0.30 pupil places. This site is served by Bardwell School, which is a special school in Bicester.

Officer's Name: Diane Cameron
Officer's Title: School Organisation Officer
Date: 16 November 2016

District: Cherwell

Application no: 16/01209/OUT

Proposal: Residential development and associated infrastructure

Location: Heatherstone Lodge Banbury Road Finmere Buckingham MK18 4AJ

Property

Key issues:

- The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.
- The following housing development mix has been used:

6 x One Bed
Dwellings
12 x Two Bed
Dwellings
20 x Three Bed
Dwellings
9 x Four Bed
Dwellings

- It is calculated that this development would generate a net increase of:

123.12 additional residents including:

9.14 resident/s aged
65+
85.02 residents aged
20+
10.89 resident/s ages 13-
19
12.99 resident/s ages
0-4

Legal Agreement required to secure:

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

Conditions:

- The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a

requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

Informatives:

- Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) OCC does not require a s106 obligation in respect of:

• Library	£11,696.40
• Central Library	£2,111.51
• Waste Management	£8,987.76
• Museum Resource Centre	£738.72
• Adult Day Care	£1,151.64
Total*	£24,686.03

*Total to be Index-linked from 4th Quarter 2014 Using PUBSEC Tender Price Index

Oxfordshire County Council is **not** seeking a contribution towards library, central library, waste management, museum resource centre or adult day care infrastructure from this application due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) which took effect from the 6th April 2015. The property response '*No objection subject to conditions*' relies upon funding for infrastructure as critical mitigation being delivered through CIL where there is no opportunity to gain contributions through Section 106 due to current legislation. OCC hold a statutory obligation to deliver services such as education through schools. Details of these contribution rates for sustainable capital development are set out below.

Detailed Comments:

Local Library

This development is served by Bicester Library.

This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service.

Costs for improvements are based upon the costs of extending a library.

The costs of extending a library is £2,716 per m2 at 4th Quarter 2014 price base; this equates to

£75 ($£2,716 \times 27.5 / 1,000$) per resident.

This calculation is based on Oxfordshire County Council adopted standard for publicly available library floor space of 23 m2 per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5 m2 per 1,000 head of population.

The development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00; this equates to £20 per resident.

- The contribution for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

$$\text{£95} \times 123.12 \text{ (the forecast number of new residents)} = \text{£11,696.40}$$

Central Library

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 4th Quarter 2014 base prices leaves a funding requirement still to be secured of £4,698,900. 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other districts. 40% of 4.7M = £1,838,300.

Population across Oxfordshire outside of Oxford City district is forecast to grow by 93,529 to year

2026. $\text{£1,838,300} \div 93,529 \text{ people} = \text{£19.65 per person}$

- The contribution for the provision of central library infrastructure in respect of this application would therefore be based on the following formula:

$$\text{£19.65} \times 123.12 \text{ (the forecast number of new residents)} = \text{£2,111.51}$$

Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, county councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in their area may deposit their household waste and for the disposal of that waste.

To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,438,202 at 4th Quarter 2014 price base; this equates to £73 per resident.

- The contribution for the provision of strategic waste management infrastructure in respect of this application would therefore be based on the following formula:

$$\text{£73} \times 123.12 \text{ (the forecast number of new residents)} = \text{£8,987.76}$$

County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £527,191 at 4th Quarter 2014 price base; this equates to £6 per person

- The contribution for the extension of the Museum Resource Centre in respect of this application would therefore be based on the following formula:

$$\text{£6} \times 123.12 \text{ (the forecast number of new residents)} = \text{£738.72}$$

Social & Health Care - Day Care Facilities

This development is served by Bicester Day Centre and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Bicester Day Centre

Contributions are based upon a new day care centre offering 40 places per day (optimum) and open

5 days per week; leading to an equivalent costing of £12,607 per place at 4th Quarter 2014 price base (this is non-revenue). Based on current and predicted usage figures we estimate that 1% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £126.

- The contribution for the provision of adult day care infrastructure in respect of this application would therefore be based on the following formula:

$$\text{£126} \times 9.14 \text{ (the forecast number of new residents aged 65+)} = \text{£1,151.64}$$

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mix changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

Officer's Name: Will Madgwick

Officer's Title: Planning Liaison Officer

Date: 09 November 2016
