

Our Ref: PJF/dj/PF/10254
(Please reply to Banbury office)

debbie.jones@framptons-planning.com

3rd February 2022

Linda Griffiths
Principal Planning Officer (Major Developments)
Place and Growth Directorate
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Linda

TOWN AND COUNTRY PLANNING ACT 1990
BANBURY OIL DEPOT: PLANNING REF: 21/01119/OUT
SUBMISSION OF AMENDED PLANS AND REPORTS

1. Please find attached the following plans and documents relating to the amended scheme associated with planning application ref. 21/01119/OUT. This letter explains the change and the reasons for the changes and also addresses other Statutory Consultee comments. The site is included within Planning Policy Banbury 1 Canalside (BAN1). The mixed-use residential development of the site has been established in principle by planning policy BAN1.
2. The Applicant requests that the application description is amended to read:

'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 110 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.'

3. The amended plans and reports are set down below:

- Dwg no: 255_P01 Rev B Parameter Plan
- Dwg no: 255_P02 Rev B Access & Parking Options
- Dwg no: 255_P03 Rev B Illustrative Masterplan
- Dwg no: 22251-04 Belmouth Arrangements and Vehicle Tracking
- Dwg no: 22251-04-1 Footway Crossing and Vehicle Tracking (Refuse)
- Dwg no: 9156L.LSP.001 Illustrative Landscape Plan Rev. A

enquiries@framptons-planning.com
www.framptons-planning.com

Oriel House, 42 North Bar, Banbury,
Oxfordshire, OX16 0TH
T: 01295 672310 F: 01295 275606

Aylesford House, 72 Clarendon Street,
Leamington Spa, Warwickshire, CV32 4PE
T: 01926 831144

Oxford – Area Office, 4 Staplehurst Office Centre,
Weston on the Green, Bicester, Oxfordshire, OX25 3QU
T: 01295 672310

- Transport Statement (amended)
 - Ecology Survey (amended)
 - Heritage Assessment (amended)
 - Flood Risk Assessment (amended)
 - Air Quality Assessment (amended)
-
- Appendix 1 Banbury Vision and Masterplan Supplementary Planning Document (BVM) (SPD) – response to urban framework
 - Appendix 2 Banbury Town Centre - ‘Town Centre Extension – Area of Search’
 - Appendix 3 Network Rail – Land Ownership

THE AMENDED PROPOSAL

4. The amended scheme follows on from comments received from the Council’s Planning Team and other statutory consultees. The following points of concern were raised by the Council.
 - Heights of buildings;
 - Quantum of Development;
 - Open space – quantum, location, and type, needs to include a LAP or a LEAMP; and
 - Relationship to the river frontage and landscaping.
5. To address the Council’s concern, the number of apartments has been reduced to 110, which has facilitated a reduction in building heights from ‘up to 6 storeys’ to ‘up to 4 storeys’.
6. The reduction in dwellings has reduced the requirement for car parking from 96 to 65 spaces and facilitated additional open space across the site. The reduction in car parking spaces has reduced the car parking dominance of the scheme, as perceived by the Council. The amended plans demonstrate that the required visibility splay can be achieved within the red line boundary.
7. The amended Illustrative Landscape Plan has identified how the landscaping of the site could be brought forward. A variety of open space typology has been included; an area for a LAP, and a Courtyard Plaza, that will create a focal point on entering the development, providing an attractive meeting and sitting area for residents, along with other informal green spaces fronting the River Cherwell.
8. The apartments will all have private outside space in the form of balconies as well as the riverside and green space explained above. Furthermore, the Site has good access to public open space within walking and cycling distance at: Bankside Country Park (8-minute walk, 2-minute cycle); Bridge Street Park (5-minute walk, 1 minute cycle); and, Spiceball Country Park (12-minute walk, 3-minute cycle).
9. The apartments represent high density ‘urban living’ close to the Railway Station and Town Centre, making the most effective use of, arguably, the most sustainable site in Banbury. Such sites should not be assessed, in term of open space, in the same manner as those residential sites on the edge of Banbury, in less suitable locations. National and local planning policy seeks to make the most efficient and effective use brownfield sites. The Banbury Oil Depot is a significant brownfield site within the district; the open space provision is appropriate to the scale and nature of the town centre

development, with plenty of public open spaces available to future residents within easy walking/cycling distance.

10. Connectivity from the Canalside allocated site and Banbury Town Centre is a key policy objective included in BAN1 Canalside. The Environment Agency (EA) is concerned about the relationship of the proposed landscaping and the River Cherwell. The elevated boardwalks element of the previous illustrative landscape scheme has been removed, and a post and rail fence has been incorporated to create a defensible edge between the river bank and the proposed river bank walk. The Illustrative Landscape Plan has included a 3m wide river side walk. An 8m no build buffer, as requested by the EA, has been included.
11. The heights of the buildings have been reduced to 'up to 4 storeys'. It is noted that the Conservation Officer's comments do not object to the initial higher 'up to 6 storeys' buildings.
12. **To summarise:** The changes reflect a post application meeting and comments from statutory consultees. The main changes to the scheme are as follows:
 - Reduction in the number of dwellings from up to 143 to up to 110;
 - Reduction in the number of storeys from 'up to 6' to 'up to 4';
 - Reduction in the number of car parking spaces from 92 to 65;
 - Increase in the quantum and typologies of open space;
 - Amendments to the illustrative Landscape plan – simplifying and creating a defensible edge to the River Cherwell.

PLANNING POLICY RESPONSE

13. The policy objections and response are set out below:

'Planning policy objection due to inconsistency with Policy BSC4 in terms of the mix of homes proposed unless justified and supported by the housing strategy team'.

14. The response from the Housing Strategy Officer (dated 6th May 2021) has no objection to the proposed housing mix which will be agreed at the future Reserved Matters stage.

*'Planning policy objection in relation to the exclusion of neighbouring land unless sufficient justification is provided and it can be **demonstrated that the proposal will satisfactorily fulfil the design and place making principles of Banbury Policy 1 and the NPPF requirements in relation to design and amenity**'.*

15. The Banbury Vision and Masterplan Supplementary Planning Document (BVM) (SPD) was adopted in 2016 and contains development principles for the Canalside site. The key urban design/development principles that guide the redevelopment of the area are set out in Appendix 1 of the BVM, which also contains an Urban Framework Plan. **Appendix 1** attached (to this statement) sets out the urban design principles included in the BVM Urban Framework for the Canalside Regeneration Area and the Applicants response on how the design addresses this principle.

16. **Appendix 1** demonstrates that the proposed development complies with the design principles included in the BVM. The Planning Policy response agrees with this and states *'The proposed development is in accordance with these design principle as set out in the table below. The proposals are generally consistent with the Banbury Masterplan'*.
17. As this is the case, the proposed development will not compromise the remaining Canalside BAN1 allocation in coming forward and being able to satisfy the BVM Urban Framework for the Canalside allocation. The application site is the only site within the Canalside allocation that could facilitate the required river crossings included in the BVM. The proposed development includes safeguarded land (no build areas) where the bridge crossings could be accommodated. The site also achieves the fundamental objective of the Canalside regeneration area, that of improving the connectivity between Banbury Train Station and the Town Centre. The application site is central in bringing forward and achieving the objectives of the regeneration of the Canalside area.

Loss of the Banbury Oil Depot (Planning Policy SLE1)

18. Planning comment in relation to justification of the loss of the Banbury Oil Depot employment site and inclusion of the proposed commercial area to the north of the site. Policy SLE1 Employment Development seeks to protect existing employment sites and to guide new employment development. Policy SLE1 states that:

'New dwellings will not be permitted within employment sites except where this is in accordance with specific site proposals set out in this Local Plan'.

19. The application site is allocated in BAN1 Canalside, a strategy, a mixed-use development to deliver 700 home and 15,000m² of Town Centre use, with limited B1a office use in the Local Plan. Paragraph C.136 of the Local Plan states:

'Canalside is a highly sustainable location for housing development close to the town centre, railway station, bus station, leisure centre, parks, a supermarket, health centre and community centre. Its redevelopment will make effective use of brownfield land, contribute towards the remediation of contaminated land and significantly reduce the need for less sustainable greenfield development on the edges of the town'.

20. The proposed residential development on the application site complies with Planning Polices SLE1.
21. Policy SLE2: Securing a Dynamic Town Centre seeks to ensure that both Bicester and Banbury have a strengthened role in achieving economic growth and as a destination for visitors in serving their rural hinterland in accordance with Planning Policy Banbury 7 Strengthening Banbury Town Centre (BAN7). BAN7 supports shopping leisure and other 'Main Town Centre Use' within Banbury Town Centre.
22. BAN7 includes an extension to Banbury Town Centre defined as the 'Town Centre Extension – Area of Search' to allow Town Centre uses to be located within the Canalside BAN1 allocation. **Appendix 2** demonstrates that the proposed commercial area is located within the extended areas of search where Town Centre uses are acceptable and are in accordance with BAN1.

23. The proposed commercial area is located on the ground floor of Apartment Block E located to the north of the site and overlooks the proposed new station 'gateway' public square and Station Approach included in the BVM. The location and proposed uses, commercial/retail on the ground floor and residential on upper floors, is in accordance with the objectives and the BVM and its Appendix 1 Canalside - Urban Framework Plan. In line with good urban practices, a mixed-use space fronting Public Squares, that is proposed on land contiguous with the northern boundary of the site, will ensure that an attractive, characterful, and safe public realm space can be achieved.
24. The use class include in the planning application Class Use E and/or Class Use F to allow flexibility in the delivery of this commercial use. The proposed commercial use is located in an area, where shopping, leisure and Town Centre uses are acceptable, as such, does not need to be justified through a sequential Test.

Noise – Overnight Train Stabling

25. The noise survey included diesel train engines idling at Banbury Railway Station (between 2230 hrs and 2330 hrs). These noise measurements were used to calibrate the noise model, which was then used in the noise assessment. It can be confirmed that overnight noise from the depot has been included in the assessment.

SUSTAINABILITY

26. The Case Officer in her comments requested further details relating to Planning Policies ESD1-5. A Sustainability Report accompanies the Planning Application and addresses sustainability polices, and the approach that will be taken to reducing energy demand and GHG emissions of the development. At this stage it is not possible to detail the proposed energy strategy, this exercise will be undertaken at the Reserved Matters stage.
27. A condition attached to any decision issued, requiring detailed information, as has been included in other major application approvals, would be acceptable to the Applicant. A suggested wording for the conditions is set out below.

'All applications for approval of reserved matters shall be accompanied by an Energy Statement that demonstrates which sustainable design measures, including the provision of on-site renewable energy technologies, will be incorporated into that phase. The sustainable design measures shall thereafter be fully incorporated into the development of each phase and no occupation of development within the relevant phase shall take place until the approved sustainable design measures have been provided and, for on-site renewable energy provision, until such measures are fully installed and operational'.

Reason:

To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

ENVIRONMENT AGENCY AND THE LLFA

Flood Risk

28. The amended scheme is supported by updated Flood Risk Assessment (FRA) and Ecology Survey (ES) to reflect the amended scheme and to address the comments from the Environment Agency. The FRA has concluded that there are no prohibitive engineering constraints in developing the site for residential development. When designed in accordance with the Banbury Canalside SFRA, mitigation measures including ground raising and designing the finish floor levels above the maximum flood levels will remove the risk of fluvial flooding from the proposed developments.
29. In terms of flood risk, the site is fully able to comply with NPPF guidance together with associated local and national policy guidance.

Biodiversity Protection and Enhancement

30. The EA required additional information to address its comments which have been incorporated in the updated Ecology Report. The following briefly summarise the additional information submitted:
 - The raised platforms included in the Illustrative Landscape Plan have been removed and replaced with a simple 3m wide riverside walk;
 - A post and rail fence has been included to create a defensible barrier between the site and the river bank which will control access to the river bank by residents and dogs, to reduce the potential disturbance to the river from the residential use of the site;
 - An 8m biodiversity zone has been incorporated within the site, which will be designated to manage and improve the biodiversity of the site (associated with the river) and will ensure that disturbance to the river bank is minimal;
 - An otter survey was undertaken during the Phase 1 Survey;
 - The amended scheme has reduced the number of car parking spaces which has increased the amount of green space across the site;
 - The Ecology Survey has recommended that a Lighting Strategy be prepared to reduce any impacts of the proposed development on the western boundary of the site. The Applicant is content for this to be secured by condition to any approval issued;
 - The Ecology Survey has recommended a Construction Environmental Management Plan (CEMP) to ensure that during the construction works the River Cherwell is protected; and
 - The Ecology Survey has set out the principles on how a Biodiversity Net Gain can be achieved across the site. This will be achieved by the removal of the dense (species poor) scrub along the River Cherwell. It is considered that this could achieve up to 46.92% biodiversity net gain across the site. Details will be agreed at the Reserved Matters stage.

NETWORK RAIL (NR) COMMENTS

31. To ensure that access to the development would not impact the proposed Tramway Road improvements, the Parameters Plan and the Illustrative Masterplan includes the proposed road improvements; the opening up of Tramway Road to vehicular traffic; and, a new roundabout at the junction of Tramway Road and Station Approach.
32. The inclusion of the Tramway Road improvements on the application drawings has led to some confusion over land ownership details (relating to the proposed site access) and the extent of the proposed application works to the Banbury Oil Depot. The Tramway Road improvements will be delivered by Oxfordshire County Council, as the Local Highway Authority (LHA), and are not part of the redevelopment of the Banbury Oil Depot. **Appendix 3** shows the Network rail landownership plans. As can be demonstrated, the proposed access to the site does not lie within the land owned by NR.
33. The proposed access to the site will not impede the access to the Banbury Railway Depot in the immediate or in the longer term. For clarity, amended access drawings have been included that do not include the Tramway Road Improvements. The Local Highway Authority have not objected to the proposed development.

ENVIRONMENTAL HEALTH (EHO)

34. Following initial comments where there was no objection, subject to conditions, further comments were submitted in October 2021 relating to an Acoustics, Ventilation and Overheating ('AVO') Assessment and the need for an Air Quality damage calculation. The Applicants response is set down below.
35. It is common for noise mitigation measures to be conditions as part of future Reserved Matters applications. As the detailed design of the development is not known and will be progressed and agreed at the RM stage, the Applicant is content for the AVO to be secured by condition.
36. The Applicant's Air Quality consultant has confirmed that the detailed dispersion modelling of the additional traffic emissions associated with the proposed development has been undertaken to assess potential impacts at sensitive receptors within the Hennef Way AQMA. The results of the assessment show that the change in concentration will be less than 0.1 ug/m³ and therefore the impact will be negligible. The change in flow on all other road links, including those within AQMA2 (A361) is well below the EPUK/IAQM threshold for a detailed assessment of impacts. On this basis, there will be no significant impact on air quality in Banbury and a damage cost calculation should not be required.

CONCLUSION

37. Cherwell District Council is unable to demonstrate a 5-year delivery of housing sites. The tilted balance, at paragraph 11 of the Framework is engaged. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

38. The provision of 110 dwellings in a sustainable location will assist and be a catalyst in bringing forward the regeneration of Canalside, a long-term objective of the Council. The proposal will transform the approach to Tramway Road, Station Approach and the Railway Station, and will turn the unattractive Oil Depot site into a focal point of Banbury.
39. There are no objections to the proposed development that could not be addressed through conditions, in the normal manner.
40. No adverse impacts of the development, or other material considerations, have been identified that would significantly and demonstrably outweigh the benefits of the proposed development. The Council is requested to approve the application.

If you require any further information, please contact me.

Yours sincerely

A solid black rectangular box used to redact the signature of Debbie Jones.

Debbie Jones

FRAMPTONS

Appendix 1: Banbury Vision and Masterplan SPD (BVM) – Canalside Development Area (Planning Policy Banbury 1)
Assessment of Urban Design/Development Principles – Planning Application 21/01119/OUT
(Please read this in conjunction with the Design and Access Statement and the Planning Statement)

Key urban design/development principles	Comments	Accords with Design Principles.
1. Widening of the Cherwell Street and Bridge Street junction to deal with increased traffic and improvements to the pedestrian crossings to make easier access between the town centre and the railway station.	The applicant will agree to any lawful financial contribution to any improvements to the widening of this junction to mitigate any impact on this junction by the proposed development agreed with the Local Highway Authority.	Yes
2. Redevelopment of 67-75 Bridge Street as part of the gateway between the town centre and railway station; including improved frontage onto the Oxford Canal and the riverfront park. Mixed-use development on the corners of Bridge Street, with potential retail/commercial uses on the ground floor and residential above.	Not applicable to this development.	N/A
3. The widening of Cherwell Street on the eastern side to manage increased traffic flows and a pavement and tree-lined boulevard to provide an attractive setting to the new Canalside development.	The applicant will agree to any lawful financial contribution to the widening of Cherwell Street on the eastern side, if required to mitigate the impact of the proposed development and agreed with the Local Highway Authority.	Yes
4. New homes, including apartments along Cherwell Street; set back from the pavement with landscaped areas to create a strong and attractive street edge. The buildings should generally be at three/four storeys with higher	Not applicable to this development.	N/A

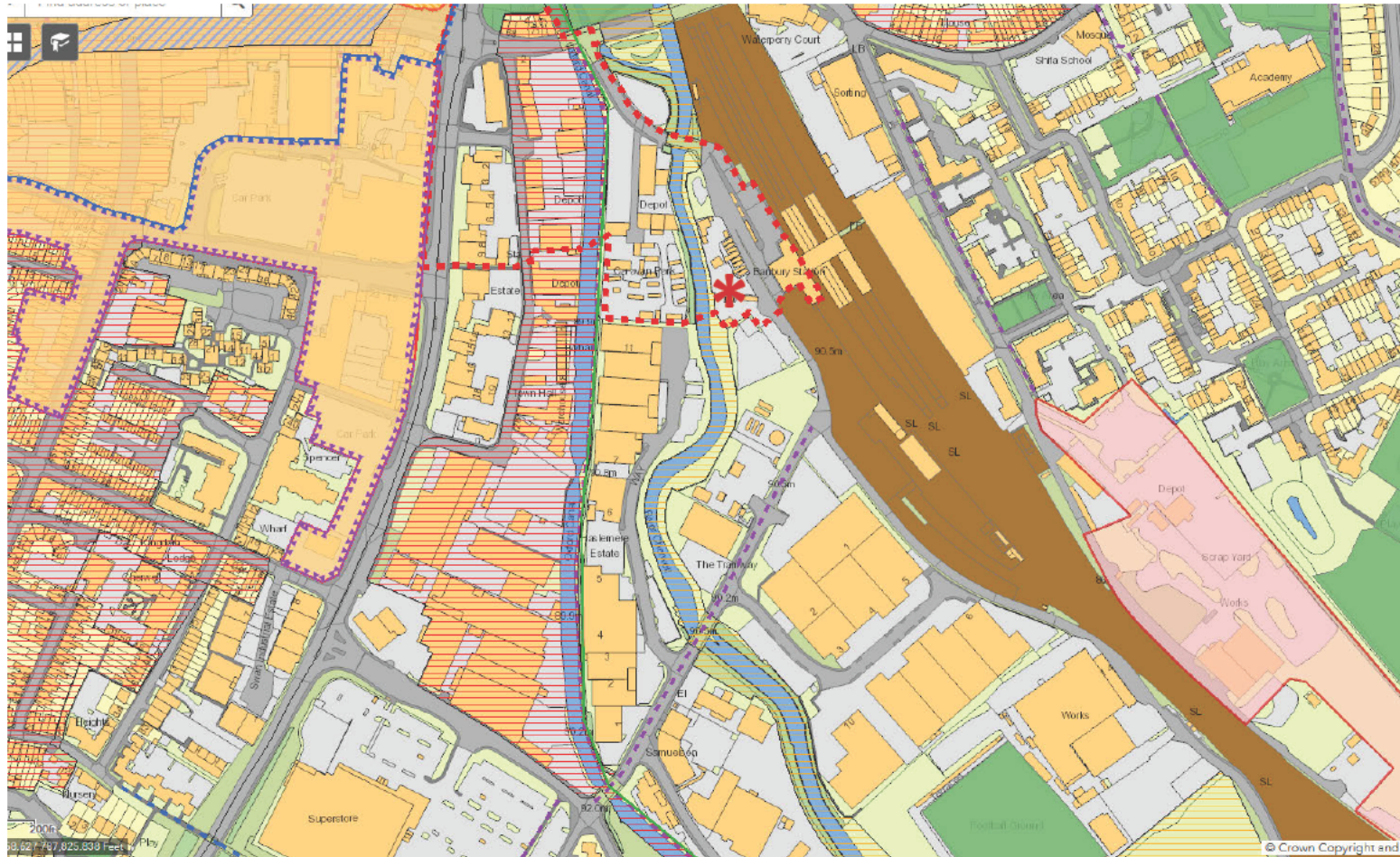
storey feature buildings at the corners as part of the overall design solution.		
5. Existing street pattern maintained between Cherwell Street and the Oxford Canal with listed and locally listed buildings retained wherever possible and other more recent modern buildings to be retained and refurbished, either for residential or mixeduses. Development proposals should have regard to the Oxford Canal Conservation Area.	<p>A Heritage Assessment accompanies the planning application that concludes that the proposed development will preserve the character and appearance of the Oxford Canal Conservation Area, and will cause no harm to the setting of the listed buildings in close proximity to the Site.</p> <p>The Council's Conservation officer concurs with the Heritage Assessment findings and do not object to the proposed development.</p>	Yes
6. New four storey residential development with ground floor retail providing a gateway from the Railway Station into the town centre along a new George Street link.	<p>The site abuts the proposed location where new buildings should form a gateway linking the Railway Station, through Canalside, to the town centre.</p> <p>The proposed development includes a four storey building with retail/community on the ground floor in this location that will create the opportunity for an attractive and active 'gateway' to the Railway Station linking to the Town Centre. The Parameters Plan show the location where bridge links across the River Cherwell could create pedestrian/cycle access, to link Canalside, the station and employment land further east, to the town centre.</p> <p>The Site creates the opportunity for a bridge link at the 'station gateway' location. The land on the site required to accommodate the bridge crossing will be safeguarded (no buildings will be placed in this area). The applicant will agree to any lawful financial contribution towards the delivery of the bridge links, proportionate to the scale of the proposed development.</p>	Yes
7. At key locations along the building frontages, higher elements should be provided as part of the overall design solution, either at corners, on key routes or next to public spaces.	The Parameters Plan has include up to 4 storey building, in line with comments from the Council's Planning Team. The detailed design of the buildings and building heights will be agreed at the Reserved Matters Stage.	Yes

<p>8. New public squares throughout the development providing amenity and landscaped areas for quiet enjoyment. Comprehensive landscaping schemes to The Urban Framework Plan opposite illustrates a development solution following the urban design principles: be implemented in conjunction with any development proposals.</p>	<p>The pedestrian/cycle route facilitated by the proposed bridge crossings across the River are essential to facilitate the proposed 'public square' use. The proposed development can facilitate the bridge links between the public spaces identified in the framework:</p> <ul style="list-style-type: none"> • Canal Street square; • The square accessed from George Street; and, • The 'gateway' adjacent to the Railway Station. <p>The bridge crossings create added permeability and footfall of the Canalside regeneration area to ensure attractive, characterful and safe new public squares can be delivered.</p> <p>The land on the site required to accommodate the bridge crossing will be safeguarded (no buildings will be placed in this area).</p> <p>(Note: The new 'public squares' are located outside of the site boundary, delivery of the public squares and the landscaping will be by others).</p>	<p>Yes</p>
<p>9. Riverside Park along both sides of the River Cherwell providing land for flood alleviation and an attractive setting and amenity area for the new developments. New footpaths to provide access through and into the park. New development to front onto the park where appropriate and provide access routes into the park. Improve the appearance of the river and its water quality</p>	<p>The Parameters Plan includes a Riverside walk on the eastern side of the River Cherwell (within the site boundary) that will connect to a Riverside walk to the west of the river (to be delivered by others) via the two proposed bridge links, within the site boundary (land safeguarded to accommodate the bridge link)</p> <p>The riverside walk to the east of the site will terminate at the proposed bridge crossing and new gateway to the station. The riverside walk to the west will terminate at the boundary of the site that will facilitate its extension as other site within the Canalside are delivered.</p>	<p>Yes</p>
<p>10. New development to front onto the canal with a new canal towpath on the western side. Access routes provided through the development to open up the canal to the</p>	<p>Not applicable to this development.</p>	<p>N/A</p>

<p>wider area and to avoid the creation of a 'perimeter wall'. General enhancement to the canal and towpath as a main northern link through the development with active frontages and mixed use where appropriate. Improve the connection between the canal towpath and the station approach. There is the potential for a new canal basin adjacent to a new mixed use area within Canalside.</p>		
<p>11. Two new pedestrian and cycle routes from George Street and Canal Street to connect Canalside into the town centre. Each route will require two new bridges across the Oxford Canal and River Cherwell; the George Street link will connect to the Railway Station and the Canal Street link will connect to the eastern side of Tramway.</p>	<p>The proposed development will facilitate the bridge connection over the River Cherwell as the first phase of the improved pedestrian cycle connections from the Railway Station to the Town Centre.</p> <p>The proposed development will assist in facilitating the effective use of:</p> <ul style="list-style-type: none"> • The George Street link to connect to the Railway Station; • The Canal Street link to connect to the eastern side of Tramway Road. 	
<p>12. An area of strategic landscape to separate the residential use from the adjacent railway service area.</p>	<p>Not applicable to this development.</p>	<p>N/A</p>
<p>13. New rear elevations of buildings to be set back 10m from the boundary adjacent to the railway surface car park areas. The gable wall of end of terrace units can be closer to the boundary.</p>	<p>Tramway Road improvements include the opening of Tramway Road to vehicular traffic to enter the station car park and bus/pedestrian/cycle route to access Station Approach to access the railway station.</p> <p>The Design and Access Statement sets out the approach to the layout of the apartment blocks.</p> <ul style="list-style-type: none"> • Flood and ecology constraints requires the built form to be located to the east of the site; 	<p>Yes</p>

	<ul style="list-style-type: none"> • The proposed apartment blocks will have a dual frontage with the opportunity to create an attractive and active frontage to Tramway Road and Station Approach reflecting good urban design practices; • Frontages to Station Approach and Tramway Road will significantly improve the appearance, character and urban landscape of the Railway Station as required by the BVM. • The rear of the apartments will be located within a landscape led layout with areas of green space/play areas and a communal square to create an attractive and characterful backdrop to the riverside walk and the River Cherwell. • The proposal will transform the approach to Tramway Road, Station Approach and the Railway Station, and will turn the unattractive Oil Depot site into a focal point of Banbury. 	
<p>14. Tramway to be retained as the primary access into the eastern side of Canalside, with appropriate new frontage development.</p>	<p>The proposed development will facilitate an active and attractive frontage to Tramway Road.</p>	<p>Yes</p>

Appendix 2: Banbury Town Centre - Extended Search Area.

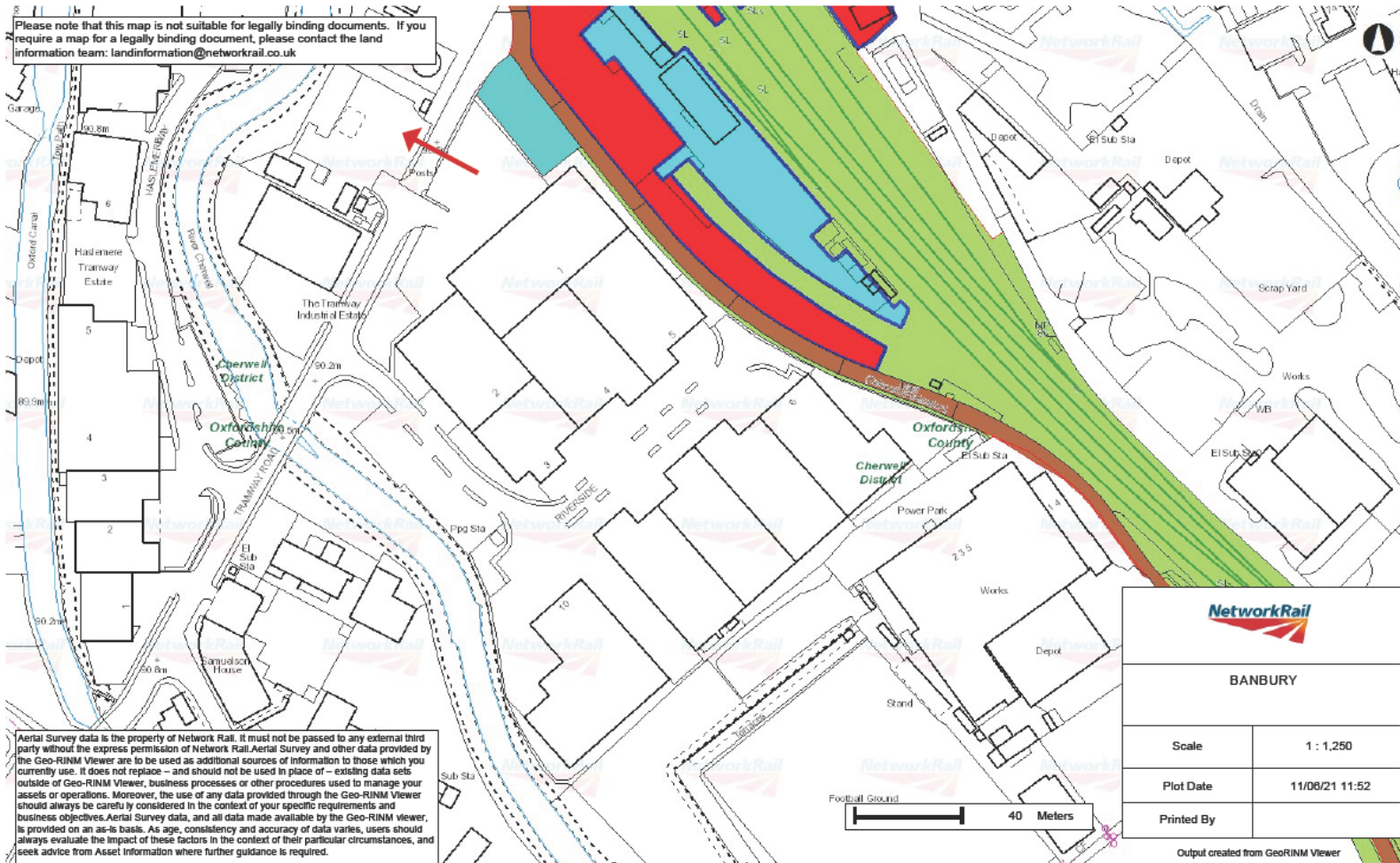


Banbury Town Centre- Extended Search Area.



Location of proposed Class Use E/F2

Appendix 3: Network Rail Land Ownership



- Station lease
- Right of Access along Station Approach
- NR commercial land usage
- Operational
- MTCE Depot Usage
- Site Access to Proposed Development