

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of condition 3 (External Lighting) 7 (Landscape Management Plan) 10 (Flood Management Plan) 12 (Shopping Trolley Parking) of 17/00284/REM

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson, and Councillor Perry

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

Expiry Date: 11 May 2021

Committee Date: 15 July 2021

SUMMARY OF RECOMMENDATION: THAT CONDITIONS 3 (EXTERNAL LIGHTING), CONDITION 10 (FLOOD ACTION/EVACUATION) AND CONDITION 12 (SHOPPING TROLLEY PARKING) BE DISCHARGED. IN RESPECT OF CONDITION 7 AN UPDATE ON THE RECOMMENDATION FOR THIS CONDITION WILL BE PROVIDED TO THE COMMITTEE

1. APPLICATION SITE AND LOCALITY

1.1. The application site is the currently under construction Castle Quay 2 site at the rear of the Castle Quay Shopping Centre, in Banbury Town Centre. The development consists of 3 blocks housing different uses, parking and other associated development.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. The application seeks to discharge the following conditions:

- Condition 3 (External Lighting);
- Condition 7 (Landscape Management Plan);
- Condition 10 (Flood Management Plan); and
- Condition 13 (Shopping Trolley Parking).

3. RELEVANT PLANNING HISTORY

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

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. Approved

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. Approved

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 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. Approved.

4. RESPONSE TO PUBLICITY

- 4.1. This application has been publicised by way of a site notice displayed near the site. The final date for comments was **28 June 2021**, although comments received after this date and before finalising the report have been taken into consideration.
- 4.2. No comments have been received from third parties.

5. RESPONSE TO CONSULTATION

- 5.1. 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.
- 5.2. CDC Landscaping: Additional information has been requested in respect on the Landscape Management Plan. *Officer comments: Noted, an update on the additional information required will be provided to the Committee.*
- 5.3. OCC Local Lead Flood Authority: No response received.

6. OFFICER APPRAISAL

Condition 3 – External Lighting

- 6.1. Condition 3 requires:
'Prior to the installation of any external lighting on any part of the development hereby approved, full details of the proposed external lighting including its hours of usage, shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the external lighting shall be carried out and retained in accordance with the approved details.'
- 6.2. The application has provided a site lighting document that includes a site layout with location of the lighting to demonstrate where external lighting will be located. Due to the scale of the site, various methods of lighting are proposed across the site. These

methods include lit bollards, lighting columns, pathway lights, LED strips, wall lights and up-lighters.

- 6.3. The design has taken account of sensitivities such as where lighting is proposed near to the canal, LED strip lights to provide pedestrian visibility without projecting artificial light onto the canal.
- 6.4. Additionally, decorative lighting such as column mounted projectors and tree uplighters within the public realm are proposed.
- 6.5. Within the remainder of the site, a mixture of brick lights to the stairs cases, ground-up lighters to trees and planting areas area proposed with bollard lighting being used along key pedestrian routes.
- 6.6. All lighting will be the subject of a dusk until dawn controller and time switch, with lighting be provided for approximately 10 hours a day.

Condition 7 – Landscape Management Plan

- 6.7. Condition 7 requires:
'Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.'
- 6.8. The application submission includes a Soft-Landscape Works Maintenance & Management Plan, with a strategy for 'Year 1' and also a 10-year management schedule.
- 6.9. The Landscape Officer has commented that whilst the information provided is useful, it does not contain all of the details necessary to meet the requirements of the condition. As such, further information has been requested. The Local Planning Authority is expecting this information imminently. As such, an update on the recommendation in respect of this condition will be provided to the Committee.

Condition 10 – Flood Action and Evacuation

- 6.10. Condition 10 requires:
'Prior to the first use of the car parks hereby approved a flood action/evacuation policy and plan for the car parks shall be submitted to and approved by the Local Planning Authority.'
- 6.11. The Flood Risk Management Plan provides a flood risk map. The risk map confirms the area's most at risk of flooding include the Block C car park under the Cherwell Drive Road bridge.
- 6.12. Should flood risk arise, the management plan confirms that a series of 'triggers' are to be considered ahead of the car parks being closed, including duty managers receiving flood alerts/warnings and regular monitoring of the nearby flood gauge

during severe downpours. Should the flood risk persist, duty managers would proceed with setting up appropriate signage at the car park entrance to advise the public. Site security will also be kept updated to monitor and manage the process, to ensure all staff and members of the public are alerted and kept safe.

- 6.13. Whilst there is flood risk within the car parking areas, as this is not a particularly sensitive use such as residential homes, the use of the trigger system is considered sufficient.

Condition 12 – Shopping Trolley Parking

- 6.14. Condition 12 requires:

'Prior to the first use of the foodstore details of the proposed parking arrangements for shopping trollies and any click and collect facility shall be submitted to and approved by the Local Planning Authority and thereafter maintained and notwithstanding the provisions of Classes B and C of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and its subsequent amendments, the arrangements shall not be altered without the prior express planning consent of the Local Planning Authority.'

- 6.15. The submission includes details of the proposed trolley storage and position adjacent to the supermarket entrance, next to the disabled parking bays. The trolley storage will be an enclosed glass shelter, with stainless steel bollards and brick paving. The design is consistent with the particular supermarket brand and other supermarket locations.

- 6.16. Overall, the trolley parking details are considered acceptable.

7. RECOMMENDATION

- 7.1 It is recommended that Conditions 3 (External Lighting), Condition 10 (Flood Action/Evacuation) and Condition 12 (Shopping Trolley Parking) all be discharged in respect to the following information:

Condition 3 (External Lighting)

2099-20-RP01 Soft Landscape Works Maintenance and Management Proposal

Condition 10 (Flood Action/Evacuation)

Flood Management Plan

Condition 12 (Shopping Trolley Parking)

CQ2-LJA-CO-00-DR-A-04314 Ground Floor Plan

CQ2-LJA-CO-00-DR-A-34630 Trolley Bay Setting Out Plan

UK-R6-RMMO-01 Lidl Shopping Trolley Enclosure

UK-R6-RMMO-02 Lidl Shopping Trolley Enclose

- 7.2 In respect of Condition 7, an update on the recommendation for this condition will be provided to the Committee.