

**Land Adjacent To The Oxford Canal Spiceball Park  
Road Banbury**

**19/02937/CDC**

**Case Officer:** Samantha Taylor

**Applicant:** Cherwell District Council

**Proposal:** New access stair from cinema roof terrace

**Ward:** Banbury Cross and Neithrop

**Councillors:** Cllr Hannah Banfield; Cllr Surinder Dhesi; Cllr Cassi Perry

**Reason for Referral:** Application affects Council's own land and the Council is the applicant

**Expiry Date:** 17 February 2020

**Committee Date:** 13 February 2020

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**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site relates to the Castle Quay 2 development proposals on either side of the Oxford Canal in Banbury. This proposal relates specifically to Block B of the development containing the car park, retail and cinema.

**2. CONSTRAINTS**

2.1. Key constraints are that the application site is within flood zone 3 and part of the wider site adjoins the Oxford Canal Conservation Area.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The application seeks full planning permission for the provision of an additional pedestrian staircase at the south west corner of Block B. The stair case would provide an additional route from the ground floor to the cinema terrace at first floor level.

**4. RELEVANT PLANNING HISTORY**

4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/01601/OUT	Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use	Application Permitted

Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road

16/02366/OUT	Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified.	Application Permitted
17/00284/REM	Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.	Application Permitted
18/00142/NMA	Non-Material Amendment to 16/02366/OUT and 17/00284/REM - Block B canopy amendments	Approved at the December Committee meeting
19/02936/NMA	Non-material amendment to 16/02366/OUT and 17/00824/REM – Blocks B and C, minor design detail amendments	Not yet determined

## 5. PRE-APPLICATION DISCUSSIONS

- 5.1. Some pre-application discussions have taken place with regard to this proposal, to advise of the process for making a planning application for the proposal and the information that would be required.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **28 January 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties

## 7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

BANBURY TOWN COUNCIL: No response received.

### CONSULTEES

7.2. OCC HIGHWAYS: **additional information was requested.** OCC Highways requested information regarding the provision of alternate pedestrian access points. Clarification was given that the previously approved access arrangements would remain and that this was an additional access. A formal response from OCC will be presented to the Planning Committee once received.

7.3. CDC ENVIRONMENTAL PROTECTION: **no comments** in respect of noise, air quality, contaminated land, odour or light.

7.4. OCC ARCHAEOLOGY: **no objections**, no impact on any known archaeological sites or features.

7.5. ENVIRONMENT AGENCY: **no comments**

## 8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 – The Character of the Built and Historic Environment
- SLE 4 – Improved Transport and Connections

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

## 9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Access and Movement
- Design, and impact on the character of the area

### Principle of Development

- 9.2. The principle of the re-development of the Castle Quay 2 area has been established through the earlier grant of planning permissions for a mixed-use development under the applications as detailed above.
- 9.3. The proposed pedestrian staircase would serve the approved development and therefore would be acceptable in principle, subject to other material planning conditions.

### Access and Movement

- 9.4. Policy SLE4 of the Local Plan is supportive of improved pedestrian connections within development proposals.
- 9.5. The proposed development would provide an improved pedestrian route to the first floor of Block B for users crossing at the canal bridge from the canal crossing to Castle Quay. The staircase is positioned at the south west corner of Block B, where the approved plans do not include an access to the first floor at this point. The staircase will reduce the walk for pedestrians to reach the first floor terrace at this point. The existing pedestrian access points, including a lift from the car parking area will remain as previously approved.
- 9.6. Whilst OCC have not provided full comments, Officers consider that the additional staircase will be of benefit to pedestrians. Therefore, the proposal is acceptable and would comply with Local Plan Policy SLE4.

### Design and Impact on the Character of the Area

- 9.7. Policy ESD15 requires development proposals to be in keeping with the local character and context.
- 9.8. The staircase has a functional design which incorporates the high-quality materials that will be used in the wider Castle Quay 2 development.
- 9.9. The submitted plans indicate that the stairs will have been constructed from metal cladding, with glass balustrade. This will be in keeping with the metal and glass boundary to the first floor terrace and are materials that are seen within Block B and across the wider development. These materials have previously been considered acceptable in the local and wider context of the redevelopment proposals.
- 9.10. In light of the above, the proposed design is acceptable and would be sympathetic to the local character and context.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## **11. RECOMMENDATION**

THAT **PLANNING PERMISSION IS GRANTED** SUBJECT TO THE CONDITIONS OUTLINED BELOW:

### CONDITIONS

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Site Plan CQ2/407 RM/D-SP-500  
Proposed Cinema Terrace Floor Plan CQ2/407 RM/D-P-520  
Proposed Elevations CQ2-407/RM/D-E-521

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

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