

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: 09/09/2022

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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Transport Schedule

Proposal: 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 110 apartments, and 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 (which is submitted as a detail proposal)

The amendments include the reduction of car parking spaces from 96 to 65 spaces to reflect the reduced number of dwellings from 143 to 110 units and facilitated additional open space across the site.

Recommendation:

Objection for the following reasons:

- If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a [S106 agreement including an obligation to enter into a [S278 agreement] [S38 agreement] to mitigate the impact of the development plus planning conditions and informatives] as detailed below.

No objection.

No objection subject to:

- **S106 Contributions** as summarised in the table below and justified in this Schedule:
- **An obligation to enter into a [S278] [/S38] agreement** as detailed below.

Planning Conditions as detailed below and stated in our earlier response of 12/03/2022

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 at the access. This visibility splay shall not be obstructed by any object, structure, and 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 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.
- The CTMP should also include details of the Demolition Plan
- 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 above application, however to facilitate the application approval process from the transport perspective, the issues and planning conditions stated above must be satisfactorily addressed by the Applicant.

Comments:

This response should be read in conjunction with OCC's earlier responses comments (21/05/2021, 10/03/2022 and 12/05/2022) for this application. These comments are therefore in response to the latest submitted information only.

In response to LHA highways and transport concerns, additional information and plans has been submitted by the Applicant to address issues regarding highway safety, the integration of Tramway Improvement scheme with the proposed development, the Development Access footway crossover option and vehicle tracking, Access & Parking Strategy, Illustrative Masterplan, Footway Crossing and Vehicle Tracking (Refuse).

The Safety Audit Response Report for the proposed access arrangement has been provided which is welcomed. Also, the submitted plans covering the above issues) dated 26/07/ 2022 are in general now acceptable and addresses most of our earlier concerns.

The Applicant has however failed to provide the requested visibility splay drawing for the site access in our earlier comments to address our safety concerns. A scaled dimensioned access drawing superimposed with visibility splays demonstrating compliance with Standards for all road users (pedestrians, cyclist, and motorists) in both directions within the vicinity of the access will be needed to support of the Road Safety Audit Report. This would allay any doubts regarding highway safety concerns for road user in that area.

That said, on receipt of the requested visibility splay drawing the Transport Officer would be able to complete its review for this outline stage of the planning application.

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: Senior Transport Planner

Date: 11/08/2022