



**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING STATEMENT APPENDICES**

**BANBURY OIL DEPOT  
TRAMWAY ROAD BANBURY**

**Appendix 1 Site Location Plan**

**Appendix 2 Canalside Regeneration Area**

**Appendix 3 Appeal Decision APP/C3105/W/17/3191270**

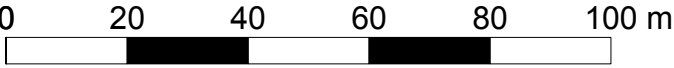
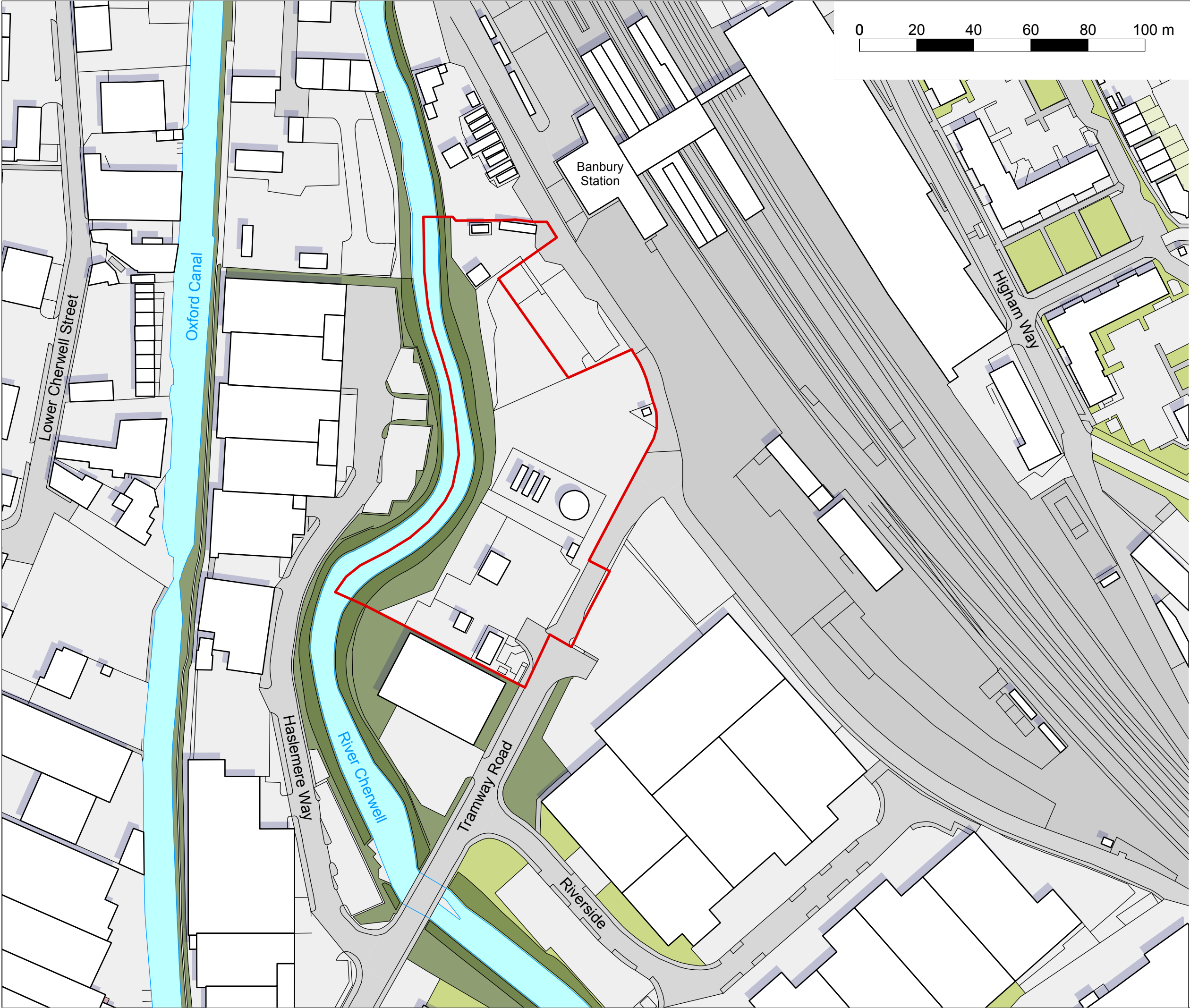
**Appendix 4 Statement of Community Engagement**

**On behalf of The Motor Fuel Group Ltd**

**MARCH 2021**

**PF/10254**

## **Appendix 1 Location Plan**



**Do not scale from this drawing.**

This drawing is for planning purposes only. It is not intended to be used for construction purposes. The accuracy of this drawing may be reliant upon survey information provided by third parties. Whilst all reasonable efforts are used to ensure drawings are accurate, **edge** Placemaking Group Ltd accept no responsibility or liability for any reliance placed on, or use of, this plan by anyone for purposes other than those stated above or for errors arising from third party information.

This drawing and the works depicted are the copyright of **edge** Placemaking Group Ltd.

## PLANNING

— Application site boundary

Rev.	Date	Description
Banbury Oil Depot BANBURY		
Location Plan		
Job ref: 255	Drawing number: L01	Revision: -
Scale: 1:1,250 @ A3		Date: March 2021



part of  
**edge** Placemaking Group Ltd  
Company Reg No 11447550 VAT No 299072069

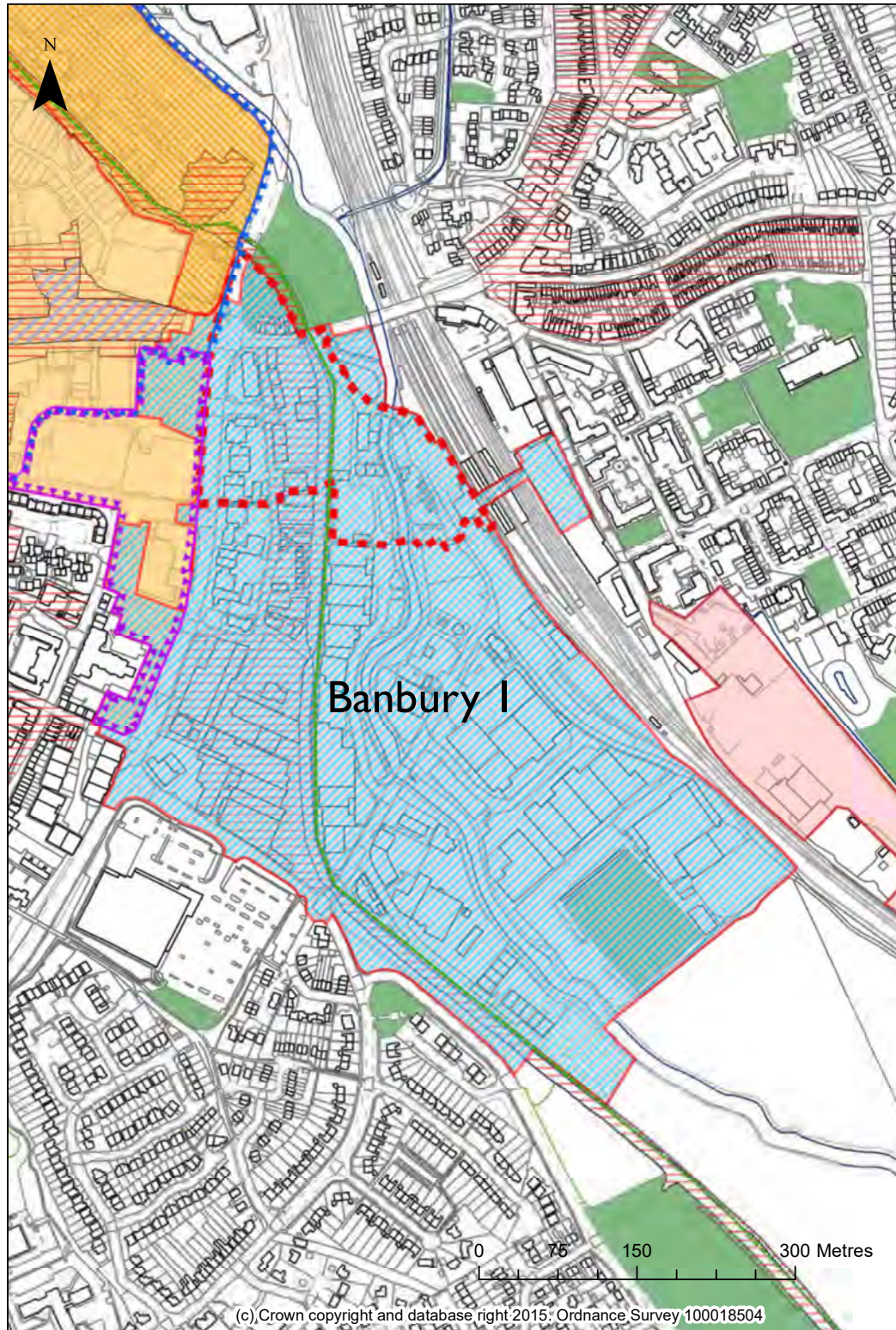
Suite 2  
7 Buttermarket  
Thame  
Oxfordshire  
OX9 3EW

01865 522395  
enquiries@edgeUD.co.uk  
www.edgeUD.co.uk

## **Appendix 2 Policy Banbury 1: Banbury Canalside**



**Policy Banbury I: Banbury Canalside**



### **Appendix 3 Appeal Decision APP/C3105/W/17/3191270**

---

# Appeal Decision

Site visit made on 22 May 2018

**by Chris Forreth BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2018**

---

**Appeal Ref: APP/C3105/W/17/3191270**

**Caravan Park, Station Approach, Banbury, Oxfordshire OX16 5AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Duncan Andrews of Land Group (Banbury) Ltd against the decision of Cherwell District Council.
  - The application Ref 17/01233/OUT, dated 6 June 2017, was refused by notice dated 24 November 2017.
  - The development proposed is an outline application for the development of land to the west of Banbury Railway Station to comprise 44 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The appeal application was submitted in outline with the access considered at the outline stage. I have therefore dealt with the appeal on this basis. Notwithstanding that an illustrative layout, and some building floor plans and elevations, were also submitted with the application. However, as these details are not being considered at the outline stage, I have treated these drawings as being indicative to show a possible way of developing the site.

## Main Issues

3. The main issues are:
  - (i) whether the proposal would prejudice the development of other sites in the Canalside regeneration area including infrastructure links;
  - (ii) whether the development provides a safe and suitable access; and
  - (iii) infrastructure requirements.

## Reasons

### *Canalside regeneration area*

4. The appeal site is located to the west of Banbury railway station between the River Cherwell and the Oxford Canal. Access to the site is via Station Approach. The site is currently occupied by a residential caravan park and a religious building.



5. The site is located in an area known as Banbury Canalside which is a regeneration area and is a key component of the Councils regeneration aims. This is also reflected in Policy Banbury 1 of the Cherwell Local Plan 2011-2031 (2015) (LP) which sets out that a development area of 26 hectares to include the provision of new homes, retail, office and leisure uses, public open space, pedestrian and cycle routes including new footbridges over the railway line, river and canal, and multi-storey car parks to serve Banbury railway station. The appeal site forms a small part of this regeneration area. Policy Banbury 1 sets out that there would be a significant element of residential development in the regeneration area.
6. My attention has also been drawn to the Banbury Vision & Masterplan Supplementary Planning Document (2016) (BVMSPD) which includes the desirability to improve linkages between the town centre and the railway station, including new pedestrian bridges over the Oxford Canal and the River Cherwell in immediate vicinity (or through) the appeal site.
7. I am also aware of the draft Banbury Canalside Supplementary Planning Document dated 2009. However, given that this document was drafted a significant time ago, may be subject to revisions, and has yet to be adopted I give this very little weight. In coming to that view I acknowledge that the Council intend to undertake formal consultation on the document in the autumn with the aims of completing the adoption process by the end of 2018.
8. Whilst Policy Banbury 1 has an expectation that development proposals would be in accordance with a Supplementary Planning Document (SPD) for the site, it is significant that the SPD has not been completed yet despite its long gestation period. Whilst the Council may have good reason for not pursuing this earlier, this is of little consequence to the Appellant. Furthermore, the policy does not require compliance with the SPD. To my mind, 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.
9. The appeal application has been submitted in outline with only the access being considered at the outline stage. Whilst I understand, and agree with, the Councils concerns over the illustrative layout in relation to the piazza being a roadway with parking spaces, this together with how the site would fit within a wider regeneration area would be considered at the reserved matters stage. Similarly, this is also the case with the provision of linkages through the site from the town centre to the railway station.
10. Taking all of the above into account, given the development plan position and the current uses of the site, I consider that the principle of the residential redevelopment of the site is acceptable and would be in general accordance with Policy Banbury 1. However, Policy Banbury 1 also outlines various objectives and requirements in relation to infrastructure provision and accessibility. I will return to this later.

### **Access**

11. The appeal site largely relates to the existing caravan park and the religious building. However, it also includes the access driveway which is in the region of 70 metres long from Station Approach and a section of Station Approach to its junction with Bridge Street.



12. The width of the access driveway is, from the transport statement, between 4.51 and 4.61 metres wide along its 70 metre length. To the west of the access driveway is a car park with metal fencing along its boundary whilst to the east is the former post office building and site, which is currently being used as a temporary car park. There is an access from the post office site onto the access driveway. The proposal is for a shared surface access to the development with both pedestrians and vehicles utilising the driveway.
13. The National Planning Policy Framework (the Framework), at paragraph 32, sets out that decisions should take account of whether a safe and suitable access to the site can be achieved for all people.
14. **From 'Manual for Streets'** (MfS), the minimum width for two cars to be able to pass would be 4.1 metres, with the minimum width for a lorry and a car being 4.8 metres, and for two lorries to pass the width should be 5.5 metres<sup>1</sup>. Whilst I consider that there would be sufficient space along the access driveway for two cars to pass, it is clear that there would be insufficient width for a car and a lorry to pass each other on the driveway.
15. Whilst there would be a low probability of conflict between vehicles, given the length and width of the driveway any vehicle wanting to gain access to the site would have to wait on Station Approach at the junction of the driveway which would invariably cause a highway danger. To that extent, in the absence of a sufficient width of the driveway, the intensification of the use of the access would not be in the best interests of highway safety.
16. Turning to pedestrian access, the Appellant has indicated that a shared surface arrangement would be appropriate and has pointed to MfS where it is indicated that this can work where the volume of motor traffic is below 100 vehicles per hour. However, MfS also indicates that shared surface streets are likely to work in short lengths which (to my mind) is not the case in respect of the appeal proposal. Furthermore, it is recognised that shared surfaces can cause problems for some disabled people. Given the nature of the access driveway, and the lack of detail on the proposed access arrangements (despite access being considered at the outline stage) I have serious reservations over the suitability of the access for the intensity of the proposed development.
17. Whilst I acknowledge that the existing access has been used as a shared surface access for many years, the development would result in an intensification of the use of the access as the number of residential units would significantly increase. Whilst this would be balanced with the loss of traffic to/from the religious building, I consider that there would be a significant increase in vehicular traffic as a result of the development which would be likely to increase the level of vehicular/pedestrian conflict.
18. It has also been indicated that a pedestrian route could be created from the site along the canal towpath which could be used as an alternative route to the access driveway. However, there would need to be a further link from the towpath up to Station Approach. From the evidence before me, this land is not in the ownership of the Canal and River Trust or the Appellant. Given this, it is unclear whether this would be deliverable.

---

<sup>1</sup> figure 7.1

19. The Appellant has indicated that the link to the towpath could be secured by way of a Grampian condition. Whilst this may be possible in relation to the link from the main part of the site to the towpath, I am not convinced that this would be an appropriate mechanism to ensure that the access/egress to Station Approach is provided owing to the uncertainty over the ownership of the land required to provide such a link. I am also conscious of the need to upgrade the existing towpath to cater for its increased usage.
20. In addition to the above, the Appellant has indicated that the adjoining site to the west of the access driveway is now in their control. Whilst this would know doubt enable access to be widened to provide a suitable access, it is significant that the land required to achieve this would be outside of the application site. Given that the access works would be development which would invariably require planning permission (which from the evidence before me no such permission exists), I give this very little weight.
21. I have also had regard to the comments of Network Rail in respect of Station Approach in terms of its ownership and increased traffic levels and the subsequent response from the Appellant. I consider that the concerns raised by Network Rail are not matters which would warrant the withholding of planning permission.
22. Finally, I have considered the supportive views of Oxfordshire County Council as Highway Authority. However, to my mind, this does outweigh the concerns I have already identified.
23. Taking all of these matters into account I consider that, on the basis of the evidence before me, the proposal would not provide a safe and suitable access and would be contrary to Policy SLE 4 of the LP and the transportation aims of the Framework.

### ***Infrastructure***

24. Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
  - (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
25. The Council have indicated that the development should contribute to a number of infrastructure requirements. However, the Council consider that such infrastructure requirements should be assessed on the basis of the emerging SPD for Canalside. Given the absence of an adopted SPD, the Council consider that it is not possible to make a holistic assessment of the infrastructure needs of the wider regeneration area so that a fair apportionment of costs per housing unit is made.
26. Notwithstanding that, and given the lengthy delays in producing the SPD, the Appellant has now completed a total of three unilateral undertakings in relation to infrastructure requirements, the latest of which is dated 15 June 2018. This undertaking follows on from various draft agreements, the previous completed agreements dated 31 May 2018 and 13 June 2018, and as a result of various comments from both the Council and County Council as part of this appeal.

27. The 15 June undertaking makes provision for the provision of affordable housing, a canal towpath contribution (£57,750), a cemetery provision contribution (based on the number of bedrooms per residential unit in the final scheme), a community hall contribution (£6,283.31), a footbridge contribution (£28,539), a health and wellbeing contribution (£38,016), a public art contribution (£6,751.80), a sports facility contribution (£85,397), a waste contribution (£4,884), monitoring fees for both the Council and the County Council (£250 each) and the provision of a footpath across the development site.
28. From the limited information before me, these matters have been largely derived from the Developer Contributions Supplementary Planning Document (2018) and the need for pedestrian linkages from the BVMSPD.
29. However, all of the undertakings assume that the planning permission is granted by the Council (as set out in the Interpretation section). If I was minded to allow the appeal, the planning permission would not be granted by the Council and as such the provisions of the undertakings would not come into force. Consequently, I give all of these undertakings no weight in the determination of the appeal.
30. Notwithstanding that, I must consider whether the absence of the delivery of such infrastructure weighs against the development.
31. In respect of affordable housing provision, there is a clear policy need for such a requirement especially given that there is a shortage of such affordable housing in the area. Given the nature of the access to the development, there is a need to upgrade the canal towpath and the Canal and River Trust have identified that £57,750 would be needed to complete the required works.
32. In relation to cemetery provision, from the evidence before me there is a need for such facilities and that there has only been one other scheme which has contributed towards the identified scheme. There is also a need to provide for the capital costs associated with waste storage and collection. I also find that there is a need to make suitable provision for the footpath through the site and a contribution to the provision of footbridges across the River Cherwell and the Oxford Canal.
33. Therefore, the absence of a suitable mechanism to deliver these infrastructure requirements weighs heavily against the development.
34. Turning to the community hall contribution, the health and wellbeing contribution, the public art contribution, and the sports facility contribution, very limited information on what would be required to provide suitable mitigation, or details of any such schemes to provide such mitigation, has been provided by the Council.
35. Additionally, I consider that the provision of monitoring fees for both the Borough and Council Councils are not necessary to make the development acceptable in planning terms.
36. Taking this into account, and the very limited evidence before me, I cannot conclude that any of these requirements would meet the tests in the CIL Regulations and I therefore these matters do not weigh against the development. However, this does not outweigh the harm I have already identified.

37. **I have also had regard to the Council's view it is not possible to ascertain what** infrastructure requirements would be needed to mitigate the impacts of the development in the absence of an adopted SPD. However, I find that approach untenable. Whilst I agree it would be desirable to consider wider infrastructure requirements as part of the overall Canalside regeneration area, this is not an essential criteria and the development must be assessed on its individual merits.
38. For the above reasons, the proposal would not deliver the required infrastructure and would be contrary to Policy Banbury 1, Policy BSC3 and Policy INF1 of the LP which amongst other matters seeks to ensure that the required infrastructure is provided to support new development, including the provision of essential infrastructure such as affordable housing. The proposal would also be at odds with the overarching aims of the National Planning Policy Framework.
39. The Council have also referred to Policies BSC 2, BSC 9, and Policy ESD 7 in their reason for refusal for the lack of infrastructure provision. However, these policies deal with the effective and efficient use of land, public services and utilities, and sustainable drainage systems. I find that the development does not conflict with its provisions of these policies.

#### ***Other matters***

40. The appeal site is located adjacent to the Oxford Canal Conservation Area (OCCA). I note that the Council consider that the proposal would not give rise to any harm to the setting of the OCCA. Given the nature of the proposed development, and that the detailed design would be considered at the Reserved Matters stage I have no reason to disagree with that view. Therefore the proposal would accord with the conservation aims of the LP and the Framework.

#### **Conclusion**

41. Taking all matters into consideration, I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR



## **Appendix 4 Statement of Community Engagement**

## APPENDIX 4

### STATEMENT OF COMMUNITY ENGAGEMENT

#### INTRODUCTION

This Statement of Community Engagement (SCE) has been prepared by Framptons on behalf of The Motor Fuel Group Ltd, in support of an outline planning application for:

*“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 166m<sup>2</sup> of community/retail/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’.*

Due to COVID 19 restrictions it was not possible, as in normal circumstances, to hold a ‘face to face’ exhibition where local residents and other interested parties could attend. However, the Applicant appreciates the value of public engagement and sought to make available to the local community the details of the proposed redevelopment of the Banbury Oil Depot. This SCE sets out the approach the applicant took to gather feedback on the Proposed Development.

#### COMMUNITY CONSULTATION PROCESS

A virtual Public Consultation was held from 4<sup>th</sup> December 2020 until 17<sup>th</sup> December 2020. The consultation consisted of a series of Consultation Boards explaining the background to the development, an assessment of the site’s opportunities and constraints and details of the Proposed Development.

The Consultation Boards, (**Appendix 1**) setting out the Proposed Development, together with details on how interested parties could make their comments was made available on Frampton Town Planning consultation page of its website. Visitors to the virtual Public Exhibition were able to make comments directly on the consultation page on a Feedback Form (**Appendix 2**). The Feedback Form could also be downloaded to complete and forward by post/email to the Framptons Banbury Office.

In an attempt to generate the maximum possible visits to the virtual exhibition, the following publicity was arranged.

- An advert was placed in the Banbury Guardian to notify readers of the Public Consultation on the XX December 2021. The advert can be found at **Appendix 3**.
- The virtual exhibition was advertised locally by a leaflet drop to the dwellings and businesses shown on the plan below. Around 230 leaflets were dropped to local residents and businesses. The Leaflet can be found at **Appendix 4**.
- Letters of invitation to view the virtual exhibition to City Council and Parish Councils and other interested organisations as follows:

- Banbury Town Council
- Banbury Civic Society
- City and Town Councillors:

- |                             |                            |
|-----------------------------|----------------------------|
| • Councillor Alastair Milne | Councillor Andrew Beere    |
| • Councillor Arash Fatemian | Councillor David Beverly   |
| • Councillor Gordon Ross    | Councillor Hannah Banfield |
| • Councillor John Colegrave | Councillor Kieron Mallon   |
| • Councillor Lucy Donaldson | Councillor Mark Cherry     |
| • Councillor Nathan Bignell | Councillor Nick Harrison   |
| • Councillor Sean Woodcock  | Councillor Shaida Hussain  |
| • Councillor Steve Kilsby   | Councillor Surinder Dhesi  |
| • Councillor Tina Wren      | Councillor Tony Ilott      |
| • Councillor Tony Mephram   | Councillor Barry Richards  |
| • Councillor Claire Bell    | Councillor Colin Clarke    |

## ATTENDANCE AND FEEDBACK

Due to the COVID19 pandemic and the local lockdown arrangements, it is not surprising that the response to the consultation was low. Only one Feedback form was received from a local resident, who was generally in favour of the Proposed Development.

The Applicant made direct contact with the Banbury Town Council, the Banbury Civic Society and the Canal and Rivers Trust, to arrange a zoom meeting whereby the Proposed Development could be explained further and feedback received.

The Banbury Town Council did not agree to a meeting and confirmed that it would directly respond to the Council during the formal consultation period undertaken by the council, once the planning application was submitted.

A meeting was arranged with the Banbury Civic Society on the 17<sup>th</sup> December 2020. The following points were noted from the discussions.

- Support the Council's aspiration with regard to the Canalside Regeneration policy;
- Broadly support the quantum of development. Appreciate the sustainability of the Site and the need to make the most effective use of the land;
- Broadly support apartments in the location and the mix of apartment types;
- Broadly support that the location could take multi storey buildings. Need to see evidence that a 6-storey building would protect the heritage assets of the Town, particularly the Church.
- Impact of the development on the River Cherwell need careful consideration;
- Would like to see green roofs/walls as part of the suitability measure incorporated within the detailed design;
- Broadly support the design rationale - ensuring that the development will respect the existing commercial character of the locality;
- In general - very happy to see the development being brought forward.