

**Land adjacent to the Oxford Canal, Spiceball Park
Road Banbury**

21/02424/DISC

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of Condition 6 (Landscaping) of 17/00284/REM

Ward: Banbury Cross & 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: 8 September 2021

Committee Date: 9 September 2021

SUMMARY OF RECOMMENDATION: THAT CONDITION 6 (LANDSCAPING) OF 17/00284/REM BE DISCHARGED

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the currently under construction Castle Quay 2 development site, at the rear of the Castle Quay Shopping Centre, in Banbury town centre. The development consists of 3 blocks housing differing uses, parking and other associated development.
- 1.2. The approved development includes the provision of a retail food store, hotel, cinema, restaurants and cafés along with necessary access, landscaping, infrastructure, car parking and other associated works.

2. CONSTRAINTS

- 2.1. The entirety of the Oxford Canal included with the application boundary forms part of the Oxford Canal Conservation Area. The site is also near to Tooley's Boatyard, a Scheduled Ancient Monument, and to the Mill Arts Centre, a locally listed building.
- 2.2. The site is located within Flood Zone 3 of the adjacent River Cherwell and within an area subject to historical river flooding. Such flooding is a combination of river flooding and flooding from the Oxford Canal which interacts with the River Cherwell and its tributaries upstream of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application originally sought approval of details reserved by Conditions 6 (Landscaping) and Condition 13 (Materials). However, the applicant has recently confirmed that the materials condition will be dealt with in a separate application, so this discharge simply now relates to Condition 6 - landscaping.
- 3.2. The application has been supported by the following information:
Soft Landscaping drawings:
 - 2099-20-04 [Detail Planting Plan – Zone B]
 - CQ2-BCA-00-00-DR-Y-20 [Typical Tree Pit in Soft Landscape]
 - CQ2-BCA-00-00-DR-Y-21 [Typical Tree Pit Detail Within Hard Paving – Zone A]

- CQ2-BCA-00-00-DR-Y-01 [Detail Planting Plan]
- CQ2-BCA-00-00-DR-Y-10 [Earthworks Plan]
- CQ2-BCA-00-00-DR-Y-02 [Detail Planting Plan – Zone C Sheet 1]
- CQ2-BCA-00-00-DR-Y-03 [Detail Planting Plan – Zone C Sheet 2]

Hard Landscaping drawings:

- CQ2-LJA-A0-XX-DR-L-15300 [Proposed Zone A paving and balustrade]
- CQ2-LJA-A0-XX-DR-L-15301 [Proposed Zone A kerb and wall scoping plan]
- CQ2-LJA-A0-XX-DR-L-24810 [Proposed Zone A ramp 1 Study 01]
- CQ2-LJA-A0-XX-DR-L-24811 [Proposed Zone A ramp 1 Study 02]
- CQ2-LJA-A0-XX-DR-L-24812 [Proposed Zone A ramp 2 Study 01]
- CQ2-LJA-A0-XX-DR-L-24813 [Proposed Zone A ramp 2 Study 02]
- CQ2-LJA-A0-XX-DR-L-24814 [Proposed Zone A ramp 3 and stair study 01]
- CQ2-LJA-A0-XX-DR-L-24815 [Proposed Zone ramp 3 and stair study 02]
- CQ2-LJA-A0-XX-DR-L-24850 [Proposed Zone stair details]
- CQ2-LJA-A0-XX-DR-L-24900 [Proposed Zone A ramp 1 brickworks details]
- CQ2-LJA-A0-XX-DR-L-24901 [Proposed Zone A ramp 1 concrete edge details]
- CQ2-LJA-A0-XX-DR-L-24902 [Proposed Zone A ramp 2 brickwork details]
- CQ2-LJA-A0-XX-DR-L-24903 [Proposed Zone A ramp 3 and stair brickwork details]
- CQ2-LJA-A0-XX-DR-L-24904 [Proposed Zone A ramp 3 and stair brickwork details]
- CQ2-LJA-A0-XX-DR-L-43300 [Proposed Zone A external seating area floor setting out plan]
- CQ2-LJA-G0-00-DR-A-04310 [Hardworks and Furniture]
- CQ2-LJA-G0-00-DR-A-04311 [Kerbs, edges and walls]
- CQ2-LJA-G0-00-DR-A-04312 [Levels and drainage]
- CQ2-LJA-M0-ZZ-SP-L-F10 [Brick and block walling]
- CQ2-LJA-M0-ZZ-SP-L-L30 [Stairs, ladders, walkways, handrails and balustrades]
- CQ2-LJA-M0-ZZ-SP-L-Q10 [Kerbs, edgings, channels, paving accessories]
- CQ2-LJA-M0-ZZ-SP-L-Q25 [Slab, brick, sett and cobble pavings]
- CQ2-LJA-M0-ZZ-SP-L-Q35 [Landscape maintenance]
- CQ2-LJA-M0-ZZ-SP-L-Q50 [Site and street furniture and equipment]
- CQ2-LJA-M0-ZZ-SP-L-Z11 [Purpose made metalwork]
- CQ2-LJA-M0-ZZ-SP-L-Z31 [Powder coatings]
- BCA Planning Response – outlining differences between current plans and those previously approved

Part Condition 13 (Materials)

No details have been provided in respect of this condition. Confirmation of the details that were originally to be submitted for this Condition was sought from the applicant's agent. The agent has now confirmed that an application for materials discharge will be made separately, so this application relates merely to landscaping matters, and the application is being readvertised accordingly.

4. RELEVANT PLANNING HISTORY

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

20/00125/DISC – Discharge of Condition 6 (Landscaping) of 17/00284/REM. Approved.

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.

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. The final date for comments was originally **23 August 2021**, although comments received after this date and before finalising this report would also have been taken into account. Given the need to readvertise an amended application description (following exclusion of the materials condition discharge), publicity will now continue for a further 3 weeks).

6.2. No comments have been raised by third parties thus far.

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.

CONSULTEES

7.2. CDC LANDSCAPING: No response received.

8. APPRAISAL

Condition 6 – Landscaping Details

8.1. An earlier application – Ref: 20/00125/DISC, gave approval for the Landscaping Details. This current application seeks to amend the approved details.

- 8.2. The amendments sought relate to the type of planting mix that will be used across the development. The 'prairie style' mix containing high herbaceous content was originally approved and would have been visually attractive in the summer, but upon reflection, the applicant's landscape consultant advised that this type of planting would not have been attractive in winter. As such, the proposals seek approval for more robust, traditional ornamental species. In addition, these types of plants require less maintenance, yet provide a more attractive appearance throughout the year including during the winter months, with a greater ability to respond to the site's slopes and constraints.
- 8.3. Notwithstanding the lack of advice from the Council's Landscape Officer, overall, it is considered that the proposed revised species amendments now offered would still afford an attractive and diverse scheme but throughout the entirety of the year. As such, it is recommended that the details are acceptable.

9. RECOMMENDATION

- 9.1 That Planning Condition 6 (Landscaping) of 17/00284/REM be discharged based upon the following:

Condition 6 – Landscaping Scheme

Soft Landscaping drawings:

- 2099-20-04 [Detail Planting Plan – Zone B]
- CQ2-BCA-00-00-DR-Y-20 [Typical Tree Pit in Soft Landscape]
- CQ2-BCA-00-00-DR-Y-21 [Typical Tree Pit Detail Within Hard Paving – Zone A]
- CQ2-BCA-00-00-DR-Y-01 [Detail Planting Plan]
- CQ2-BCA-00-00-DR-Y-10 [Earthworks Plan]
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- CQ2-LJA-A0-XX-DR-L-24901 [Proposed Zone A ramp 1 concrete edge details]
- CQ2-LJA-A0-XX-DR-L-24902 [Proposed Zone A ramp 2 brickwork details]
- CQ2-LJA-A0-XX-DR-L-24903 [Proposed Zone A ramp 3 and stair brickwork details]
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