

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

District: Cherwell

Application no: 23/01633/F

Proposal: Demolition of existing retail units and public car park and redevelopment for residential dwellings (C3 Use), provision of private car parking, hard and soft landscaping and photovoltaic (PV) panels on roof, and associated works.

Location: Site at Calthorpe Street and Marlborough Road, Banbury

Response Date: 20/07/2023

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

Assessment Criteria

Proposal overview and mix /population generation

OCC's response is based on a development as set out in the table below. The development is taken from the application form.

| Residential | |
|--------------------------|-----|
| 1-bed dwellings | 154 |
| 2-bed dwellings | 59 |
| 3-bed dwellings | 9 |
| 4-bed & larger dwellings | 8 |

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 | 388.68 |
| Nursery children (number of 2- and 3-year olds entitled to funded places) | 5.49 |
| Primary pupils | 22.97 |
| Secondary pupils including Sixth Form pupils | 17.56 |
| Special School pupils | 0.74 |
| 65+ year olds | 44.83 |

Application no: 23/01633/F

Location: Site at Calthorpe Street and Marlborough Road, Banbury

General Information and Advice

Recommendations for approval contrary to OCC objection:

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

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

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.
- **Administration and Monitoring Fee - £6,350**
This is an estimate of the amount required to cover the 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 a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more

- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

Application no: 23/01633/F

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Transport Schedule

Recommendation:

Objection for the following reasons:

- Whilst the development is located in a sustainable location, it lacks safe cycle access. Without mitigation this is contrary to LTCP Policy 2b, Local Plan Policy SLE4, and NPPF Paragraph 110.
- The proposed cycle parking does not meet OCC Parking Standards

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives as detailed below.

S106 Contributions

| Contribution | Amount £ | Price base | Index | Towards (details) |
|---|-----------------|-------------------|--------------|--|
| Cycle and pedestrian infrastructure | TBC | | | New and upgraded facilities as part of the Banbury LCWIP and improvements to pedestrian infrastructure in the town centre. |
| Public transport infrastructure (<i>if not dealt with under S278/S38 agreement</i>) | £9,356 | Oct 2021 | Baxter | Bus stop real time information display |
| Traffic Reg Order (<i>if not dealt with under S278/S38 agreement</i>) | £3,652 | April 2023 | RPI-x | Costs related to advertising and consulting on changes to parking restrictions in the vicinity |
| Travel Plan Monitoring | £1558 | Dec 2021 | RPI-x | Cost to OCC of monitoring the travel plan. |

| | | | | |
|--------------|--|--|--|--|
| | | | | |
| Total | | | | |

Other obligations:

- Off-site highway works – site access junctions, improvements to footways on Marlborough Rd and Calthorpe Street, crossing of Calthorpe Street

Key points

- Site is in a sustainable town centre location
- However, improvements needed to pedestrian and cycle access and linkages
- Contribution also required for bus real time information
- Clarification required on connectivity across the site
- Cycle parking is not sufficient in line with Oxfordshire Parking Standards
- Clarification required on location and detail of cycle parking
- Some car free development is supported, but clarification required on whether parking is allocated. Alterations to nearby TRO/Residents parking may be required to address potential overspill parking.
- Information required on how construction would be managed so as to minimise impact on users of the highway
- Concern about loss of trees and impact on pedestrian environment

Comments:

Introduction

This application is for a high density residential development of 230 dwellings on land currently occupied by large retail stores and a public car park. The majority of the development comprises 1 and 2-bedroom flats, with only 9 houses. To address the level change across the site, there would be significant earthworks to create a lower ground level, including undercroft parking, and a ground level.

Loss of a foodstore from the town centre is regrettable in terms of walkable neighbourhoods, but there are other foodstores in the vicinity. If any of the stores were to locate to an out of town location, this would be less sustainable in transport terms, but that would need to be balanced with the positive impact of locating dwellings close to public transport hubs, employment and local facilities.

Access arrangements

A primary vehicular access would be created off Marlborough Road in approximately the position of the current car park access. This would provide pedestrian and cycle access, access to only a few car parking spaces, and a service access. Due to the level changes described above, this would not be steeply ramped as at present.

The northern apartment block would have pedestrian access directly into its ground level units from Marlborough Street and Calthorpe Street. A new pedestrian access would be created onto Calthorpe Street north of the existing Calthorpe House.

In approximately the location of the Calthorpe Street entrance to the NCP car park, a vehicle access via a ramp down into the undercroft car park, and a separate pedestrian access into the site would be provided. In approximately the position of the service access to the TKMaxx/Farmfoods stores, a vehicle and pedestrian access would be provided – this would provide vehicle access to the townhouses only. The existing small carpark at the southern end of the site on Calthorpe Road would remain.

The vehicular access positions are acceptable in principle and the works required to create/adapt them will require a S278 agreement with OCC. However, they will need to be designed to create continuous level footways with pedestrian priority across the accesses. **Details of off-site highway works to be provided.**

It is assumed that the access roads within the site would not be offered for adoption but this should be clarified. Adoption may affect the choice of materials and landscaping that can be provided. **Clarification required.**

Pedestrian and cycle connectivity

The permeability of the site is welcomed and necessary to encourage walking and cycling. However, it isn't clear whether the southern access onto Calthorpe Road is stepped. It's assumed the access route between Marlborough Road and the northern access onto Calthorpe Road is step-free but this needs to be clarified. Please provide further clarification of where the steps are. It is stated that there is to be a lift to take people between the landscaped levels in the main north south route through the site. A ramp would be much preferable, as lifts like this are very frequently found out of order. **Further information required.**

There should be level or ramped routes for bins and trolleys for deliveries to residents, which do not rely on this external lift. **More information is required to demonstrate these routes.**

The access points onto Calthorpe Road should be accessible for cycles, and at least one should allow for cycles to be ridden, and should therefore be 3 metres wide. Both accesses currently look too narrow.

Although the site is located within easy cycling distance of employment and facilities, cycling connectivity across the town centre is currently poor. I am not sure whether the cycling times shown in the transport assessment take account of this. It is not possible for cyclists to turn right onto Marlborough Road. They can turn left and then right onto the high street but would then need to turn right into George Street, i.e. they are not permitted in the pedestrianised part of High Street. To access employment to the north of the town they would need to use South Bar and North Bar.

The Transport Assessment states at 4.3.2 that the 'local roads are of suitable geometry and sufficiently low vehicular speeds that informal cycling in the carriageway is possible without detriment to highway safety'. While it is expected that the surrounding roads will, subject to consultation, be subject to a 20mph speed limit in the next year or so, even at this speed, traffic volumes are almost certainly above the volumes set out in LTN 1/20 which set a threshold for requiring dedicated space for cycling.

The Oxfordshire LTCP Policy 2b states that 'We will ensure that all new developments have safe and attractive walking and cycling connections to the site..' According to the LTN 1/20, infrastructure would be required as mitigation for the site, to provide a safe connection for cyclists.

The Local Cycling and Walking Infrastructure Plan for Banbury is expected to be approved later this week, and sets out key routes in Banbury requiring upgrade. Route 1 goes north-south along South Bar and North Bar and would be used by residents at the site to access employment sites to the north. Route 2 connects South Bar to Bloxham Road via Crouch Street and would be used as a connecting route to schools. An onward connection along Calthorpe Street would connect this route to the town centre.

In terms of walking, conditions for pedestrians in Calthorpe St and Marlborough Road are poor, and the developer should provide improvements along the frontages of the development as part of S278 works, including continuous footways across the accesses. Dropped kerbs will be required at the pedestrian access points, for pushing (but preferably riding) cycles. A crossing on Calthorpe Street should be provided, which could be in combination with a raised table junction incorporating access to the council car park. The bus stop on Calthorpe Road should be incorporated into the design, potentially with additional seating, and the shelter should be shown on the drawings and elevations.

A package of decluttering and localised pedestrian improvements to the route between the site and town centre, via the High Street, is being developed as an action of the LCWIP. The site is required to make a financial contribution to provide for OCC to deliver this, in addition to the crossing upgrade on South Bar, which is a key cycle link, and cycle facilities on Calthorpe Street to link to it.

I am concerned about the loss of a number of mature trees on Calthorpe Street and Marlborough Road. It looks as though these are not highway trees (though this should be confirmed by a detailed survey of the highway boundary). These provide shade and other benefits and their loss will lead to a deterioration in the environment, making walking less

attractive. The loss of these trees contributes to the requirement for the site to provide for off-site mitigating measures to improve conditions for pedestrians (and local residents).

Public transport

We are satisfied there is good provision of bus services in the vicinity of the development. We therefore don't require a bus service contribution in this instance – this also reflects the location of the development being in the town centre and therefore a short walking distance to a number of services and employment opportunities.

Note the table of buses serving the Calthorpe Street stop is incomplete, route S4 (linking Banbury with Oxford) also stops here and is probably the most significant of any of the routes from this stop.

The closest bus stop to the development, the Calthorpe Street stop, is already equipped with a fairly new bus shelter. It does not however have real-time information. To provide an attractive, up to date travel experience that people will have confidence in using, a real-time information screen is required in the shelter. **A contribution is therefore required for £9,356 for this provision of real-time information in the vicinity of the site** (Baxter indexed, base October 2021).

Car parking

Within the site, only the existing small car park at the southern end of Calthorpe Road would remain as public car parking. The transport assessment contains an assessment of the impact of the loss of public parking spaces that would result from the development, taking into account that a proportion of the demand for parking at the current NCP car park at the site would be generated by the existing retail, which would be lost as a result of the development. Parking surveys were carried out in March 2023 showing 22% residual parking capacity within the town centre. It concludes that there is sufficient capacity in other car parks within a 400m radius to accommodate all demand.

The parking provided for residents is limited, though the parking provision needs to be clarified. The TA states that there would be 63 unallocated spaces in the undercroft parking area (in addition to the 9 allocated outside the townhouses), but the Design and Access statement (chapter 7) states that it is anticipated that spaces will be allocated to units, to reduce unexpected demand for parking in the vicinity of the site and the likelihood of residents driving around looking for spaces. If spaces are allocated, they must all have an EV charging point (parking standards para 4.11). If not allocated, then in addition to those with a live charging point, all spaces must have ducting for future charging points.

The concept of car free development is supported by OCC's parking standards (para 4.12) where the site is within a town with parking restrictions imposed within its vicinity, has good sustainable transport access and is within 800m of local amenities and services, all of which apply here. However, it also says that OCC will require such sites to incorporate a Controlled Parking Zone into a site's master plan where a CPZ does not already exist. If

parking is unallocated, residents finding themselves unable to park in the development may take up time restricted bays in the area and/or park inappropriately in the local area overnight. **Further information required.**

There may be some requirement to amend the restrictions on some nearby bays and introduce loading bans, or even resident permit bays for existing residents. The Travel Plan suggests that the LHA could preclude the granting of parking permits for those apartments which do not benefit from allocated spaces. However the development is not currently within a Residents' Parking Zone. The direct frontages on Marlborough and Calthorpe Road may result in a need for a loading restriction.

A contribution will be required for OCC to consult on and make necessary changes to parking TROs in the area.

Cycle parking

A number of cycle stores are provided throughout the site, although their location is not clear from the floor plans, on which they are not labelled. Further detail is required to understand exactly where these stores are, how they are accessed, and the type of cycle parking within them. The OCC Parking Standards state that cycle parking should be provided in a convenient location close to building entrances and that the parking should be in the style of a Sheffield stand, not double-decked or vertical unless agreed by OCC in special circumstances. **Further information required.**

The TA states that cycle parking would be provided at one space for a 1-bedroom unit, and 2 spaces for larger units. However, since our preapplication advice the parking standards have been updated. The requirement is now for 2 spaces per bedroom. **Reason for objection.**

Covered cycle parking for the townhouses is absent from the plans and should be included **Reason for objection**

Each cycle parking store should provide for e-bike charging.

Cycle parking should not be left to condition, as it needs to be established that it can be accommodated to the right standard within the layout.

Refuse collection

Refuse collection would be from within the development, however bin stores are not labelled on the floor plans. **Further information required.**

Traffic impact

The TA compares the peak hour and daily trip generation of the proposed development with the extant land uses on the site, and this results in a significant reduction in vehicle

movements. Therefore the traffic impact of the development cannot be considered to be severe.

Travel Plan

The Applicant has submitted a framework travel plan with this outline application, this plan is fine for this stage of the application however it will need to be updated to a full travel plan prior to the first occupation of this site. Details of the information required in the full travel plan can be obtained from the Oxfordshire County Council guidance document; Transport for new developments, Transport Assessments and Travel Plans (March 2014).

This updated travel plan will need to provide baseline travel information, modal shift targets, a detailed action plan with a timeline and responsible person and budget for the delivery of these targets.

As part of the travel plan actions the developer should provide the new residents with Travel Information packs to support them in active travel choices.

Construction

Because of the amount of earthworks there is potential for a high volume of HGV movements in a residential area. Further details are required of how the construction impact would be managed, which accesses would be used etc. Calthorpe Road access would be preferable. All deliveries must take place within the site. **Further information required.**

On Marlborough Road the development appears to abut the back of the footway. There must be no overhanging of any part of the buildings over the highway, including windows. Any requirement for closure of footways would require a safe alternative route to be provided.

Surface water from the development must not drain onto the highway.

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

£TBC Cycle and Pedestrian Infrastructure Contribution indexed from XX using Baxter Index

Towards: Cycle infrastructure on Calthorpe Street, upgrade of crossing on South Bar connecting into LCWIP route, and localised pedestrian improvements in High Street.

Justification: Roads leading to the site do not have dedicated cycle infrastructure segregating cyclists from traffic, which is required to provide safe cycle access to the development. Conditions for pedestrians are poor and improvements are required to encourage walking to/from the site. LTCP Policy 2b, Local Plan Policy SLE4, NPPF Para 110.

Calculation: TBC

£9,356 Public Transport Infrastructure Contribution indexed from Oct 2021 using Baxter Index

Towards: Bus stop real time information display.

Justification: Required to encourage bus travel to/from the site. LTCP Policy 18e, NPPF Para 110

Calculation: This is the standard cost to OCC of providing and maintaining the unit.

£3,652 Traffic Regulation Order Contribution indexed from April 2023 using RPI-x

Towards: Cost to OCC of advertising and consulting on changes to parking restrictions in the area.

Justification: Car free development may lead to residents' parking overnight in timed bays nearby, reducing space available for existing residents and potentially causing unsafe parking on junctions, obstructing footways etc.

Calculation: This is a standard cost set out in the council's list of fees and charges.

£1,558 Travel Plan Monitoring Fee indexed from Dec 2021 using RPI-x

Justification: A travel plan is required to ensure uptake of sustainable travel to/from the site. The travel plan needs to be a live document, with surveys carried out and regular monitoring and review of measures. The contribution is required to cover the cost to OCC of monitoring the travel plan, without which it would be ineffective.

Calculation: The amount is standard for this size of development, and has been calculated based on an estimate of officer time required to review the travel plan over five years.

S278 Highway Works:

- An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including site access junctions, continuous footway along Calthorpe Street and Marlborough Road frontages, and crossing of Calthorpe Street.

Notes:

This is to be secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.

The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

Planning Conditions:

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

No development shall commence unless and until full details of the means of vehicle, pedestrian and cycle access between the land and the highway, together with footway and crossing improvements on the site frontages, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

No development shall commence unless and until full specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, have been submitted to and approved in writing by the Local Planning Authority. The turning area and car parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development shall be retained as such for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in

writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve, and retained as such thereafter.

Reason - To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

Prior to the first occupation of the development hereby approved, a Travel 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 development shall be implemented and operated in accordance with the approved details.

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

Prior to commencement of the development hereby approved, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved Parking Management Plan.

Reason - In light of the reduced amount of on-site parking, to mitigate the risk of residents' parking overspilling into the local area and causing a nuisance and/or a danger to road users.

Informatives:

Prior to the commencement of a development, a separate agreement(s) must be obtained from Oxfordshire County Council's (OCC) Road Agreements Team for the proposed highway works (vehicular access, new footway links, bus infrastructure, pedestrian refuge island, carriageway widening and new right-turn lane) under S278 of the Highways Act 1980. For guidance and information please contact the county's Road Agreements Team via <https://www.oxfordshire.gov.uk/cms/content/contact-road-agreements-team>.

It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

No vehicles associated with the building operations on the development site shall be parked on the public highway, so as to cause an obstruction. Any such obstruction is an offence under S137 of the Highways Act 1980.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 19/07/2023

Application no: 23/01633/F

Location: Site at Calthorpe Street and Marlborough Road, Banbury

Lead Local Flood Authority

Recommendation:

No Objection subject to conditions.

The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Reference:

| | |
|------------------------------|-----------------------------|
| Flood Risk Assessment | 24447-HYD-XX-XX-FR-0001 P02 |
| Drainage Strategy and Layout | 22055-D100 |

Reason:

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

Surface Water Drainage

Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)

- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems
-

SuDS As Built and Maintenance Details

Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Officer's Name: Shada Hasan

Officer's Title: LLFA Engineer

Date: 11/07/2023

Application no: 23/01633/F

Location: Site at Calthorpe Street and Marlborough Road, Banbury

Education Schedule

Recommendation:

No objection subject to:

- **S106 Contributions** as summarised in the tables below and justified in this Schedule.

| Contribution | Amount £ | Price base | Index | Towards (details) |
|------------------------------------|-----------------|---------------|--------------------|--|
| Secondary education | £598,266 | 327 | BCIS All-In TPI | Secondary education capacity serving the development |
| Secondary Land Contribution | £59,995 | Nov-20 | RPIX | Secondary school land contribution serving the development |
| Special education | £35,896 | 327 | BCIS All-In TPI | Special school education capacity serving the development |
| Total | £694,157 | | | |

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

£598,266 Secondary School Contribution indexed from TPI = 327

Justification:

For secondary education provision, demand for places in the town has risen in recent years, such that over the last three years there were more applicants than places available. The need for places is expected to continue to grow as a result of population growth from planned housing development in the area, resulting in a sustained shortage of secondary school places across the Banbury area unless additional capacity is provided. Therefore, there would be insufficient secondary capacity in the Banbury area to accommodate the expected pupil generation from the proposed development.

A site for a new secondary school has been included in the Cherwell Local Plan as part of policy area Banbury 12. The new school will need to be at a minimum a 600-place secondary school, and would be built at a size to provide sufficient capacity for the planned

growth of the town's population, including that resulting from this proposed development, should it be permitted.

Calculation:

| | |
|---|-----------------|
| Number of secondary pupils expected to be generated | 18 |
| Estimated per pupil cost of building a new 600-place secondary school | £33,237 |
| Pupils * cost = | £598,266 |

£59,995 Secondary School Land Contribution indexed from Nov-20

Justification:

The county council will incur a cost to purchase land for the planned secondary school within the Banbury 12 policy area, which would serve this proposed development. This will provide land for 600 pupils

The required site area for a 600-place secondary school is 4.88ha. Based on an educational land value of £409,761/ha @ November 20 this gives a total expected cost of £1,999,633

This equates to a cost per pupil of £3,333 ($£1,999,633 \div 600$)

Calculation:

This application is expected to generate 18 secondary pupils therefore the required contribution is towards school land costs is $£3,333 * 18 = £59,995$

£35,896 Special School Contribution indexed from TPI = 327

Justification:

Government guidance is that local authorities should secure developer contributions for expansion to special education provision commensurate with the need arising from the development.

Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of

primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.

The county council's Special Educational Needs & Disability Sufficiency of Places Strategy is available at <https://www.oxfordshire.gov.uk/residents/schools/our-work-schools/planning-enough-school-places> and sets out how Oxfordshire already needs more special school places. This is being achieved through a mixture of new schools and expansions of existing schools.

The proposed development is expected to further increase demand for places at SEN schools in the area, and a contribution towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation quoted above.

Calculation:

| | |
|---|----------------|
| Number of pupils requiring education at a special school expected to be generated | 0.4 |
| Estimated per pupil cost of special school expansion | £89,741 |
| Pupils * cost = | £35,896 |

The above contributions are based on a unit mix of:

- 154 x 1 bed dwellings
- 59 x 2 bed dwellings
- 9 x 3 bed dwellings
- 8 x 4 bed dwellings

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

Officer's Name: Louise Heavey

Officer's Title: School Place Planning Lead

Date: 10/07/2023

Application no: 23/01633/F

Location: Site at Calthorpe Street and Marlborough Road, Banbury

Archaeology

Recommendation:

No objection subject to conditions requiring a staged programme of archaeological investigation is carried out on the site.

Key issues:

Legal agreement required to secure:

Conditions:

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 along the lines of:

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 (2021).

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 within two years of the completion of the archaeological fieldwork.

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 (2021).

Informatives:

Detailed comments:

The development site lies in an area of archaeological potential, and a detailed Archaeological Desk Based Assessment has been submitted with this application (Oxford Archaeology 2023). The ADBA has outlined that the site has potential to contain surviving archaeological remains, particularly from the early development of the town of Banbury in the late Saxon and later Medieval period, as the site lies immediately south of the Medieval High Street. An archaeological evaluation was carried out on part of the northern side of the site, which recorded Medieval burgage plots and a Medieval pit. It is likely that the southern part of the site remained as gardens and open land until the 19th and 20th century development of the site.

A recent archaeological excavation has taken place 300m north of the current proposal site, at Bolton Road, on a similar plot which saw Medieval occupation and then 19th and 20th century development. Though there were some areas which had been significantly truncated, a large area of the site also contained Medieval remains, which could possibly be related to Banbury Castle (ECUS Archaeology *forthcoming*).

An archaeological staged programme of investigation should be implemented, if the scheme is granted permission. The first stage should be formed of a trenched evaluation to investigate the levels of truncation which may have resulted from previous work on the site, as well as the level of preservation of any archaeological remains.

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

Date: 19/07/2023

Application no: 23/01633/F

Location: Site at Calthorpe Street and Marlborough Road, Banbury

Waste Management

Recommendation:

No objection subject to S106 contributions

Legal agreement required to secure:

No objection subject to:

- S106 Contributions as summarised in the tables below and justified in this Schedule.

| Contribution | Amount | Price base | Index | Towards (details) |
|-----------------------------------|----------------|-------------------|-----------------|--|
| Household Waste Recycling Centres | £21,611 | 327 | BCIS All-In TPI | Expansion and efficiency of Household Waste Recycling Centres (HWRC) |

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

£21,611 Household Waste Recycling Centre Contribution indexed from Index Value 327 using BCIS All-in Tender Price Index

Towards:

The expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.

Justification:

1. Oxfordshire County Council, as a Waste Disposal Authority, is required under the Environmental Protection Act 1990 (Section 51) to arrange:

“for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited”;

and that

“(a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;

(b) each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25th December or 1st January);

(c) each place is available for the deposit of waste free of charge by persons resident in the area;”

2. Such places are known as Household Waste Recycling Centres (HWRCs) and Oxfordshire County Council provides seven HWRCs throughout the County. This network of sites is no longer fit for purpose and is over capacity.
3. Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently ‘over capacity’ (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 230 wellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 920 HWRC visits per year.
4. Congestion on site can reduce recycling as residents who have already queued to enter are less willing to take the time necessary to sort materials into the correct bin. Reduced recycling leads to higher costs and an adverse impact on the environment. As all sites are currently over capacity, population growth linked to new housing developments will increase the pressure on the sites.
5. The Waste Regulations (England and Wales) 2011 require that waste is dealt with according to the waste hierarchy. The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt. Combined with the complex and varied nature of materials delivered to site it will become increasingly difficult over time to comply with the EU Waste Framework Directive 2008, enacted through the Waste Regulations (England and Wales) 2011 (as amended), maintain performance and a good level of service especially at busy and peak times.

Calculation:

| | | |
|---|----------------|---|
| Space at HWRC required per dwelling (m ²) | 0.18 | Current land available 41,000m ² , needs to increase by 28% to cope with current capacity issues. Space for reuse requires an additional 7%. Therefore, total land required for current dwellings (300,090) is 55,350 m ² , or 0.18m ² per dwelling |
| Infrastructure cost per m ² | £275 | Kidlington build cost/m ² indexed to 327 BCIS |
| Land cost per m ² | £247 | Senior Estates Surveyor valuation |
| Total land and infrastructure cost /m ² | £522 | |
| Cost/dwelling | £93.96 | |
| No of dwellings in the development | 230 | |
| Total contributions requested | £21,611 | |

Detailed comments:

Oxfordshire councils have ambitious targets to reduce the amount of waste generated and increase the amount recycled as demonstrated in our Joint Municipal Waste Management Strategy 2018-2023. Enabling residents of new dwellings to fully participate in district council waste and recycling collections is vital to allow Oxfordshire's high recycling rates to be maintained and reduce the amount of non-recyclable waste generated.

Given the pressing urgency of climate change and the need to embed the principles of the circular economy into all areas of our society, we encourage the applicant to consider including community spaces that help reduce waste and build community cohesion through assets such as community fridges, space for the sharing economy (library of things), refill stations, space for local food growing etc.

The proposed bin storage areas and the basis that has been used for allocating overall bin volumes in relation to the mix of each apartment size must ensure the correct number of mixed recycling, refuse and food recycling bins are provided and that this is acceptable by the waste collection authority - Cherwell District Council. Bin stores must be safe and easy to use for residents and accessible by waste collection crews.

The development will increase domestic waste arisings and the demand for all waste management services including Household Waste Recycling Centres (HWRCs).

Conditions:

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

N/A

Officer's Name: Mark Watson

Officer's Title: Waste Strategy Projects Officer

Date: 12/07/2023