

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

**District:** South Oxfordshire

**Application no:** P18/S0002/O

**Location:** Shirburn Road, Watlington OX49 5BZ.

**Proposal:** Outline application for up to 37 Assisted Living Units, and provision of a Care Home (All C2 Use), 4 staff accommodation units and site access (all other matters reserved for future consideration)

**Response date:** 22 May 2018

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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 type/mix is taken from the application form.

C2 (Assisted Living Units)	37
C2 (Bed Care Home)	60

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	106
Primary pupils	0
Secondary pupils	0
Sixth Form pupils	0
SEN pupils	0
Nursery children (number of 2 and 3 year olds entitled to funded places)	0
20 - 64 year olds	0
65+ year olds	106
0 – 4 year olds	0

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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 outweighs OCC's objections, and given an opportunity to make further representations.

### **Outline applications and contributions**

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

### **Where a S106/Planning Obligation is required:**

- **Index Linked** – in order to maintain the real value of s106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - £0**

This is an estimate of the amount required to cover the extra monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.

- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether an s106 agreement is completed or not.

### **CIL Regulation 123**

Due to pooling constraints for local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.

That decision is taken either because:

- OCC considers that to do so it would breach the limit of 5 obligations to that infrastructure type or that infrastructure project or
- OCC considers that it is appropriate to reserve the ability to seek contributions to that infrastructure type or that infrastructure project in relation to the impacts of another proposal.

The district planning authority should however, take into account the whole impact of the proposed development on the county infrastructure, and the lack of mitigation in making its decision.

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## **Transport**

### **Recommendation:**

No objection subject to conditions and obligations

### **Key issues:**

Trip generation will add to congestion through Watlington and, therefore, mitigation will be necessary through the provision of an edge road.

The application identifies safe guarded land for the edge road and junction with Shirburn Road.

Access, layout and parking are appropriate subject to detail.

### **Legal agreement required to secure:**

The following provisions will be required and secured via Section 106 agreement

- Safe guarding of land to facilitate edge road and junction with Shirburn Road
- Financial contribution toward the construction of the edge road and associated infrastructure
- Financial contribution toward local public transport services

### **Conditions:**

Standard conditions covering the following matters are recommended:-

- **Access** - details submitted and approved prior to development and thereafter constructed prior to first occupation
- **Construction Traffic Management Plan** – details submitted and approved prior to development
- **Travel Plan** – details submitted and approved prior to first occupation

## **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.

It is the responsibility of the developer to ensure proper provision is made for the surface water drainage of the site to ground, watercourse or surface water sewer. To avoid foul sewer flooding, surface water must not be drained to a foul sewer. The use of sustainable drainage systems (known as SUDS) is very much encouraged.

## **Detailed comments:**

The site benefits from B8 (Storage/Warehousing) land use and is identified in the emerging Pyrton Neighbourhood Plan as PYR1 for *'around 15 homes'*. The site includes land identified for an edge road, providing an alternative route for Town Centre through traffic. Given the traffic pressures on the Town Centre, the County Council is supportive of the edge road provision and considers its provision necessary to facilitate any significant development in or around Watlington. Provision of the edge road will require a collaborative approach from all stakeholders, developers, land owners, local authorities etc. A proportionate contribution toward the provision of the edge road is required from this development by way of mitigation.

The proposed development would increase the trip generation of the site. The supporting Transport Assessment (TA) provides an estimate of the future trip generation from interrogation of the TRICS database; whilst not necessarily significant to the broader consideration of the proposal, my own interrogation of the database suggests a considerably greater number of trips. Also of note, the TA uses data taken from 'Retirement Flats', if unfettered residential use of the dwellings was permitted then a significantly higher trip rate would be expected. The TA, having identified the trip generation of the site and flows on the adjacent network, asserts 'detailed impact assessment is not deemed necessary' and infers any traffic impact would be negligible. However, the TA appears to make no consideration of the sensitive nature of the local network, issues of congestion and air quality through the town centre. Through the town centre, parked vehicles result in shuttle working causing congestion with queues often blocking back through adjacent junctions. The very nature of this congestion renders the application of typical modelling software would be meaningless; however, in my opinion, under these circumstances the addition of relatively modest levels of traffic can result in a significant impact. Mitigation of this impact is necessary and is sought through a proportionate contribution toward the edge road and safeguarding of the necessary land.

Access to the site would be taken to Shirburn Road. A priority junction is proposed and includes pedestrian provision linking to the existing footway. The access would be located a sufficient distance from the adjacent junction of Pyrton Lane and any future roundabout, with an appropriate level of visibility available. The submitted plans provide the swept path of a refuse vehicle, demonstrating junction radii are

appropriate for the proposed use. The TA provides details of accidents in the vicinity of the site and confirms there are no patterns to suggest any safety deficiency in the highway. Provision of the junction would be subject to a separate agreement in accordance with Section 278 of the Highways Act, which would include further safety assessment through the Road Safety Audit process. The internal layout would be subject to a reserved matters application, the illustrative plans appear acceptable subject to detail.

The TA confirms a reasonable level of accessibility by sustainable transport modes. The majority of Watlington is within a reasonable walking distance of the site, providing potential for staff to live locally in addition to access to shops, services and public transport links. Bus stops are available approximately 800m from the site and a financial contribution is requested to improve frequency and range of services. I note the provision of a dedicated minibus service which would improve accessibility, however it would be subject to ongoing funding that could not be secured through the planning process. A travel plan is required to encourage further the use of sustainable transport modes and reduce dependency on single occupation car trips.

**Officer's Name: Geoffrey Arnold**

**Officer's Title:** Principal Engineer

**Date:** 22 May 2018

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## **Archaeology**

### **Recommendation:**

No objection subject to conditions

### **Key issues:**

The site is located in an area of archaeological potential and a programme of archaeological investigation will be required ahead of any development. This can be secured through an appropriately worded condition on any resultant planning permission.

### **Legal agreement required to secure:**

### **Conditions:**

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).



## **Informatives:**

### **Detailed comments:**

The site is located in an area of archaeological potential alongside a proposed route of the prehistoric and Roman Icknield Way (PRN 8929). This prehistoric trackway, from Salisbury Plain to Norfolk is believed to have changed over time, creating parallel routes and possible alternate routes one of which follows Shirburn Road on the eastern side of this site (Viatores route 168c). A Roman coin hoard was also found within the area in the C19th and it is likely that this was associated with some form of settlement. The exact location is unknown but it is possible that archaeological features related to this settlement and routeway could survive within the undeveloped areas of the site.

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

**Officer's Name:** Richard Oram  
**Officer's Title:** Planning Archaeologist  
**Date:** 25 January 2018

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