

OXFORDSHIRE 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 Rd, Banbury

Response date: 19th May 2022

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.

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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.

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Strategic Comments

This outline application is for the redevelopment of Banbury Oil Depot and the construction of up to 143 apartments and community and/or retail and/or commercial space.

The Depot is located within an area allocated in the adopted Cherwell Local Plan 2011-31 Part 1, under Policy Banbury 1: Banbury Canalside (BAN1) for approximately 700 dwellings. Additional policy and guidance include the Banbury Canalside Development Area SPD and Banbury Vision and Masterplan SPD.

Previous comments have been made in regard to 21/01119/OUT for 110 apartments.

Attached are detailed comments from Transport, Local Lead Flood Authority and Education Teams.

Officer's Name: Jonathan Wellstead

Officer's Title: Principal Planner

Date: 19/05/2022

Application no: 21/01119/OUT

Location: Q8 Fuelcare, Tramway Rd, Banbury

Transport Schedule

Recommendation:

No Comment on Planning application 21/01119/OUT/1

Reasons for no comments

OCC LHA has no comments to make on the above application because no additional information has been submitted for assessment in response to TDC's comments dated 16/03/2022 regarding transport issues at above site.

A latest information relates to drainage matters which falls outside the purview of the TDC Officer. OCC's Drainage Engineer is therefore responsible for addressing the latest information.

Officer's Name: Francis Hagan

Officer's Title: Senior Transport Planner

Date: 12 May 2022

Application no: 21/01119/OUT

Location: Q8 Fuelcare, Tramway Rd, Banbury

Lead Local Flood Authority

Recommendation:

No objection subject to conditions.

The FRA (10682 FRA01 Rv3) has been reviewed alongside other supporting documents. The strategy proposed is acceptable for outline stage however, further details required in the future stages.

Conditions:

Condition 1:

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

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change and 10% urban creep (Note: the Cv values should be set to 0.95 for roofs and 0.90 for paved areas and MADD should be 0.0);
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (this will include three tests at each location and the full range of the depth of the trial pits should be tested);
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- Details of how water quality will be managed during construction and post development in perpetuity; and
- Consent for any connections into third party drainage systems

Reason:

To ensure that there is no flooding due to the site drainage and that the water environment is protected.

Condition 2:

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

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

Reason:

In accordance with section 21 of the Flood and Water Management Act 2010.

Officer's Name: Kabier Salam

Officer's Title: LLFA Engineer

Date: 05 May 2022

Application no: 21/01119/OUT

Location: Q8 Fuelcare, Tramway Rd, Banbury

Education Schedule

This response assumes that the previous amendment to the original application (a reduction from 143 to 110 dwellings) still stands. S106 contributions are restated for clarity.

Recommendation:

No objection subject to:

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

Contribution	Amount £	Price base	Index	Towards (details)
Secondary education	£ 265,896	327	BCIS All-In TPI	Secondary education capacity serving the development
Total	£ 265,896	327	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):

£265,896 Secondary School Contribution indexed from TPI = 327

Justification:

For secondary education provision, demand for places in the town has risen in recent years, such that in 2021 there were 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	8
Estimated per pupil cost of building a new 600 place secondary school	£33,237
Pupils * cost =	£ 265,896

The above contributions are based on a unit mix of:

65 x 1 bed dwellings
37 x 2 bed dwellings
8 x 3 bed dwellings

(taken from the previous illustrative masterplan)

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: Access to Learning Information Analyst

Date: 26 April 2022