

**Land Adjacent to the Oxford Canal Spiceball Park
Road Banbury**

21/01407/OUT

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Amendment to the Approved Plans (Condition 4) and Removal of condition 24 (use of units) of 16/02366/OUT

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: 20 July 2021

Committee Date: 12 August 2021

SUMMARY OF RECOMMENDATION: DELEGATED POWERS TO GRANT PERMISSION SUBJECT TO A S106 PLANNING AGREEMENT ENSURING THE TERMS OF THE ORIGINAL S106 ARE APPLIED TO THE CURRENT PROPOSAL, AND CONDITIONS.

1. APPLICATION SITE AND LOCALITY

1.1. The application site extends to 4.69 hectares, with significant progress on the earlier approved development having been made. The development being constructed is a large-scale mixed-use development comprising of retail, leisure, restaurant and hotel development, with associated parking and landscaping.

2. CONSTRAINTS

2.1. The application site is within the Oxford Canal Conservation Area. Part of the wider site is located within Flood Zone 2. Adjacent to the site is Tooley's Boatyard, which is a Scheduled Ancient Monument and the Mill Arts Centre which is locally listed. Public footpath 120/103 runs along the towpath of the canal. Protected species (water voles) have been recorded at the river and the site is classified as a high area of archaeological interest. Given the previous site uses, the land is also likely to be contaminated.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Outline planning permission and subsequent reserved matters approval has been granted for the demolition of the Castle Quay Shopping Centre northern car park and associated canal footbridge and General Foods Sports and Social Club band practice room; 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 food store (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafés (Use Class A3 and A4) and altered vehicular and pedestrian accesses, alterations to the rear of the Castle Quay Shopping Centre landscaping, construction of infrastructure, car parking and associated works, including 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.

- 3.2. The application seeks to amend the plans of Block B to allow for the removal of internal walls within some of the approved units, which will create a larger unit plus the removal of condition 24, which restricts the usage of units as approved to A3 or A4 purposes only.
- 3.3. The proposed amendments would allow for a mini-golf and bowling alley facility to be provided within Block B resulting in the loss of 3 out of the 6 planned restaurant units.

4. RELEVANT PLANNING HISTORY

- 4.1. 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. 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 cafés (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.

- 4.2. There are also, several applications for non-material amendments and discharges of conditions that are relevant to the current proposal.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

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 (amend as appropriate). The final date for comments was **11 June 2021**, 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. No formal consultations undertaken.

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 20 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)

- PSD1 - Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- ESD1 - Mitigating and Adapting to Climate Change
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD 16- The Oxford Canal
- ESD17 - Green Infrastructure
- BAN 7 – Strengthening Banbury Town Centre
- BAN 9 – Spiceball Development Area
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- S2 - Maintenance of a compact central shopping area (Banbury)
- C1 – Nature conservation
- C4 – Habitat creation
- C5 – Protect Ecological value of River Cherwell
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

9. APPRAISAL

9.1. The principle of development has been established under the earlier approved application 16/02366/OUT and 13/01601/OUT. The current application seeks to amend the approved development. The Planning Practice Guidance advises:

'In deciding an application under section 73, the local planning authority must only consider the disputed conditions/s that are the subject of the application – it is not a complete reconsideration of the application'. Paragraph 031, Reference ID: 21a-031-20140306.

- 9.2. Therefore, the Authority must consider whether the proposed alterations raise any other material considerations that would result in unacceptable impacts.

Use of the Units

- 9.3. The amendments relate to Block B, identified as the Cinema Block, which was originally approved to house a cinema and restaurant units. The proposed amendments require the removal of the internal walls between units 1a-3 on the ground floor and 1a-1 on the mezzanine floor (which requires the amendment of condition 4 approved plans) to create a single large unit falling for use as indoor leisure facilities. The change of use requires the removal of condition 24, which currently restricts the units to an A3 restaurant use.
- 9.4. The changes would facilitate a change in leisure offer from the former A3 restaurants and cafés use class, to a bowling alley on part of the ground floor and mini-golf facility on the mezzanine floor. The other 3 remaining units of the ground floor would retain a restaurant use.
- 9.5. The applicant has outlined that the proposed amendments are sought as a direct response to market conditions, which have made it difficult to let the 6 restaurants as originally planned. The amendments allow the cinema operator to provide alternative uses for the site.
- 9.6. The changes to the Use Classes made in 2020 were intended to provide greater scope within appropriate environments such as town centres, to allow for changes of use without the need for planning permission. Class E was created and combined former Use Class A1, A3 and D2 with several others, to allow changes of use to take place without requiring formal consent from the Local Planning Authority, unless a restrictive condition was already in place.
- 9.7. Condition 24 is a restrictive condition, requiring the units identified to fall within classes A3 and A4 only. Block B was consented to Use Classes falling within D2, A3 and A4. The use of the building has been established for leisure purposes. The mini-golf facility and bowling alley are connected both physically and operationally, with the cinema use being of relatively modest scale. The mini-golf and bowling alley facilities are considered to be ancillary to the cinema and are considered not to raise new material planning considerations.
- 9.8. Officers considered that the proposed amendment to the approved plans to combine units and the removal of condition 24 would not substantially alter the character of the approved development or require the assessment of new material planning considerations. The leisure uses proposed are considered appropriate in nature and scale to the location of the development within Banbury Town Centre. As such, the proposal is considered to be acceptable.

S106 Legal Agreement

- 9.9. The original consent 13/01601/OUT was the subject of a s106 agreement to secure necessary contributions to ensure the development was acceptable in planning terms. The subsequent application 16/02366/OUT varied the original agreement to ensure that the s106 was applied to the new consent.

- 9.10. Similarly, a deed of variation to enable the provisions of the existing s106 agreement to apply to this new consent is required.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. For the reasons set out in this report, the proposal complies with the relevant development plan policies and guidance.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS BELOW ONCE AMENDED TO REFLECT PREVIOUS APPROVALS AND AMENDMENTS (AND ANY OTHER AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO ENSURE THE TERMS OF THE ORIGINAL S106 ARE APPLIED TO THE CURRENT PROPOSAL

CONDITIONS

NOTE: THE FOLLOWING LIST OF CONDITIONS REFLECTS THOSE ORIGINALLY DETAILED ON THE DECISION NOTICE FOR APPLICATION 16/02366/OUT. THESE SHALL BE UPDATED TO REFLECT THE AMENDED PLANS PUT FORWARD FOR CONSIDERATION UNDER THIS APPLICATION, AND TO REFLECT ALL PREVIOUS APPROVALS AND AMENDMENTS. A REVISED LIST WILL BE PROVIDED WITHIN THE UPDATE PAPERS FOR THE PLANNING COMMITTEE.

- 1 *No development shall commence upon any phase of development until full details of the layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of that phase have been submitted to and approved in writing by the Local Planning Authority.*

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- 2 *In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.*

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- 3 *The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.*

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended

by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- 4 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 Location (407-OP-00 P3)
Site Boundary (407-OP-01 P2)
Demolition (407-OP-02 P4)
Excavation (407-OP-03 P2)
Land Use Lvl 00 (407-OP-04 P7)
Land Use Lvl 01 (407-OP-05 P7)
Land Use Lvl 02 (407-OP-06 P7)
Land Use Lvl 03-07 (407-OP-07 P6)
Area Schedule (407-OP-08 P6)
Deviations L00 (407-OP-09 P7)
Deviations L01 (407-OP-10 P8)
Deviations L02 (407-OP-11 P9)
Deviations L03-07 (407-OP-12 P7)
Canopies (407-OP-13 P7)
Deviations in Height - Sheet 1 (407-OP-14 P5)
Deviations in Height - Sheet 2 (407-OP-15 P5)
Bridges (407-OP-16 P6)
Active Frontages (407-OP-17 P7)
Pedestrian Site Circulation (407-OP-18 P7)
Pedestrian Access and Circulation (407-OP-19 P6)
Landscape (407-OP-20 P7)
Vehicle Access and Circulation (407-OP-21 P8)
Proposed Highway Works Social Club Retained (5764-HP010 Rev P)
Cinema Service Yard (5764-HSK005 Rev F)
Cinema Tracking (5764/HPAT02 Rev F)
Food Delivery Tracking (5764/HPAT13)
HGV deliveries to food retail unit and along Spiceball Park Road (5764/HPAT14)

In addition approval is given for the documents submitted with the application and listed in the August 2016 list of plans and documents for approval.

Reason - For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the National Planning Policy Framework March 2012.

- 5 The development permitted by this planning permission shall be carried out in accordance with the flood mitigation principles set out in the Flood Risk Assessment BMW/388/FRA rev A, undertaken by BWB Consulting dated 11th October 2013 and the addendum to the Flood Risk Assessment BMW/388/FRA-Addendum Rev A, dated 28th March 2014. Any subsequent amendments shall be agreed in writing with the local planning authority. Individual phases of the development shall be accompanied by a specific FRA to ensure that the individual elements follow the flood mitigation principles and do not affect flood risk in the wider catchment. Specific design requirements to ensure the safety of the development are:

The operational areas of the ground floor food store to be set above the 1 in 100 year plus 20% flood level

Flood resilient construction techniques to be included for all development up to the 1 in 1000 year undefended flood level. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants

- 6 *Prior to approval of Reserved Matters a final flood management scheme for the respective phase of the development shall be submitted to and approved by the Local Authority.*

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 7 *Prior to construction within the Former Leisure Centre area level for level floodplain compensation shall be implemented in line with the principles proposed on plan 'Floodplain Compensation Analysis at Former Leisure Centre BMW/388/WSK12 P1' for the phase of development.*

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 8 *If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.*

Reason - This site is located over alluvial deposits (Secondary A Aquifer) that in turn sit over the Charmouth Mudstone (Unproductive Stratum). The site is within a flood plain and therefore groundwater will be present in the alluvium. Construction may mobilise contamination and if hot spots are encountered within the alluvium these should be dealt with in an appropriate manner. The Ridge and Partners LLP, Construction Environmental Management Plan (item 7.4 Water Management and Pollution) states that 'precautions will be taken prior to and during construction to ensure the protection of watercourses and groundwater against pollution'. Therefore we are reassured that there is a strategy in place for protection of controlled waters.

- 9 *Prior to any demolition on the site and the commencement of the development a professional archaeological organisation acceptable to the local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.*

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

- 10 *Prior to any intrusive works taking place for the first and successive phases of the site and following the approval of the first stage Written Scheme of Investigation referred to in condition 10, a programme of archaeological evaluation, investigation and recording of that part of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.*

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with NPPF (2012).

- 11 *Prior to any intrusive works taking place for the first and successive phases and following the completion of the archaeological evaluation, investigation and recording referred to in condition 11, a report of the archaeological evidence found on that part of the site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.*

Reason - To safeguard the recording of archaeological matters within the site in accordance with NPPF (2012).

- 12 *Prior to any intrusive works taking place for the first and successive phases of the site and following approval of the written scheme of investigation referred to in condition 12, if necessary, the further phase of archaeological mitigation shall be carried out in accordance with the approved written scheme of investigation.*

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

- 13 *Prior to commencement of development in the first and successive phase, an avoidance and mitigation scheme for nesting birds and reptiles, based on the measures detailed in the 2013 WSP ecological survey report shall be submitted to and approved by the Local Planning Authority. All works on that and successive phases shall proceed in accordance with the approved scheme.*

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 14 *An ecological enhancement scheme, based on the measures detailed in the 2013 WSP ecological survey report and including nesting provision for swifts and enhancement of the river channel shall be submitted to and approved by the Local Planning Authority before the first and successive phases of the development commence. All works for that phase shall proceed in accordance with the approved scheme.*

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 15 *Prior to the installation of the first and successive phases of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-*

a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each

tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 *All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) of that phase or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of that phase of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.*

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17 *Retained Tree*

a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18 *Prior to the commencement of the first and successive phases of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 shall be submitted to and approved in writing by the Local Planning Authority for that phase. Thereafter, all works on that phase shall be carried out in accordance with the approved AMS.*

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the

existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 19 *Prior to implementation of the landscaping scheme (approved pursuant to Condition 15) within the first and successive phases of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees for that phase, shall be submitted to and approved in writing by the Local Planning Authority for that phase. Thereafter, the development of that phase shall be carried out in accordance with the approved details and specifications.*

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 20 *Prior to implementation of the landscaping scheme (approved pursuant to Condition 15) within the first and successive phases of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching for that phase, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development of that phase shall be carried out in accordance with the approved details and specifications.*

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 21 *Prior to the commencement of the first and successive phases of the development hereby approved, full details of on-site noise measurements, agreed environmental noise limits and any necessary scheme of mitigation for the development shall be submitted to and approved by the Local Planning Authority.*

Reason - to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 22 *Prior to the first occupation of the units within any phase, full details of operational plant and mitigation shall be provided to the local planning authority for approval, and the scheme to be installed and maintained thereafter in accordance with the approved details.*

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 23 *Prior to the commencement of the first and successive phases of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage*

of that phase shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented and retained thereafter. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 24 *Those units so identified in the submitted reserved matters submission shall be used only for purposes falling within Class A3 and A4 specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.*

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 25 *Within each reserved matters submission, details of the proposed phasing of works shall be submitted to the local planning authority for approval. Development shall be undertaken in accordance with the approved details.*

Reason - In the interests of the proper planning of the area, and to allow phased submission and approval of reserved matters.

- 26 *Prior to the commencement of the first and successive phases of the development, full specification details (including construction, layout, surfacing and drainage) of the turning areas and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway of that phase, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase. Thereafter, and prior to the first occupation of that part of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.*

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

- 27 *Prior to first use of the development, a highway signage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed signage strategy must be fully implemented prior to first use of the development.*

Reason - In the interest of highway safety and traffic management.

- 28 *Prior to the first use or occupation of the first and successive phases of the development, cycle parking facilities including secure, covered cycle parking for employees, shall be provided on the site in accordance with details for that phase which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.*

Reason - In the interests of sustainability and to ensure a satisfactory form of

development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 29 *Prior to the first occupation of the first and successive phases of development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and OCC's Guidance "Transport for New Developments: Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The updated Travel Plan shall accord with the general provisions of the approved Framework Travel Plan (July 2014), and shall clearly set out landlord and occupier provisions respectively. Within three months of occupation, and in accordance with the thresholds set out in OCC guidance, Occupier Travel Plans shall be submitted to the Local Planning Authority for approval. Thereafter, the Updated Framework Travel Plan and Occupier Travel Plans shall be implemented and operated in accordance with the approved details.*

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy.

- 30 *Provision shall be made within the layout for vehicular and pedestrian access to serve the land adjoining to Mill Arts Centre, Castle Quay shopping centre and riverside path.*

Reason - In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 31 *Prior to the commencement of the first and successive phases of the development hereby approved, full details of a SUDS drainage scheme to prevent any surface water from the development discharging onto the adjoining highway or neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme for that phase shall be implemented and retained in accordance with the approved details.*

Reason - In the interests of highway safety and flood prevention and to comply with Government advice contained within the National Planning Policy Framework.

- 32 *Prior to the commencement of the first and successive phases of development, a construction traffic management and phasing plan for that phase must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan.*

Reason - 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.

- 33 *Prior to commencement of the use of any building hereby approved, details of a scheme for car park routeing and guidance, including matrix signs relating to car parking at the development, shall be submitted to and approved in writing by the LPA. Prior to any occupation on Phase 2 the car park routeing and guidance system shall be installed and implemented in accordance with the approved scheme and thereafter managed and maintained in accordance with the approved scheme.*

Reason - In the interests of highway safety and convenience, to ensure the

provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.