

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

District: Cherwell

Application No: 21/01119/OUT

Proposal: Outline planning application for the re-development of the Banbury Oil Depot to include the demolition/removal of buildings and other structures associated with the oil depot use and the erection 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

Location: Q8 Fuelcare, Tramway Road, Banbury

Response date: 25th May 2021

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.

Application no: 21/01119/OUT

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Strategic Comments

The site is located within an area of land referenced in the Adopted Cherwell Local Plan (2015) as Policy Banbury 1: Banbury Canalside for Mixed use (Housing and Employment).

The County Council is raising a Drainage objection.

Also attached are Transport and Education comments.

Officer's Name: Jonathan Wellstead

Officer's Title: Principal Planner

Date: 24/05/2021

Application no: 21/01119/OUT

Location: Q8 Fuelcare, Tramway 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 - TBC**
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: 21/01119/OUT

Location: Q8 Fuelcare, Tramway Road, Banbury

Transport Development Control

Recommendation:

No objection subject to conditions to

S106 Contributions – with costings to be determined and provided later for the schedule Highway improvements and related works for the area.

An obligation to enter into a S278/38 agreement with Local Highway Authority highway works where necessary in association with application.

Planning Conditions as detailed below.

Key points

- Contributions towards Cherwell Street Corridor and the Tramway Road Scheme improvements etc.
- Footway and cycle route improvements
- Principle of access location and design and pedestrian/cycle and road safety mitigation measures for the site.
- Visibility Splay and Swept path Analysis of vehicular movements for the internal parking layout and site access
- Information on Car and Cycle parking facilities supported by detailed design layout drawing
- Residential Travel Plan

Comments:

Proposal- forms part of the regeneration of Canalside, a major opportunity to redevelop a substantial area close to the town centre and secure and improved access to the railway station; The integration of the canal and River Cherwell as central features of the town; and, to deliver up to 143 mixed apartments comprising 1, 2 and 3-bedroom apartments, together with area up to 166m² of community/and or retail/and or commercial space

Location-The application site is located to the north of the Canalside regeneration area as allocated within Planning Policy Banbury (BAN1) in the Cherwell Local Plan (Adopted July 2015). It is east of Banbury Town Centre, close to Banbury Railway Station, the River Cherwell to the west and Banbury Bus Station 400m walk to the north west of the Site. The site access for vehicles and pedestrian is off Tramway Road.

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, Tramway Industrial Estate, Banbury Trade Park, and the Central M40 employment site

are all within a 10-minute cycle ride. Its sustainable location provides the opportunity for access and travel by alternative modes of travel to the private car.

The applicant proposes to provide 98 car parking spaces comprising of Surface and undercroft parking and reflecting the car ownership within Banbury (census 2011), together with cycle stands.

Access- The site access is off Tramway Road, a 6m single carriageway width road with two-way traffic for vehicles including footways on both sides of the carriageway with a speed limit of 30mph. A continuous footway network runs alongside Tramway Road and connects into Banbury Town Centre. The footway also gives access to the canal towpath. Vehicular, pedestrian and cycle access will be via Tramway Road. There are two potential access arrangements, the first proposes a standard bellmouth arrangement as shown on Drawing 22251-02. The alternative would be a shared surface footway crossover which gives priority to users of the footway/ cycleway that is proposed past the site as shown on Drawing 22251-02-1. The internal layout has also been tracked with a large car and a Refuse vehicle which can be seen in Drawing 22251-02-2

According to the TA, the proposed access off Tramway Road is submitted as a detailed proposal. As a result of the proposal, new routes for taxis, cars and buses to access the Station from Swan Close and Hightown will be created.

Access Visibility Splay and Tracking-The road that the proposals connect on to is not currently highway. However, the new access should indicate the required visibility and the tracking should confirm the dimensions of the refuse vehicle. The Applicant should ensure the minimum width of access road is 5.5m, - please refer to the OCC Design Guide (2015) Section 5 Road Types.

We would recommend land is provided for a 3m shared footway cycleway link to be able to access the railway station from Tramway Road safely allowing pedestrians to use the footway. The Footway width adjacent to carriageway will need to be a minimum of 2m. There are no visibility splays indicated. Junction and Forward Visibility Splays must be in accordance with the OCC Residential Design Guide Second Edition (2015) and dedicated to OCC if they fall out of the existing highway boundary.

Table of Required Sightline ('Y')-Distance for Speed on Through Road

Kph	30	40	50	60	70	85	100	120
Mph	19	25	31	37	43	53	62	75
SSD (m)	33	45	70	90	120	160	215	295

Table of Required Forward Visibility Distance for Speed on Through Road

Kph	16	20	24	25	30	32	40	45	48	50	60
Mph	10	12	15	16	19	20	25	28	30	31	37
SSD (m)	9	12	15	16	20	22	31	36	40	43	56

OCC require a swept path analysis for an 11.6m in length refuse vehicle for all manoeuvres in forward gear passing an on-coming or parked family car throughout the layout. The swept path does not indicate how an oncoming or parked car and evidence will be required if this layout is to be adopted. The carriageway will also

require widening on the bends as indicated in the OCC Residential Design Guide Second Edition (2015) Para 6.28.

Centre line radius (m)	20	30	40	50	60
Min. widening (m)	0.60	0.40	0.35	0.20	0.15

A Stage 1 Road Safety Audit in accordance with GG119 (5.46.1) including a designers response will needed in support of the above access and highway improvements.

GG 119 Revision 2

5. Undertaking the road safety audit

NOTE The highway scheme can be designed by an organisation working for the third-party organisation rather than an organisation working for the Overseeing Organisation.

5.46.1 A stage 1 RSA report should be undertaken before planning consent is applied for as this demonstrates that the potential for road user safety issues has been addressed.

NOTE The third party organisation-led scheme is submitted for planning approval to the local planning authority and, where there are highway implications, the highway or Overseeing Organisation is consulted.

No private drainage is to discharge onto any area of existing or proposed adoptable highway. The drainage proposals will be agreed at the Section 38 Agreement stage once the drainage calculations and detailed design are presented.

It should be noted that no Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design and acceptable adoption standards will be subject to a full technical audit.

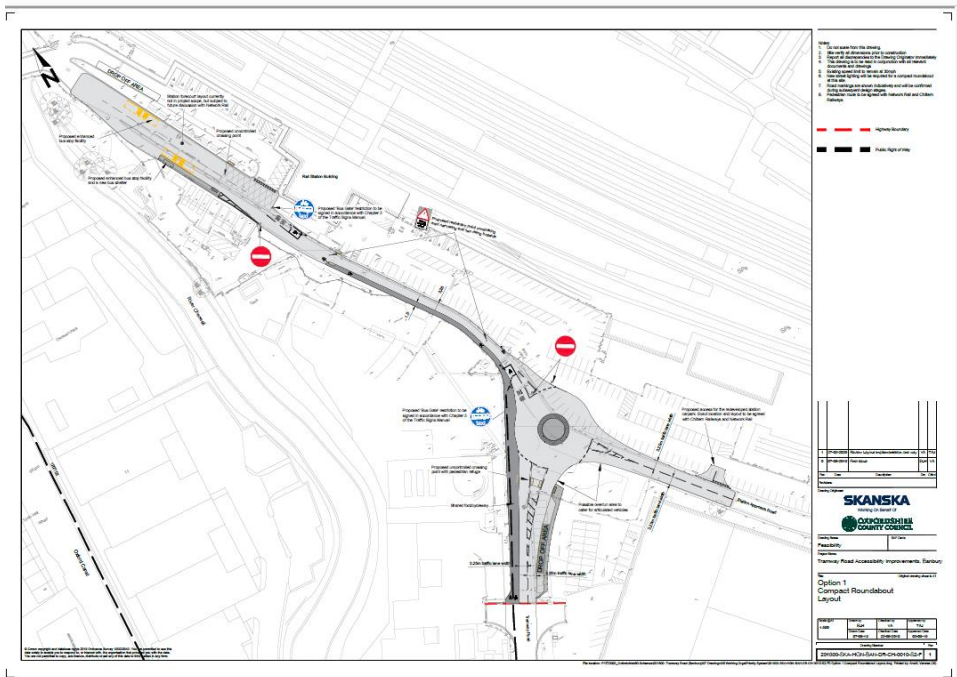
Minor residential roads that serve four or less properties will not be considered for adoption. Roads serving 5 or more houses can be considered for adoption but will need to meet adoptable criteria set out in the OCC Residential Design Guide Second Edition (2015).

The Highway boundary needs to be checked with OCC Highway Records (highway.records@oxfordshire.gov.uk) to determine whether or not it coincides with the site boundary at the proposed access junction. The highway boundary is usually identified along the roadside edge of the ditch.

OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site, but the location of the samples must relate to the proposed location of the carriageway/footway.

Comments regarding the proposed development and OCC Improvement Schemes in the area - the Applicant would be required to liaise with OCC Tramway Road Accessibility Improvement Team Officers for further information on the Tramway Road scheme, so that the composite development is co-ordinated with OCCs proposals and the requests previously made.

In terms of accessibility, the applicant is relying on the Tramway Road Scheme, however, it should be noted that we are still developing the scheme. For reference our current feasibility scheme (attached) should be used to inform the development proposals, acknowledging this will likely evolve given we are now progressing preliminary design.



It was disappointing that the applicant has not made any commitments to how it will support and facilitate the widening of the footway/cycleway within land under their control given our previous correspondence with the Applicant and Highway project Team Officers on this matter. The expected land required should also facilitate links to the wider regeneration area, town centre and railway station.

We therefore request the Applicant to provide us with further information (and commitment) to show how their proposal will support the widening of the footway/cycleway within land under their control to support suitable pedestrian and cycle facilities for their scheme and the aspirations of the Tramway Road scheme.

Given that the applicant is suggesting that a significant proportion of their vehicular generation will arrive/depart via Cherwell Street to the north of the junction with Swan Close Road it has been identified there may be the possibility of seeking contributions towards improvements to the Cherwell Street Corridor and the Tramway Road Scheme from the Applicant.

With regards to specifics of their vehicular access, we note the following:

- The access should prioritise north/south movements by users of the footway/cycleway so this should be a raised access.
- The current arrangement would be unlikely to enable vehicles to turn left out of the access, radii should be suitable for this and tracking undertaken acknowledging the Tramway Road scheme provided (6m radii).
- Appropriate visibility splays should be shown and maintained.

Regarding the constrained nature of the link along Station Approach between the Station Car Park and the Certas Site, it is important that the developer facilitates the ability for the footway/cycleway to be widened from that of what we can currently achieve to not only support OCC's scheme but also access to and from their development parcel.

The Banbury Masterplan and Canalside Supplementary Planning Document makes clear the requirement for two additional crossings of the Oxford Canal and the River Cherwell, directly to the north and south of the western edge of this development. These will provide direct pedestrian and cycle access to Cherwell Street through the existing Canal Street and opposite the existing George Street as other areas of the site and Cherwell Street itself are redeveloped.

The Developer will be expected to make a significant contribution to the costs of these new crossings, in proportion to the number for dwellings to be provided, as will all other proposed developments in the Canalside 'quarter'. The exact level of these contributions will be determined following discussions with Cherwell District Council and OCC.

Walking and Cycling-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 within the Tramway Road improvements improves the sustainability credentials of the site. A continuous footway network runs alongside Tramway Road and connects into Banbury Town Centre. The footway also gives access to the canal towpath. At present Tramway Road to the east of the site provides a pedestrianised access to Banbury Railway Station. Cyclists currently travel on carriageway, the National Cycle Route (NCR) 5 runs along the south of Banbury can be accessed from the site via a link route.

Tramway Road Accessibility Improvement Works to be delivered by Oxfordshire County Council includes a new footway/ cycleway along the site's eastern boundary. and a shared cycle/pedestrian route alongside Tramway Road and onto Station Approach. The proposed development will therefore provide walking distance links through the site to the wider regeneration area, town centre and railway station and bus interchange. New pedestrian and cycle routes that bridges the canal river and railway would be provided. This will necessitate the provision of Public Rights of Way (PROWs) in the vicinity of the site. The Developer should ensure that the footway and Cycle routes complies with **County Council Walking Design Standards-**
<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/WalkingStandards.pdf>
and the **County Council Cycling Design Standards**
<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/CyclingStandards.pdf>

The TA confirms Cycle parking will be provided in accordance with OCC's requirements as set out in Cherwell's residential design guide July 2018 this is welcomed and will require approval.

Public Transport –The improvements for the area adjacent to above site, includes a bus interchange, new bus route to the station from Swan Close and Hightown Road. High quality public transport facilities with real time information and signal priority will be provided to ensure that public transport is accessible and desirable for travel. The closest bus stop to the development site is on Swan Close Road (400m.approx) offering bus service routes 5 and B3, Banbury Bus Station is also within proximity of the site.

Rail Service- Banbury railway Station directly adjacent to the site with 63 sheltered cycle storage spaces and a pay and display car park with 978 spaces and 14 accessible spaces

Having considered the implementation of proposals in the Movement Strategy and improved junction arrangements on Bridge Street and Cherwell Street, the Transport Assessment (TA) confirms the proposed Development will have not have adverse impacts on the local highway network which is acceptable.

Personal Injury Collisions - Personal Injury Collision (PIC) data has been obtained for the five-year period from 01/01/2015 to 31/12/2019 totaled 116 accidents (97 slight, 19 serious and 0 fatal) with no accidents on Tramway Road where the site access will be located. None of the accidents were attributed to existing road layout.

Trip Generation- TA asserts that majority of trips associated with development will be made by foot or cycle for school journeys, employment and trips to the railway station and bus stops as part of linked trips to other destinations. Based on the 2011 Census data for the Middle Super Output Area (MSOA) of Cherwell 004 for the site location 39% of residents work within the MSOA in which they live. TRICS database was interrogated using forecasts of multimodal trips for 'Land Use 03 – Residential/C – Flats Privately Owned', with the exclusion of sites in London, Wales, Scotland and Ireland. The estimated vehicle trip rates and person trip generation for the development are summarised in Table 8 and Table 9(Appendix E)

Table 8 - Vehicle and Person Trip Rates

	Vehicle Trip Rate			Person Trip Rate		
	In	Out	Total	In	Out	Total
08:00-09:00	0.065	0.181	0.246	0.104	0.530	0.634
17:00-18:00	0.190	0.104	0.294	0.442	0.199	0.641
07:00-19:00	1.269	1.294	2.563	2.786	2.837	5.623

Table 9 - Vehicle and Person Generation

	Vehicle Generation			Person Generation		
	In	Out	Total	In	Out	Total
08:00-09:00	9	26	35	15	76	91
17:00-18:00	27	15	42	63	28	92
07:00-19:00	181	185	367	398	406	804

Table 9 shows the predicted generated AM & PM peak two -way vehicle trips of 35 and 42 respectively; figures are considered negligible and therefore should not make any material impact on the adjacent road network.

Traffic Impact Assessment Due to the low level of estimated development generation traffic the 'net' traffic impacts, it is acknowledged that detailed traffic modelling of the wider highway network is not required. The TA also confirms the generated traffic will not adversely affect the Tramway Road/ Hightown Road/ Lambs Crescent/ Swan Close Road junction for the 2025 base year and the 2025 plus development traffic scenario

Car Parking - The TA confirms that Oxfordshire County Council Standards will be used for the on-site car parking facilities, using the approximate proposed mix of the apartments to be provided on site, the number of parking spaces based on 2 spaces per unit being allocated, 1 space per unit being allocated and no spaces per unit being allocated is presented. *Table 5 - shows number parking spaces for the housing mix as follows: - Studio (6%- 9 no) 1bed (34%-51no) 2bed (39%- 59no) and 3bed (21%- 32no) for 150 units.* However, given the sustainable location of the development. the local car ownership for the area ward for the Flats, Maisonettes and Apartments, a lower proposed parking 95 spaces is proposed for 143 apartments. Clarification is required on the number of car parking spaces being proposed, TA refers to both 95 and 98 parking spaces.

Travel Plan- The location of the site provides very good access to sustainable transport options and local amenities; these should be promoted to residents. The size of the site triggers the requirement for a Travel Plan and associated monitoring fee. Please see the Oxfordshire County Council guidance document '[Transport for new developments: Transport Assessments and Travel Plans \(March 2014\)](#)' for further information.

The 166m² part of development for the mixed-use community / retail / commercial space however does not trigger any requirements for a Travel Plan, Travel Plan Statement or monitoring fee.

The provision of EV charging spaces with covered and secure cycle parking spaces together the car dependency reduction measures such as a car club, pool cars/cycles and lift sharing in support of the proposal is welcomed.

Legal Agreement required to secure:

Section 106 Agreement will be required to secure the monitoring fee of £1,446 (RPIx Dec 2020).

Planning Conditions:

If permission is to be given, the following planning conditions should be attached:

Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

Car Park Layout Plan

Prior to commencement of the development, a plan detailing the layout of the car parking area shall be submitted to, and approved by, the Local Planning Authority. The Car Park Layout Plan must set out so that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed.

Reason: in the interest of highway safety

Swept Path Analysis

Before the development permitted is commenced a swept path analysis shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that all vehicles can safely and easily enter and exit the parking space for all the parking bays.

Reason: In the interest of highway safety

Visibility Splays

Prior to occupation of the dwelling Vehicle visibility splays, together inter -visibility for pedestrians measuring 2m by 2m shall be provided the access. This visibility splay shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy

Cycle Parking

Before the development permitted is commenced, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy M5

Provision of New Permanent Public Footpaths

Prior to the commencement of the development hereby approved, full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan.

Prior to first occupation a Travel Plan Statement (TPS) shall be submitted to Local Planning Authority for approval

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan (CTMP)

Prior to commencement of the development hereby approved; a construction traffic management plan shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times

The TDC Officer has no objection in principle to the above application provided the Applicant addresses the conditions and above comments satisfactorily.

Informative:

Any alterations to the Public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing Team (0845 310 1111) for this action. Works required to be carried out within the public highway, shall be undertaken within the context of a legal Agreement (such as Section 278/38 Agreements) between the Applicant and Highway Authority

Officer's Name: Francis Hagan
Officer's Title: Transport Planner
Date: 21 May 2021

Application no: 21/01119/OUT

Location: Q8 Fuelcare, Tramway Road, Banbury

Drainage

Recommendation:

Objection

Key issues:

Site lies within drinking water protection zone and drinking water safeguard zone, more water quality measures are needed.

With the scale of the site, more SuDS can be implemented. SuDS such as permeable paving for parking spaces can provide additional water quality measures.

As the site will be used as oil depot, therefore more suitable water quality measures must be provided. Proposed development must meet local standards, L19, "At least one surface feature should be deployed within the drainage system for water quality purposes, or more features for runoff which may contain higher levels of pollutants in accordance with the CIRIA SuDS Manual C753. Only if surface features are demonstrated as not viable, then approved proprietary engineered pollution control features such as vortex separators, serviceable/ replaceable filter screens, or pollution interceptors may be used"

Calculations must be provided for 1 in 1, 1 in 30, 1 in 100 and 1 in 100 +40%. The calculations must be presented with storm table results which shows whether there's surcharge, OK, Flood risk or flooding.

The model used in the calculations must be represented in the layout so that the pipe numbers, MH numbers, invert levels and so on can be cross referenced. The drawing must show flow arrows and exceedance flow routes.

A detailed surface water management strategy must be submitted in accordance with the [Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire](#)

In line with this guidance, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site as much as possible.

Detailed comments:

The [Sustainable Drainage Systems \(SuDS\) Policy](#), which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The [Sustainable Drainage Systems \(SuDS\) Policy](#) also implemented changes to the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the [Oxfordshire flood tool kit](#) website. The site also includes specific flood risk information for developers and Planners.

The [National Planning Policy Framework](#) (NPPF), which was updated in February 2019 provides specific principles on flood risk (Section 14, from page 45). [National Planning Practice Guidance](#) (NPPG) provides further advice to ensure new development will come forward in line with the NPPF.

Paragraph 155 states; *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*

As stated in Paragraph 158 of the NPPF, we will expect a sequential approach to be used in areas known to be at risk now or in the future from any form of flooding.

The [Non-statutory technical Standards for sustainable drainage systems](#) were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the [“Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”](#) to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA [SuDS Manual \(C753\)](#), and we expect all development to come forward in line with these principles.

In line with the above guidance, surface water management must be considered from the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at concept stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

By the end of the Concept Stage evaluation and initial design/investigations Flows and Volumes should be known. Therefore, we ask that the following Pro-Forma is completed and returned as soon as possible:

Officer's Name: Sujeenthan Jeevarangan

Officer's Title: LLFA Planning Engineer

Date: 07 May 2021

Application no: 21/01119/OUT

Location: Q8 Fuelcare, Tramway 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	£373,912	333 (related to 3Q19)	BCIS All- In TPI	Secondary provision serving the area
Total	£373,912	333 (related to 3Q19)	BCIS All- In TPI	

With regards to capacity at the primary school level, there is currently expected to be sufficient capacity at schools within 1 mile walking distance of the development.

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

£373,912 Secondary School Contribution indexed from TPI = 333

Justification:

For secondary education provision, demand for places in the town has risen in recent years, such that in 2021 there have been more applicants than places available, requiring one of the town's schools to accept pupils in excess of their published admission number. 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. This new school would be the closest to the currently proposed development, and therefore most directly related. The new school will need to be at a minimum a 600-place secondary school.

Calculation:

Number of secondary pupils expected to be generated	11
Estimated per pupil cost of a new 600-place secondary school	£33,992
Pupils * cost =	£373,912

The above contributions are based on a unit mix of:

87 x 1 bed dwellings
46 x 2 bed dwellings
10 x 3 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: Information Analyst
Date: 4 May 2021
