



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

**BANBURY OIL DEPOT
TRAMWAY ROAD BANBURY**

“Outline planning application for the redevelopment of the Banbury Oil Depot, to include the demolition/removal of buildings and other structures associated with the oil depot use and the construction of up to 143 apartments, and up to 166m² of community/and or retail/and or commercial space, (Class Use E and/or F2) with all matters (relating to appearance landscaping, scale and layout) reserved except for access off Tramway Road”.

On behalf of The Motor Fuel Group Ltd

MARCH 2021

PF/10254

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1.0 INTRODUCTION

1.1 This Planning Statement is prepared on behalf of The Motor Fuel Group Ltd, in support of an outline planning application for a residential led development on the Banbury Oil Depot. The application site lies within the administrative boundary of Cherwell District Council (CDC) and extends to 0.87ha. The Site boundary is edged in red on the Site Location Plan (**Appendix 1**).

1.2 The purpose of this Planning Statement, as an overarching document, is to explain the planning background of the proposals for the Local Planning Authority (LPA) and the surrounding community, and to consider the national, and local planning policy framework within which the application will be assessed.

1.3 The details of the development comprising, layout, appearance, scale and landscaping will be subject to 'reserved matters' applications. The proposed access off Tramway Road is submitted as a detailed proposal. The application description is as follows:

“Outline planning application for the redevelopment of the Banbury Oil Depot, to include the demolition/removal of buildings and other structures associated with the oil depot use and the construction of up to 143 apartments, and up to 166m² of community/and or retail/and or commercial space, (Class Use E and/or F2) with all matters (relating to appearance landscaping, scale and layout) reserved except for access off Tramway Road”.

1.4 Banbury Oil Depot stores and distributes oil and is located on the edge of Banbury Town Centre and adjacent to the Banbury Railway Station. The oil storage and distribution use are anticipated to cease in 2022, when the land will become available for other uses.

1.5 The Site forms part of the Canalside regeneration area, as allocated by CDC within Planning Policy Banbury 1 Banbury Canalside (BAN1) in the Cherwell Local Plan (Adopted July 2015). The Canalside regeneration area extends to include the land between Banbury Town Centre and Banbury Railway Station. **Appendix 2** shows the extent of the Canalside regeneration area.

1.6 The regeneration of Canalside represents a major opportunity to redevelop a substantial area close to the town centre to secure;

- Improved access to the railway station;
- The integration of the canal and River Cherwell as central features of the town; and,
- To provide new residential, commercial and retail development in a sustainable location.

1.7 Banbury Oil Depot is an important Brownfield site within the allocation that will play a significant role in the regeneration of Canalside and assist in achieving the Council's vision for the wider Banbury Town Centre. The Site can deliver up to 143 apartments with a mix of 1, 2 and 3-bedroom apartments, together with area up to 166m² of community/and or retail/and or commercial space.

1.8 This Planning Statement should be read alongside the following illustrative plans and Technical Reports.

- Dwg no: 255_L01 Red Line Plan
- Dwg No 36481-1 Topographical Survey Existing
- Dwg No 36481-2 Topographical Survey Existing
- Dwg no: 255_P01- Parameters Plan
- Dwg no 255_P02-Access & Parking Options
- Dwg no: 255_P03-Illustrative Masterplan
- Dwg no: 9156L.LSP.001 Illustrative Landscape Plan
- Dwg no: 22251-02 Access details
- Dwg no 2251-02-2 Vehicle Tracking
- Dwg no 255_SK06-Demolition Plan

- Design and Access Statement
- Flood Risk Assessment (10682 FRA01 Rv1)
- Air Quality Assessment (10682/01)
- Utilities Report (10682 SS01 Rv1)
- Transport Assessment (DN/RT/22251-02b)
- Arboricultural Report ([1159-AIA-V1-A)
- Noise and Vibration Survey (A3984/N/001)
- Heritage Assessment (edp6595_r001b)
- Ecology Appraisal (P20-643)
- Sustainability Assessment (21.0063/AA/NW)
- Land Quality Assessment (210312 404.02082.00181 R PLQRA Banbury)
- Statement of Community Engagement (Appendix 1 of this Planning Statement)

Benefits of the Proposed Development

1.9 The Proposed Development delivers new housing in the town centre i.e., in a sustainable location and will assist with the Council's housing land supply, meeting housing needs of Banbury over the plan period. A high-quality landmark development is proposed which will replace an unattractive Brownfield site. The development would contribute to meeting an identified housing need in Banbury in a sustainable manner.

1.10 The Proposed Development will deliver the following benefits:

- Efficient use of an unattractive Brownfield site by making a more efficient use of the site and kick start the regeneration of the local area;
- The provision a high quality architecturally designed housing development in an important gateway location which will significantly improve the character of the surrounding area;
- Delivery of high-quality public realm improvements including the opportunity for pedestrian and cycle links across the site and the River Cherwell;
- Achieving development in a sustainable location, with easy access to pedestrian routes, local facilities and amenities, and close to public transport including bus routes, minimising the need to travel by car;
- Delivering much needed housing in a sustainable location to meet local housing need;
- Widening the choice of high-quality homes in a town centre location;
- Creating a 'gateway' to the Station and the approach to Banbury Town Centre;
- Creating jobs during construction;
- Economic benefits during construction (direct and indirect positive impacts resulting from new housing construction). A study by the Confederation of British Industries (CBI) demonstrates that construction projects have a significant benefit on the local and wider economy. The report concludes that for every £1 of construction spend, £2.84 is injected into the economy;
- Enhancing the viability of local businesses and services within the local area by increased user quantum which will positively contribute to a strong and vibrant community;
- Increasing activity in the local area including an active frontage particularly on Tramway Road and Station Approach. This will invigorate the local area and make it more attractive as an environment for pedestrians to pass through. This will also increase the perception of safety and security in the area through increased active and passive surveillance;
- Promotion of social inclusion due to the site's proximity to the town centre by ensuring all users have excellent access by walking, cycling and public transport to the town shops, services and facilities and employment;
- Promotion of sustainable transport through improved connectivity and permeability through the local area;
- Delivery of energy efficient new homes seeking to reduce the carbon footprint; and,
- Provision of a Sustainable Drainage System (SuDS) to ensure that the site can provide a betterment to existing run-off rates.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The Site lies within the administrative boundary of CDC and extends to 0.87ha. The Site lies to the east of Banbury Town Centre, with Banbury Railway Station to the east and the River Cherwell to the west. Banbury Bus Station is located a 400m walk to the north west of the Site. Banbury Oil Depot is an important Brownfield site in the middle of Banbury.
- 2.2 The Site has vehicular and pedestrian access off Tramway Road; which terminates for vehicular access at the existing entrance to the Oil Depot. Tramway Road continues for around 100m to the north east and terminates at Station. Tramway Road predominately accommodates commercial developments, with Magnet Kitchens contiguous with the Site's southern boundary, SH Jones Wine merchants opposite, with further commercial buildings beyond.
- 2.3 The Brownfield Site accommodates an oil distribution and storage facility, a use not suitable for a location close to the town centre and station. The Site is unattractive and negatively impacts the local area and the approach to the town centre from the railway station. The Site is separated from the River Cherwell by dense unmanaged landscaping. Beyond the River Cherwell are further commercial buildings and the Oxford Canal.
- 2.4 The Site is accessible to a wide range of everyday facilities and services by foot or cycle, with the town centre being within a 5minute walk. Cherwell Industrial Estate, Tramwell Industrial Estate Banbury Trade Park, and the Central M40 employment site are all within a 10-minute cycle ride.
- 2.5 This Brownfield site and its surroundings are urban in character. The site is situated in a gateway location and is very well positioned, on the edge of Banbury Town Centre to access a range of facilities provided in this highly sustainable location. All necessary services and facilities are conveniently situated to the Site and provide the opportunity for access and travel by alternative methods to the private car.

3.0 PRE-APPLICATION ENQUIRY

- 3.1 The Applicant undertook pre-application enquires with the LPA and met with Officers on the 2nd March 2020. The Applicant prepared a Vision Document and illustrative Masterplan that was reviewed at the meeting. The following points were noted:
- The Council seeks the Canalside scheme to come forward comprehensively – 700 dwellings;
 - The Banbury Vision and Masterplan SPD (December 2016) (BV&M) states the housing mix should be 30% house and 70% flats. The proposed scheme would take up provision for flats;
 - Concerns relating to the height – 6 storeys. The Draft Canalside SPD includes for 4 storeys, with 6 storeys at key points;
 - The Council may support apartments and 6 storeys pop up to the north of the Site (station gateway), but would prefer houses to the south;
 - Concerns relating to the street frontage facing Station Approach, contrary to the BV&M SPD that includes dwelling backs to Station Approach;
 - The BM&VD includes all town centre uses, as well as residential. The Council did not have any preferences for other uses to be included within the scheme.
 - The Council confirmed that the Local Highway Authority would consider a reduction in car parking provision.
 - The Council confirmed the revised timeframe for the preparation of the Canalside SPD. Preparation 03 – 09/2020, Consultation 10/2020 with adoption 12/2020.
 - The Council confirmed that the that the SPD is likely to include the retention of some of the existing commercial uses and buildings.

4.0 THE PROPOSED DEVELOPMENT

- 4.1 The proposal consists of the redevelopment of the Banbury Oil Depot, including the demolition of buildings and the removal of structures associated with the oil depot use, and the construction of up to 143 apartments, with a up to 166m² of community/and or commercial and or/retail space (Class Use E and F2).
- 4.2 The developable area of the site is located to the east of the River Cherwell, with 5 x 4-storey apartment blocks located adjacent to the Tramway Road. Building heights will increase to 6-storeys at key nodes to revitalise the sense of place, creating a gateway building to the station and Town Centre approaches. The apartment buildings will hug Tramway Road and Station Approach creating active frontages.
- 4.3 The development includes up to 98 car parking spaces, which reflects car parking need based on car ownership within Banbury (Census 2011). There will be a mix of under croft and surface car parking, together with cycle stands.
- 4.4 The Illustrative Landscape Plan demonstrates how the Site could interact with the River Cherwell and includes open space terraces and river walkways. The enhancement and management of the river through landscaping will create the opportunity for significant biodiversity net gains. Other habitat net gains will be provided through green roofs and other enhancements as included in the Ecology Appraisal.
- 4.5 The development includes land that will be safeguarded (no building will be placed in these area) for potential bridge links across the river. These connections may be delivered as other areas of the Canalside area are brought forward. Bridge connections and the riverside walk will further integrate the river and the town and will become a 'green lung' for residents to enjoy.

5.0 THE PLANNING CONTEXT

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination of planning applications should be made in accordance with the Local Development Plan unless material considerations indicate otherwise. The Local Development Plan includes the adopted plans in the Table 1 below.

Table 1: Local Development Scheme Schedule of Documents
Adopted Local Plans and Supplementary Planning Documents (SPD)
Cherwell Local Plan 2011-2031 (Adopted July 2015) (CLP)
Cherwell Local Plan Part 1 (adopted 1996) saved policies (CLPSP)
Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Needs. (Adopted September 2020)

5.2 The following planning policies are relevant to this outline planning application:

Cherwell Local Plan 2011-2031 Part 1 (adopted July 2015) (CLP)

- Policy Banbury1: Banbury Canalside
- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy BSC2: The Effective and Efficient Use of Land. Brownfield Land and Housing Density
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing Mix
- Policy BSC10: Open space, Outdoor space and Recreation Provision
- Policy ESD 6: Sustainable Flood Risk Management
- Policy SLE 4: Improved Transport Connections
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD15: The Character of the Built and Historic Environment
- Policy ESD1 to 5 Climate Change

Cherwell Local Plan 1996 Saved Policies (CLP)

- C28 – Layout, design and external appearance of new development

5.3 The key policies in the determination of this planning application are Policy Banbury 1: Canalside and BSC2: The Effective and Efficient Use of Land - Brownfield Land and Housing Density

Other Material Considerations

National Planning Policy

5.4 The National Planning Policy Framework (February 2019) (NPPF) replaces the published Framework in March 2012, and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government’s planning policies for England and how they should be applied.

5.5 The NPPF reaffirms the purpose of the planning system which is to contribute to the achievement of sustainable development, with the high-level objective of sustainability being meeting the needs of the present without compromising the ability of future generations to meet their own needs.

5.6 Section 2 of the NPPF refers to the three overarching objectives for achieving sustainable development:

- An economic objective;
- A social objective; and
- An environmental objective.

5.7 Paragraph 11 sets the guidance on how the presumption in favour of sustainable development should be applied in decision making. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or;

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see note 7), granting permission unless;

(i) the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see note 6): or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.8 Paragraph 15 reaffirms that the planning system should be genuinely plan-led. Succinct and up to-date plans should provide a positive vision for the future, and that strategic policies should set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing (including affordable) employment, retail, leisure and other commercial developments (paragraph 20).

5.9 In the context of policy guidance relating to ‘decision-taking’, paragraph 38 of the NPPF reinforces the Government’s desire for the presumption in favour of development to be applied positively. It states that:

*“Local planning authorities should approach decision-taking in a positive and creative way” and;
“decision-makers at every level should seek to approve applications for sustainable development where possible”.*

5.10 The NPPF is structured around a series of numbered thematic sections which provide policy on a range of planning and land-use related issues. The following paragraphs of this chapter provide a summary of the contents of the NPPF in each of the key sections of relevance to the Project.

Delivering a sufficient supply of homes

5.11 The NPPF makes it clear that to significantly boost the supply of housing, it is important that the Local Planning Authority (LPA) identify a sufficient amount and variety of land to come forward, where it is needed, and, that land with planning permission is developed without delay (paragraph 59).

5.12 The NPPF reaffirms that the supply of a large number of new homes can be achieved through planning for larger scale developments, such as new settlements or significant extensions to existing villages and towns (paragraph 72).

5.13 To ensure a supply of homes can be maintained, and a sufficient supply and mix of sites to ensure choice and competition, the NPPF requires LPA to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirements (paragraph 73).

5.14 The supply of deliverable sites should include a range of buffers to be added to the supply of deliverable homes (paragraph 73). The buffers are as follows:

- 5% to ensure a choice and competition in the market for land;
- 10% where the LPA wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to take account for any fluctuations in the market during that year; or
- 20% where there has been a significant under delivery of housing over the previous three years.

5.15 The NPPF requires delivery of a wide choice of high-quality homes, including planning for the needs of different groups in the community, including families and older people (paragraph 61). The potential role of large-scale development including “extensions to towns” to deliver large number of new homes as well as “necessary infrastructure and facilities” (para 72).

Promoting healthy and safe communities

5.16 The NPPF requires developments to achieve healthy, inclusive and safe places. Planning Policies should promote social interaction by creating spaces that facilitate opportunities for people to meet through strong neighbourhood centres and have street layouts that encourage pedestrian and cycle connection within and between neighbourhoods. (paragraph 91).

5.17 Places should be safe and accessible. Crime and disorder, and the fear of crime should not undermine the quality of life or social cohesion (paragraph 91).

5.18 Residents should have access to a variety of safe accessible green open spaces, such as sports facilities, allotments, and green infrastructure to encourage cycling and walking. (paragraph 92).

Promoting Sustainable Transport

5.19 Section 9 of the NPPF encourages patterns of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. It requires decisions to take account of:

- the opportunity for sustainable transport modes;
- the need for a safe and suitable access; and
- improvements to the transport networks that cost effectively limit significant impacts.

5.20 Development should only be prevented or refused on transport grounds where the residual impacts of development are severe.

Achieving well-designed places

5.21 Section 12 of the NPPF sets out the Government’s approach to ‘Achieving well-designed places’. It states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. It states that planning decisions should aim to ensure developments:

- function well and add to the quality of the area;
- are visually attractive;
- sympathetic to local character while not preventing appropriate innovation;
- establish a strong sense of place;
- optimise the potential of the Site and create an appropriate amount and mix of development; and
- create safe and accessible environments.

5.22 The NPPF emphasises tailoring policy and other local guidance to provide a framework for “creating distinctive places, with a consistent and high-quality standard of design” (paragraph 126).

Design proposals which have been prepared and evolved with regard to input from the community are encouraged and the NPPF said should be “looked on more favourably” (paragraph 128).

5.23 Key overarching design ‘outcomes’ and issues identified by the NPPF (at paragraph 127) include ensuring that developments:

- Function well and add to the overall quality of the area over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and “appropriate and effective landscaping”;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- Establish a strong sense of place;
- Optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces); and
- Create safe, inclusive and accessible places which promote health and well-being.

Meeting the challenge of climate change, flooding and coastal change

5.24 The NPPF requires the planning system to support the transition to a low carbon future. The planning system should contribute to a radical reduction in greenhouse gas emissions (paragraph 148). Design and place making should seek energy strategies that assist in increasing the use and supply of renewable and low carbon energy systems (paragraph 151).

5.25 Development should be located in areas of low flood risk. A sequential approach should be taken to ensure that locations of low flood risk are developed before areas of higher risk. Development strategy should take the opportunities to reduce the cause and impact of flooding (paragraph 155).

5.26 Sustainable Drainage Systems (SuDs) should be incorporated within major developments (paragraph 165). SuDS should have appropriate minimum standards, have agreed maintenance arrangements, and where possible, should provide multifunctional benefits.

Conserving and enhancing the natural environment

5.27 The NPPF requires planning policies and decisions to contribute and to enhance the natural environment by; protecting and enhancing valued landscapes, geology and soil; recognising the intrinsic character and beauty of the countryside and the wider benefits of eco systems; and, minimising the impacts on, and providing net gains for biodiversity.

5.28 Developments where possible should help to improve the local environmental conditions such as air and water quality; and, remediate and mitigate despoiled, degraded, derelict and contaminate land (paragraph 170).

5.29 Plans should allocate land with the least sensitive environmental or amenity value, where consistent with other policies in the NPPF, and distinguish between the hierarchy of international, national and local designated sites (paragraph 171).

5.30 The need to take into account ‘pollution’ associated with noise, air quality, and lighting is set out paragraph 180-181 with an emphasis on minimising effects. Planning policies and decisions should take into account relevant limit values or national objectives for pollutants.

5.31 Paragraph 183 concludes by stating that the focus of planning policies and decisions should be whether a Proposed Development is an acceptable use of the land, rather than the control of processors or emissions, where these are subject to separate pollution control regimes; and that, planning decisions should assume that these regimes operate efficiently.

Making effective use of land

- 5.32 Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environment and ensuring healthy living conditions.
- 5.33 Paragraph 122 states that policies and decisions should ensure the efficient use of land, and that developments make optimal use of the potential for each site (paragraph 123). Optimal use should be achieved by the use of minimum densities standards for sites and town centre location that are well served by public transport (bullet point a).
- 5.34 Paragraph 123 goes on to state that density standards should seek a significant uplift in the average densities of residential developments within these areas (town centre locations that are served well by public transport), unless it can be shown that there are strong reasons why this should not be the case.
- 5.35 Local authorities should refuse applications where there has been a failure to make the most efficient use of land, taking into account the NPPF as a whole.

Conserving and enhancing the historic environment.

- 5.36 Section 16 of the NPPF provides policy with regard to ‘Conserving and Enhancing the Historic Environment’, and refers to the need for the submission by Applicants of appropriate desk-based assessments, and potentially other information, in support of applications on sites which are of potential archaeological interest (paragraph 189). This also requires consideration of the potential for effects on heritage assets or features off-site, or their ‘setting’.
- 5.37 The extent and nature of the evidence required is directly related to the likely importance of the assets affected, and the likely impact upon those assets, with much of the emphasis on the importance of designated assets. Chapter 11 of this ES considers in more detail the relevant issues relating to heritage and historic environment issues.

National Planning Practice Guidance (NPPG)

- 5.38 The National Planning Practice Guidance (NPPG) is online based government guidance. Following a period of public consultation, it was launched on the 6th March 2014. It replaces and consolidates 7,000 pages of previous planning guidance on a range of topics including flood risk, heritage and design. The NPPG provides supplementary and supporting context for the NPPF and should therefore be read in conjunction with the NPPF.
- 5.39 The NPPG also provides general procedural guidance on matters including the use of planning conditions and obligations as well as on planning appeals. The document provides guidance on issues of prejudice and prematurity alongside providing detailed technical guidance for both authorities and applicants on the production of planning studies, such as housing and economic land availability assessments. It also provides further guidance regarding the relationship between Local Plans and Neighbourhood Plans.
- 5.40 The NPPG includes guidance across a range of planning issues which are referred to in the NPPF. This includes the importance of good design, general guidance regarding the ‘natural environment’, and further information about issues such as flood-risk and transport, and refers to issues on which local planning policies are usually expected to provide more specific guidance where relevant to the location and/or site involved.
- 5.41 The aim of the NPPG is to supplement the NPPF and in bringing the application forward the applicant has had regard to both. It is considered that the development accords with the requirements and guidance of both the NPPF and the NPPG.

Planning Policy Documents Pursuant to Development in Banbury

- 5.42 Supplementary Development Plans (SPDs) provide further detail to the Local Plan policies. Relevant to the Proposed Development is the Draft Banbury Canalside SPD October 2009 (DBC) and the Banbury Vision and Masterplan (adopted December 2019) (BV&M).

Canalside Supplementary Planning Document (SPD).

- 5.43 The LPA is producing a Supplementary Planning Document (SPD) for the regeneration of the Canalside site in Banbury. The site is located between the railway station and the Town Centre and is allocated for mixed use, residential and employment use under Planning Policy Banbury 1 Canalside, of the Cherwell Local Plan 2011 -2031.
- 5.44 The Draft Banbury Canalside SPD (November 2009) was issued for consultation in November 2009. The SPD set out the Councils proposed vision for the Banbury Canalside and the strategic policies that would help to deliver the vision and guide future proposals.
- 5.45 Work on this issue of the Draft SPD was stopped and the guidance in the 2009 Draft SPD was not taken forward. In 2018 the Council announced that a revised SPD for the Canalside regeneration was to be produced. In the same year, a questionnaire was published for public consultation, seeking people's views on how regeneration could be achieved on the site. The consultation was accompanied by Banbury Canalside Consultation Booklet. The booklet contained a masterplan, development principles and the requirements for future planning applications. The booklet stated that the Canalside SPD will build on the Local Plan and the completed Banbury Vision and Masterplan to form a detailed Masterplan Framework. The Consultation gave no timeframe for the production of the SPD. The preparation on the 2018 SPD did not progress.
- 5.46 The Local Development Scheme (March 2020) (LDS) states that work on the Banbury Canalside SPD was to be recommenced, supplemented by a delivery plan. The SPD will provide additional detail to assist the implementation of Policy Banbury 1 Canalside. The timeframe set within the LDS for preparation is as follows: preparation and engagement March – September 2020; formal consultation on the draft SPD (Reg 12/13) September – October 2020; and, adoption December 2020. These timeframes have been missed.
- 5.47 The 2009 Draft SPD has been suspended; no weight can be given to this document in the Councils decision-making process. The information in the 2018 Consultation Booklet has not progressed to a Draft SPD, no weight can be given to this in the Councils decision-making process.

Banbury Vision and Masterplan (adopted December 2016) (BV&M)

- 5.48 The Banbury Vision and Masterplan SPD (BV&M) was adopted December 2016. The SPD includes a vision for Banbury as *'a premier regional centre with a fast-growing economy developed from the strength of the area, and at its heart a vibrant town centre, set in a distinct environment'* and identifies projects and initiatives which will improve the performance of the area and secure a better future for local people.
- 5.49 An objective included within the BV&M is to create a vibrant and attractive town centre. The Masterplan points out poor access and underutilised sites are a constraint in delivering the vision for Banbury, and a *'renaissance is required in Banbury town centre that will set out a coordinated programme of actions to deliver the vision'*. The BV&M includes at Appendix I, an Urban Framework Plan.
- 5.50 The Urban Framework (UF) of the Canalside Regeneration Area included in the BV&M supports lower density family homes to the east and south, with high density housing to the north. The UF

further supports four storey mixed use residential led development, with higher building at key locations, that would create a gateway to Banbury Railway Station.

- 5.51 The application Site is located to the north of the regeneration area and includes land that would assist in creating the aspiration of the Council for a new gateway to the Station. The BV&M supports high-density housing in this location.
- 5.52 The BV&M seeks to create a 'Riverside Park' along both sides of the River Cherwell to create an attractive setting and amenity area for new developments, facilitating a 'green lung' along the River.

Tramway Road Improvements (TRI)

- 5.53 The TRI improvements have been brought forward by the Oxfordshire County Council Local Highway Authority (LHA). A feasibility study was undertaken on behalf of the LHA by Skanska on implementing a bus and taxi link between Tramway Road and the Banbury Railway Station. A Public Consultation on the proposed improvements was undertaken in February 2020.
- 5.54 This link creates a new route for taxis, cars and buses to access the Station from Swan Close Road and Hightown Road. The improvements also include a new bus route to the station, and a shared cycle/pedestrian route alongside Tramway Road and onto Station Approach.

Cherwell District Council – 5 Year Housing Land Supply move to the end

- 5.55 As part of the Housing and Growth deal secured by the Oxfordshire Growth Board, the six Oxfordshire Local Authorities have agreed to commit to an Oxfordshire wide local plan (Joint Spatial Strategy). The Oxfordshire Plan seeks to consider the strategic county wide planning needs up to 2050. The Plan will identify areas for sustainable growth with associated housing and employment numbers. Districts will then use this evidence base to prepare their future Local Plan.
- 5.56 As part of the Housing deal, Oxfordshire sought flexibility from the NPPF policy on maintaining a 5-year housing land supply. The justification for this flexibility was the ambitious housing delivery plans for Oxfordshire plan, and the need for the local authority to focus their efforts on the Joint Spatial Strategy. A Ministerial Statement (MS) issued in September 2018 introduced a temporary change in the housing land supply policy for Oxfordshire.
- 5.57 The MS confirmed that, for the purposes of decision-taking, provisions under paragraph 11(d), footnote 7 of the NPPF will apply where the authorities in Oxfordshire cannot demonstrate a three-year supply of deliverable housing sites. This flexibility in the housing land supply will remain in effect until the adoption of the Oxfordshire Plan.
- 5.58 In November 2020 a revised timetable for the adoption of the Oxfordshire Plan was agreed. Adoption of the Plan is not anticipated until May/June 2023. The MHCLG has indicated that an extension to the flexible housing land supply policy will not be extended beyond the original timeframe of the adoption of the Plan, March 2021.
- 5.59 The Council's latest Annual Monitoring document states that the Districts 5-year housing land supply is 4.8 year. As the flexibility relating to the three-year housing land supply is likely to cease at the end of March 2021, the Council will need to increase its housing numbers to demonstrate a 5-year housing land supply, to ensure that only the most sustainable locations for development are brought forward.

6.0 ASSESSMENT

Principle of Development

- 6.1 The Site lies within the settlement boundary of Banbury and is previously developed land (Brownfield). The Site is included within the parcel of land covered by Local Planning Policy BAN1 Banbury Canalside, that seeks to regenerate the land adjacent to Banbury Railway Station. The principle of the redevelopment of Banbury Oil Depot to deliver residential and community/and or retail/and or commercial uses is established within this policy.
- 6.2 Supporting text C.136 of the Local Plan confirms the highly sustainable location for housing developments close to the railway station, bus station, the town centre and other everyday facilities and services of the Canalside regeneration area. Redevelopment of the Banbury Oil Depot will make the most effective use of Brownfield land and contribute to the remediation of contaminated land.
- 6.3 The primary planning policy in the determination of this planning application is Planning Policy BAN1 Banbury Canalside, and BSC2 The Effective and Efficient Use of Land - Brownfield Land and Housing Density.
- 6.4 The following section demonstrates how the Proposed Development complies with these key policies.

Policy Banbury 1 Banbury Canalside

Housing Mix

- 6.5 Policy seeks to deliver approximately 700 dwellings with a mix of 70% houses and 30% apartments. This would equate to approximately 210 flats. The Proposed Development seeks to deliver up to 143 apartments, 68% of the total. The location of the Site within the strategic allocation boundary adjacent to the Railway Station and the River Cherwell, with the proposed improvements to cycle and pedestrian access, makes this location within the allocation, the most appropriate to deliver high density housing in the form of apartments.
- 6.6 It is likely that, as a result of the Council's 5-year housing land position, (explained at paragraph 5.59) the Council will need to increase its housing numbers. A sustainable approach to increasing housing number is to ensure that land is most effectively used. A measure of this is housing density. The Illustrative Masterplan has demonstrated that the Site is able to deliver a development with a housing density of 124dph. The Site is well placed to deliver high density housing and assist in contributing to the increase in housing numbers, that will be required by the Council in the future.
- 6.7 Whilst the housing mix will be agreed with the Council at the Reserved Matters stage, the Proposed Development has included a mix of apartment types which will include 30% affordable. The Site makes up the north eastern part of the allocation. Policy BAN1 seeks smaller homes and flats, generally, to the south and west of the allocation, and higher density housing to the north and west. It is considered that the illustrative housing mix complies with planning policy.
- Studio 10%
 - 1 bedroom 51%
 - 2 bedroom 32%
 - 3 bedroom 7%
- 6.8 Overall, it is considered that the quantum, density and housing mix comply with Policy BAN1.

Key Policy Criteria Assessment

6.9 The following section demonstrates how the Proposed Development complies with the key policy criteria (in bold) included within the Policy.

- ***A distinctive residential proposition for Banbury that integrates well and helps make connections with the adjoining town centre and Railway Station***

The Proposed Development's illustrative layout and design has been informed by a series of Technical Reports. Pedestrian connections have been included to link the Site to the Station and to the wider Banbury Town Centre. A riverside walk, with land that has been safeguarded for two bridge crossing over River Cherwell will create safe, pedestrian and cycle links.

The Proposed Development has taken account of the future local highway improvements to the Tramway Road. The enhanced cycle and pedestrian links along Station Road included within these works will not be compromised by the Proposed Development.

Further, the enhanced cycle and pedestrian links and bus route passing the Site will further improve the sustainability credentials of the Site.

- ***An appropriate location for higher density housing to include a mixture of dwelling styles and type.***

The Masterplan has tested the quantum of development. Up to 143 dwellings can be delivered in a development form of 4 storey buildings, with up to 6 storeys building at key nodes to create a sense of place.

The Heritage Assessment considered the impact of the Proposed Development on local heritage assets, particularly with regard to the height of the proposed buildings. The heritage assessment concluded that the local landscape could accommodate, without any adverse harm to the character and setting of the immediate and wider surroundings of Banbury (and its heritage assets) buildings of up to 6 storeys.

The Proposed Development makes the most effective use of Brownfield land and is able to accommodate a housing density of 124dph.

- ***A high-quality design and use of innovative architecture, including the use of robust and locally distinctive materials, which reflect the character and appearance of Banbury, respecting the retained historic buildings and in particular the Canalside location.***

The detailed design will be progressed at the Reserved Matters (RM) stage. The Design and Access Statement has reviewed the character and surrounding of the local area and includes a high-level vision of the architectural style that would be appropriate to reflect the local vernacular of the area. The Proposed Development parameters that will inform the RM and will allow a development to come forward that respects the character and appearance of Banbury.

- ***Taking advantage of the accessibility of the town centre, an age friendly neighbourhood with extra care housing and housing for wheel chair users and those with specialist supported housing need.***

The apartments will be designed to Build for Life as set out in the DAS. Although the housing mix will be agreed at the Reserved Matters stage, the development has allowed for a range of apartment type that will allow for an inclusive community of all ages.

- ***Retail, commercial and leisure uses focused in the north of the site adjacent to the town centre and station, not including any significant convenience retail.***
- ***Units sized and located to attract small specialist leisure and niche retailers which combine to create a destination.***

The Proposed Development has allowed for up to 166m² of commercial /and or retail/and or community uses (Class Use E and F2). The BV&M urban framework includes a new public space to the front of the entrance to Banbury Railway Station. The proposed commercial /and or retail/and or community uses are located at the northern boundary of the Site and will create the opportunity to introduce activity into this area of public realm.

- ***Selected leisure and entertainment use including arts spaces and galleries, restaurants and cafes.***

Not applicable to this Site

- ***The potential inclusion of live/work units***

Live/work units have not been included in this development.

- ***A noise survey will be required to accompany any planning application***

A Noise Survey accompanies this planning application. The noise survey concludes that there were no noise related issues that would preclude residential development on the Site.

- ***A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities. New footpaths and cycleways should be provided that link to existing networks, with provision of a designated pedestrian and cycle route from the station to the town centre over the canal and river and a new pedestrian / cycle bridge over the railway.***
- ***New pedestrian and cycle bridges erected over the Oxford Canal and the River Cherwell to enable and encourage walking and cycling through the site.***

Pedestrian connections have been included within the Proposed Development to link the Site to the Station and to the wider Banbury Town Centre. The enhanced cycle and pedestrian links along Station Road included within the Tramway Road improvements will further improve the sustainability credentials of the Site.

The Illustrative Landscape Plan has included a 'green corridor' riverside walk, with land that has been safeguarded for two bridge crossings over River Cherwell. The riverside walk will create safe, pedestrian cycle links.

- ***The River Cherwell should be maintained in a semi natural state and mature trees should remain in a semi-natural state and mature trees should remain.***
- ***Provision of a landscape corridor along the edge of the river to facilitate a footpath and cycleway on one or both sides for the length of the river through Canalside to link the open countryside of the Cherwell Valley to the south with Spiceball Park to the north***
- ***Open/urban spaces provided in various locations within the site and new trees planted High quality open spaces that follow the canal and river corridor and support greater connectivity of the area.***
- ***High quality open spaces that follow the canal and river corridor and support greater connectivity of the area.***
- ***Preservation and enhancement of the biodiversity value of the site, with the enhancement, restoration or creation of wildlife corridors (recognising the importance of the river and canal corridors)***

The Proposed Development is accompanied by an Ecological Appraisal (EA) and an Aborigicultural Survey. The EA concludes that the River Cherwell is in an unmanaged and poor condition. The EA recommends that the River Cherwell should be enhanced through the management and removal of dense scrub. The removal of scrub will allow more light into the river bank and water and improve its biodiversity value.

The Illustrative Landscape Plan has included a 'green corridor' riverside walk with elevated decking to visually connect the Site and the River. (Details will be agreed at RM stage) Development of the Site will create the opportunity to significantly improve the relationship of the river to the town and increase public access.

- ***The implementation of proposals in the Movement Strategy including improved junction arrangements on Bridge Street and Cherwell Street to improve traffic capacity but also to facilitate pedestrian movement between the town centre and Canalside***

The Transport Assessment (TA) that accompanies this planning application, has concluded that the Proposed Development will have not adversely impact the local highway network. The Applicant would enter into a S106 agreement for any transport contributions requested that accord with the CIL tests.

- ***Buildings fronting Windsor Street enabling pedestrian permeability of the site to correspond with the proposed highway improvements which include frequent informal crossing points along Windsor Street***

Not applicable to this development.

- ***Parking provision that complies with County Council's Parking Standards for new Residential Developments Policy and will not exceed maximum standards. Some car free areas or areas of reduced levels of parking with innovative solutions to accommodating the private car.***
- ***Good accessibility to public transport services should be provided for, including the provision of a bus route through the site with buses stopping at the railway Station and at new bus stops on the site.***
- ***A transport assessment and Travel Plan to accompany development proposals Development fronting on to the canal and public access to and from the canal.***

The Applicant undertook pre-application enquires with LHA. The LHA agreed that, due to the sustainable location of the Site, a reduced number of car parking spaces could be provided, i.e., lower than the County's maximum standards. The illustrative Masterplan has the capacity to accommodate up to 98 car parking spaces.

The Site is located close to a range of public transport facilities. The enhanced bus route links along Station Road included within the proposed Tramway Road improvements, will further improve the sustainability credentials of the Site.

- ***Development fronting on to the canal and public access to and from the canal.***
- ***The continued use of canal boats for leisure purposes with a canal basin and mooring facilities located in the northern part of the site with the opportunity to enhance facilities and mooring in this area.***

Not applicable to this Site.

- ***Retention and integration of the most valuable historic buildings/structures including the Grade II Listed Old Town Hall and the bridge over the river.***

- ***The integration of existing historic buildings, which will enrich the environment and maintain the long-term character of the area.***
- ***Development proposals to be accompanied by a landscape and visual impact assessment together with a heritage assessment.***

A Heritage Statement accompanies the planning application. The Applicant undertook pre-application enquires with the District Conservation Officer. The assessment considered the Grade II listed Old Town Hall, Oxford Canal Conservation Area and a collection of non-designated heritage assets on the west bank of the canal, as directed by the Council's Conservation Officer.

The assessment found, the Site in its current form did not make any contribution to the significance of any heritage assets, and only formed one marginal part of the setting of the Grimsbury Conservation Area.

The assessment found that the replacement of the oil depot with a residential development would be in keeping with the modern urban setting of the heritage assets, and would not result in harm to their significance. See the Heritage Assessment for further details.

- ***Public art should be provided and there is the opportunity for this to be creatively engaged through the creative refurbishment of existing buildings and new bridges to the canal***

The provision of public art will be agreed during the planning application process.

- ***Appropriate treatment and remediation of contaminated land***

The planning application is accompanied by a Land Quality Assessment (LQA). The LQA identified the potential for some localised hydrocarbon impacts to soil and the ground water due to the Sites historic uses. Standard remediation practices would be used to deal with any land contamination.

As part of the detailed design, a Remediation Strategy will be prepared. The remediation strategy will include a detailed quantitative risk assessment and support the removal of the above and below ground fuel infrastructure and develop a plan to address known areas of contamination, along with any unexpected contamination which may be encountered during the dismantling work and during development.

It is considered that land quality will not preclude residential development on the Site.

- ***Provision of sustainable drainage in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the recommendations of the Council's Strategic Flood Risk Assessment.***
- ***Take account of the Council's Strategic Flood Risk Assessment for the site.***

A Flood Risk Assessment (FRA) accompanies the planning application. The Site lies within Flood Zone 2. Residential use of the Site is acceptable. Sustainable Urban Drainage (SUDs) will be incorporated within the development manage surface water run-off. The Proposed Development will not increase the risk of flooding on the Site or within the surrounding area.

- ***Compliance with policies ESD 1-5 on climate change mitigation and adaptation***

A Sustainability Statement (SS) accompanies the planning applications. The report includes an assessment of the sustainability credentials of the Proposed Development and describes how the local plan sustainability policies and standards can be met at the Reserved Matters detailed design stage.

Additional requirements

- 6.10 Central to these requirements is the Council's aspiration to ensure that development will come forward in accordance with a Canalside SPD, and ideally that the whole site will be accompanied by a masterplan. The policy goes on to state that applications for parts of the Site may be permitted provided that they clearly demonstrate that their proposal will contribute to the creation of a single integrated community.
- 6.11 A Canalside SPD is yet to be produced. The Design Team has reviewed the wider Canalside area included within Planning Policy BAN1, and identified the following elements that will contribute to a single integrated community across the whole of the strategic allocation. These elements are also mirrored within planning policy.
- Pedestrian and cycle connectivity throughout the Canalside regeneration area and beyond to Banbury Town Centre;
 - The improved integration between the River Cherwell and the Town Centre;
 - The importance of the bridge crossing over the River Cherwell to improve connectivity;
 - The provision of a 'green corridor' along the River Cherwell to; improve the rivers visual appearance, its ecological value, and its public access.
- 6.12 The layout of the Proposed Development has incorporated pedestrian and cycle routes within the site that will connect with routes outside of the Site. The improvements to the frontage of the River Cherwell, the safeguarded crossing points and the river walk, all 'reach out' of the Site and ensure that the Proposed Development will not comprise the Council's aspirations for an integrated community within the regeneration area.
- 6.13 A Planning Inspector (PI) has recently commented on the weight given to a Draft SPD in the decision-making process. The appeal relates to the refusal in June 2017 by the Council for a development of up to 63 apartments on a Caravan Park located on Station Approach, Banbury¹. The appeal site lies within the Canalside regeneration area allocated under planning policy BAN1. The refusal reason included; access arrangements; and that in the absence of an adopted Canalside SPD, the impact of the development on the delivery of other Sites within the Canalside regeneration may be prejudiced, and the provision of necessary infrastructure across the wider area may be frustrated.
- 6.14 The PI dismissed the appeal on access grounds but addressed in his decision whether the proposal would prejudice the development of other sites within the Canalside regeneration area.
- 6.15 The PI made reference to both the Banbury and Vision Masterplan and the Draft Banbury Canalside SPD (not adopted) and concluded that the absence of a specific SPD for the Canalside Area, is not a reason why planning permission should be delayed or withheld, on an otherwise acceptable development. A further planning application was submitted to the Council and approved in June 2019 (Planning Ref: 18/00293/OUT).
- 6.16 The Applicant concludes that the Proposed Development complies with the key determining planning policy BAN1 and constitutes an acceptable form of development, that can be brought forward without compromising the remaining Canalside allocation.
- Policy BSC2: The Effective and Efficient Use of Land - Brownfield Land and Housing Density*
- 6.17 The Council at paragraph B.100 of the Local Plan acknowledges that making use of previously developed land is important in maintaining the appearance of towns and villages in the District,

¹ ¹ Appeal Decision APP/C3105/W/17/3191270

improving the wellbeing of communities, and creating the opportunities for enhancing biodiversity. The Council acknowledge the importance of ensuring that Brownfield land is not underused, and that development must make the most of vacant and derelict land and buildings.

- 6.18 The Local Plan has allocated a number of Brownfield sites, including the Canalside regeneration area, of which the Site is fundamental in delivering the regeneration aspirations of the Council. The Local Plan at paragraph B.101 states that *'the Council will strive to ensure that these important Brownfield schemes are delivered'*.
- 6.19 Planning Policy BSC2 expects housing developments within the District to make the most effective and efficient use of Brownfield land. The Technical Reports that accompany this application have demonstrated that the Site is able to accommodate a residential development of up to 143 apartments at a housing density of 124dph. This represents the most effective and efficient use of this Brownfield Site.

7.0 CONCLUSION

- 7.1 The Government is committed to the delivery of higher rates of house building than have historically occurred. There is a clear need to build more homes across the country and is considered to be significant by the Government, both in terms of meeting the social needs of a growing population and helping to maintain economic growth. It is therefore important that sustainable residential applications are approved to help meet the Government's aspirations for growth nationally and the local needs of the population.
- 7.2 The oil distribution and storage use on the Site will cease in 2022. The application site is fundamental in delivering the Council's aspirations for the Canalside regeneration area. The Site is an important gateway location to the approach to Banbury Town Centre and the railway station. The applicant is committed to delivering a high-quality development with the potential to transform this part of the town into a vibrant and active area.
- 7.3 Banbury Oil Depot is an important Brownfield site within Banbury. The location, close to Banbury Town Centre is not suitable for the oil distribution use which necessitates HGV vehicle movements through the Town.
- 7.4 The Site forms part of the aspiration of the Council to regenerate the Canalside area. The regeneration of Canalside creates the opportunity, to improve access to the station, better integrate the River Cherwell into the Town, and to replace unsuitable uses in the locality with a new residential, commercial and retail area.
- 7.5 The redevelopment of Banbury Oil Depot will deliver up to 143 apartments and up to 166sq.m of community, commercial or retail uses in a 'gateway' development that creates the opportunity for an innovative architectural approach to deliver 'beautiful buildings' where people want to live. The development will transform the approach to Banbury from the Station.
- 7.6 The illustrative landscape proposals demonstrate how the development could improve the visual appearance and the biodiversity of the River Cherwell and the wider Site. The 'green corridor' that runs along the river bank, together with the river bank walk, and safeguarded land for future river crossings will assist in fulfilling the Council's aspirations to improve the pedestrian and cycle connectivity with the Town Centre and the Station.
- 7.7 The illustrative Masterplan and the Parameters Plan has been designed to ensure that the development will not compromise other sites within the wider regeneration area, included in Planning Policy BAN1 in coming forward, and will act as a catalyst in bring forward other sites within the allocation.
- 7.8 The flexibility for decision-making and the direction from the government regarding the 3-year housing land supply for the Oxfordshire districts will likely cease at the end of March 2021. The Council can only demonstrate a 4.8-year housing land supply. To ensure it can meet its housing land supply, the Council will have to increase its housing numbers. The most effective way to achieve this is to ensure the most effective use of land through housing densities. The Site is able to deliver a high-density development that makes the most effective use of its sustainable location.
- 7.9 The Proposed Development will have a notably positive impact in this area of the town, providing the opportunity to comprehensively redevelop an important underutilised Brownfield site and deliver a high-quality landmark development.
- 7.10 This planning application is supported by a Design and Access Statement which analyses the context of the application site and surrounding area. This document identifies key parameters and confirm that the Proposed Development will deliver a high-quality development.

- 7.11 The planning application represents the culmination of extensive technical, design and consultative work prior to submission. This work has demonstrated that; there are no technical or environmental constraints to development; the proposals are consistent with national and local planning policy; and, that there are no other material planning considerations which would justify withholding planning permission for the Proposed Development.
- 7.12 Section 6 of this report demonstrates, that the Proposed Development accords with the existing planning policy framework for the Canalside regeneration area. The principle of development on the Site is acceptable. The planning balance lies firmly in favour of approving the application
- 7.13 The Proposed Development constitutes a sustainable form of development and complies with local and national planning policy. In accordance with the NPPF, bullet point (c) “decision making”, paragraph 11, ***the application should be approved without delay.***