

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

**District:** Cherwell

**Application No:** 18/01246/F

**Proposal:** Change of use of premises from B8 to B1c/B2/B8, including internal and external alterations, demolition of ancillary structures and new access to Southam Road.

**Location:** Warehouse Car Park And Land At Jacobs Douwe Edberts, Ruscote Avenue, Banbury.

**Response date:** 30<sup>th</sup> August 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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## **General Information and Advice**

### **Recommendations for approval contrary to OCC objection:**

IF within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via [planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)) as to why material consideration outweigh OCC's objections, and given an opportunity to make further representations.

### **Outline applications and contributions**

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

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

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

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

- **Index Linked** – in order to maintain the real value of s106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - £250.00**  
This is an estimate of the amount required to cover the extra monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.

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

### **CIL Regulation 123**

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

That decision is taken either because:

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

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

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## Transport Schedule

### Recommendation:

#### **Objection**

Whilst the principle of the development is supported, there are a number of issues with the planning application that have not been considered.

- The proposals do not demonstrate safe and suitable access to the site for all people (NPPF).
- The application has not been supported by a Transport Assessment (NPPF)

#### S106 Contributions

<b>Contribution</b>	<b>Amount £</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Public Transport Infrastructure contribution	£16,000	August 2018	Baxter	A pair of Premium Route bus stop pole /flag /information cases and two shelters
<b>Total</b>	£16,000			

Note: The S106 list is not exhaustive at this point. It is thought that a full Transport Assessment would inform if there would be significant intensification on the local highway. A strategic transport contribution towards a scheme, such as relief to Hennef Way may be required following this.

### Key points

- The application needs to be supported by a Transport Assessment
- Access to the proposed site will require assessment on its ability to accommodate the development traffic.
- Car parking provision shall require justification
- A lack of cycle parking facilities on site

### Comments:

#### **Access**

The site currently benefits from vehicular access from Ruscote Avenue. Although this application claims access off Southam Road as existing, the access does not serve the site yet and this only became available following the recent construction of Waitrose. The proposed access was thus brought in existence in connection with a servicing access for the supermarket. Oxfordshire County Council (OCC) as Local Highway Authority (LHA) hereby find it necessary to carry out an assessment of the access junction relative to the development flows on Southam Road.

Assessment of the access will need to consider for both car and HGV turning into the site which will need to be demonstrated by use of PICADY software for junction capacity. Other issues that are concerning regarding the proposed access are;

- Southam Road is about 6.5m wide including an on-carriage cycle lane which further reduces the effective carriageway width. I do not see any scope of localised widening (citing land constraints), which is not convincing that right turning vehicles (in the absence of a right turning pocket) shall not interfere with onward traffic movement.
- Access arrangements need to be accompanied by swept path analyses of the vehicles likely to visit the site. This would include 16.5metre articulated trucks and 12metre rigid lorries.

## Parking

Parking provision is something that needs to be balanced right with demand. And this requirement is usually assessed on the uses of the site in terms of allocation of floor space. The proposed development would involve the change of use of the building from B8 class use to B1, B2 & B8 class uses. The application involves an increase in gross floor area from 18,213sqm to 18,658sqm. It should be brought to the applicant's attention that different land uses command different parking levels. And in respect to this, I would like to refer to the table below showing parking standards for the various land uses.

Table 1		Car Parking Standards - Maximum Levels									
Accessibility Characteristic	Residential	Food Retail **	Non Food Retail **	B1 and A2 Offices	B2 - General Industry	B8 Warehousing	D2 Assembly and Leisure	Cinema & Conference **	Hotel and Guest Hse **	Hospital	High Education
<b>Type 1</b>	1space per dwelling upto 2 beds; 2+beds on merit	Operational Parking Only							on merits	on merits	on merits
<b>Type 2</b>	1 bed - 1 space; 2/3 bed - 2 spaces; 4 bed+ 2+spaces on merit	1 space per 14sqm	1 space per 20sqm	1 space per 30 sqm	1 space per 50 sqm	1 space per 200 sqm	1 space per 22 sqm	1 space per 5 seats	1 space per 1 beds	on merits	1 space per 200 sqm
<b>Application Threshold GFA (sqm.)</b>	N/A	1000	1000	500	500	1000	1000	1000	30	N/A	
* Coach parking treated separately											
** A PPG6 sequential test location policy will apply to these land uses											
Type 1 - This standard may be applicable to Central Policy Areas of larger towns but this will be determined by the District Council											
Type 2 - other areas											
<b>Parking Standards for Developments below the Threshold Size</b>											
There will be a presumption that the above maximum standards apply to developments below the threshold size but each case will be on merit and the parking provision for each site will be considered in the light of its location and the need to reduce private vehicle mileage in line with PPG13											

Based on these standards and on the proposed development (class use and scale), a B1 and B2 development would require 622 and 373 spaces respectively. Whilst the standards shown are maximum, considering that the site location is fairly sustainable the LHA is minded to supporting a justified optimum level rather than a maximum

level. The basis of the proposed 186 parking spaces will therefore need to be provided.

The application including the site plan have not been clear on the detail of cycle parking facilities on site. In my view there should be adequate covered cycle facilities preferably in close proximity to the building entrance to avoid cyclists having to negotiate the car parking areas if at all possible.

### **Transport Strategy**

I note that there is no Transport Statement/Assessment submission accompanying this application which is contrary to para 32 of the National Planning Policy Framework (NPPF). Reviewing the submitted Planning Statement, 3.5 states:

*“The responding Officer [from the county council] encouraged the inclusion of opportunities for sustainable travel and confirmed that any submission would require a Transport Assessment to evaluate the intensification of the use of the junction at Southam Road.”*

I also note in section 6.17 of the Planning Statement which states:

*“The enclosed Transport Assessment concludes that, in accordance with the NPPF, the additional traffic created by the proposed development would not have a material impact on the safety or operation of the local highway network and therefore the impact of the development is not considered to be “severe”. As such, there are no justifiable reasons for refusal on highway grounds.”*

The above would insinuate that a TA should have been attached (or rather is missing). A change of use from B8 to permit higher traffic generating land uses means that a TA of some kind is required. It is also proposed to surrender access from Ruscott Avenue, so that the sole point of access is from Southam Road, which will have an impact.

Intensification of traffic generation so close to Hennef Way is a concern and would require careful consideration. If a significant intensification of the use of the site is identified, it would also likely require a strategic transport contribution towards a scheme, such as relief to Hennef Way.

Improved facilities for pedestrians needs to link with bus stops at the Longelands Way/Ruscote Avenue junction for frequent bus route B9. In turn, these bus stops may need to be relocated and reinstated to an improved standard.

### **Public Transport**

Owing to Southam Road providing both vehicular and pedestrian access, it is vital to ensure that staff and visitors can access the site by all modes of transport. The Council's Local Transport Plan provides the policy background for much improved bus services in Banbury (the 'Banbury Bus Strategy'), as a means of increasing the proportion of people travelling by bus, and therefore reducing the currently very high proportion of car use for journeys wholly within the town, which causes significant traffic congestion.

There are two pairs of bus stop located on Southam Road in the vicinity of the site access with the closest pair located about 100metres south of the access. The other bus stops (about 200metres) north of the proposed site access were recently improved as part of the Waitrose development which saw a provision of hardstanding, a bus shelters, flag pole including information cases.

Whilst the infrastructure of the bus stops north of the site was uplifted, the quality of the stops closer to the access is extremely poor with just a flag pole and shall need significant improvements. It is considered reasonable for this development to fund for two Premium Route bus stop pole/flag./information cases and two shelters at an indicative cost of £16,000.

The developer will be required to liaise with Banbury Town Council regarding the style of bus shelter to be procured, along with confirmation that the Town Council will take on the ongoing liability for maintenance.

### **Drainage**

The SuDS proposals include the use of underground attenuation tank to manage surface water so that flood risks are not increased. The surface water will be restricted to outflow at 2.3 l/s in the 100-year (+CC allowance) storm event scenario by the use of a hydrobrake. Full detailed design details of the proposed SuDS system were not provided within the FRA and it is proposed to undertake a survey of the existing system on site so that levels and pipe sizes can be confirmed.

Infiltration potential at the site through infiltration testing to BRE 365 was not confirmed. However, the FRA reports that the site is unsuitable for infiltration via soakaway due to high ground water levels encountered at the site.

As well as the consideration of the modelled events, there should be a qualitative examination of what would happen if any part of the drainage/SuDS system fails, to demonstrate that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes. This should be supported by a flood exceedance route plan.

It is not clear the party responsible for maintenance of SuDS at the site. A SUDS Management and Maintenance Plan must be provided and include:

- Details of which organisation or body will be responsible for vesting and maintenance for individual aspects of the drainage proposals (individual properties/curtilages, roads, special areas etc) with evidence that the organisation/body has agreed to such adoption. Where the agreement is subject to other legalities, it may be acceptable to provide agreement-in-principle.
- Details of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.
- A Maintenance Schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

- A Site Plan identifying the location of each element of the drainage scheme, including access points, maintenance access easements and outfalls. Maintenance operational areas are to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site for example by providing a silt deposit area and cut weed composting area for large ponds.
- Any health and safety information required to manage identified residual risks associated with maintenance activities

### **Travel Plan**

It should be noted that at this stage a Framework Travel Plan needs to be included. This framework travel plan will act as an umbrella plan for the site as a whole and will set the travel aspirations for the site. Future occupiers will either make a commitment to take on the objectives of this travel plan or if their business is over travel plan thresholds they will be develop their own travel plan using this framework travel plan as the basis for their plan. If their individual site is above travel plan thresholds they will also be expected to pay the appropriate monitoring fees.



**Planning Conditions:**

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

- Standard conditions would need to be applied for:
- Approval of detail of access arrangements
- Approval of car parking and cycle parking detail
- Travel plan
- Drainage condition to include;
  - Discharge Rates
  - Discharge Volumes
  - SUDS (Underground Attenuation Tank)
  - Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
  - Detailed drainage layout with pipe numbers
  - Network drainage calculations
  - Phasing
  - Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

**Officer's Name: Rashid Bbosa**

**Officer's Title: Transport Engineer**

**Date: 29 August 2018**

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