

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

21/02423/DISC

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of conditions 15 (landscaping scheme), 19 (tree protection), 22 (plant mitigation), 28 (cycle parking facilities), (29 (Framework Travel Plan) and 33 (car parking) of 16/02366/OUT

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 CONDITIONS 15 (LANDSCAPING SCHEME), 19 (TREE PROTECTION), 22 (PLANT MITIGATION), 28 (CYCLE PARKING FACILITIES), (29 (FRAMEWORK TRAVEL PLAN) AND 33 (CAR PARKING) OF 16/02366/OUT 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 cafes 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 seeks the approval of details reserved by Conditions 15 (Landscaping Scheme), 19 (Tree Protection), 22 (Plant Mitigation), 28 (Cycle Parking Facilities), 29 (Framework Travel Plan) and 33 (Car Parking) of outline application approval Ref: 16/02366/OUT.
- 3.2. The application has been supported by the following information:

3.3. Condition 15 – 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]
- 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

3.4. Condition 19 – Tree Pits

- 2099-20-SP-02 [Tree Pit Specification] (including appended drawings)
- CQ2-BCA-A0-00-DR-Y-20 [Typical Tree Pit 02]
- CQ2-BCA-A0-00-DR-Y-21 [Tree Pit Detail Within Hard Paving – Zone A]

3.5. Condition 22 – Operational Plant and Mitigation

- CQ2-SHG-A0-08-DR-E-802 [Block A Electrical Services Roof level]
- CQ2-SHG-A0-RF-DR-X-207 [Mechanical Services Installation plumbing roof level]
- CQ2-SHG-A0-RF-DR-X-307 [Mechanical Services Installation ventilation roof level]
- CQ2-SHG-A0-RF-DR-X-407 [Mechanical Services Installation air conditioning roof level]
- CQ2-SHG-A0-RF-DR-X-812 [Mechanical Services Installation plant weights roof level]
- CQ2-SHG-A0-XX-TS-E-17 [PV panel information – Premier Inn]

3.6. Condition 28 – Cycle Parking Facilities

- 3706-CQ2-LJA-M0-XX-DR-A-04385-P1 [Proposed cycle storage unit location plan];
- BSSGA-1707-1 [4M Eastbrook – Toastrack cycle stands]
- BSSGA-1707-3 [4M Eastbrook – Toastrack cycle stands]
- BSSGA-1707-7 [4M Eastbrook – Toastrack cycle stands]
- UK-R6-RMMO-02 [Cycle stand plan]

3.7. Condition 29 – Framework Travel Plan

- 5764-Castle Quay Banbury-Travel Plan-Rev B

3.8. Condition 33 – Car Park Routeing and Guidance

- CQ2_car_park_signs_190321 [Wayfinding & Signs – Design Intent]

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, by advertisement in the local newspaper. The final date for comments was **23 August 2021**, although comments received after this date and before finalising this report would 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.

CONSULTEES

- 7.2. OCC Highways: No response received.
- 7.3. CDC Environmental Health: No response received.
- 7.4. CDC Landscape Services: No response received.

8. APPRAISAL

Condition 15 – Landscaping Details

- 8.1. An earlier application – Ref: 20/00125/DISC, gave approval for the Landscaping Details. The current application seeks to amend those 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 revised proposals seek approval for more robust, traditional ornamental species. In addition, these types of plants require less maintenance, yet still provide an attractive appearance that is maintained during the winter months, with a greater ability to respond to the site's slopes and constraints.
- 8.3. Notwithstanding the lack of comment from the Council's Landscape Officer, overall, it is considered that the proposed species amendments still offer an attractive and diverse scheme but which will now maintain its visual interest throughout the winter period and last all year long. As such, it is recommended that the details are acceptable, and Condition 15 can be discharged.

Condition 19 – Tree Pits

- 8.4. The drawings submitted show the below ground soil and permeability structure for trees within both the soft and hard landscaped areas. Timber stakes will be used to support any new trees, and the dimensions of the tree pits will vary to allow for different rootball sizes. Overall, dimensions and subsoil arrangements have been provided for 4 different arrangements to allow for the different rootball variations.

- 8.5. In addition to the submitted drawings, a tree pit specification has been provided, which outlines the subsoil arrangements, and general maintenance for the trees.
- 8.6. Overall, Officers consider that the proposed Tree Pit details provide sufficient detail of the pits to be used, the variations between hard and soft landscaped areas and on-going maintenance of the tree planting. As such, the details provided are considered acceptable by Officers and Condition 19 can be discharged.

Condition 22 – Operational Plant and Mitigation in Respect of Block A (Hotel)

- 8.7. The application is supported by full details of the operational plan and mitigation for Block A – the Hotel Block. The information provided includes details of the electrical services, plumbing, ventilation, air conditioning, plant weights and photovoltaic panels.
- 8.8. Around 30m² of photovoltaic panels are proposed on the roof of Block A, which has a flat roof design and parapet, which reduces any visibility of the panels. Ventilation, plumbing, plant and air conditioning units are to be placed on the roof.
- 8.9. Overall, Officers consider that the proposed operational plant and mitigation proposed is acceptable and meets the requirements of Condition 22 such that the condition can be discharged.

Condition 28 – Cycle Parking Facilities

- 8.10. The proposed cycle storage will be located in 3 areas within the wider development.
- 8.11. Zone B - An area of cycle parking is to be provided within the car park of Zone B (cinema and leisure development). This site would provide 24 cycle storage hoops.
- 8.12. Zone C - Cycle Parking adjacent to the River Cherwell in Zone C in relative proximity to the social club. This site would provide 24 internal cycle parking spaces at ground level.
- 8.13. Zone C - A further site located towards the entrance of the supermarket within Zone C. This site would provide a further 60 internal cycle spaces at lower ground level.
- 8.14. Officers consider the proposed cycle storage details provide sufficient safe and accessible cycle storage across the 3 locations proposed. As such, Officers recommend the details of Condition 28 can be discharged.

Condition 29 – Framework Travel Plan

- 8.15. The Travel Plan includes details for Blocks A, B and C at Castle Quay 2. The document provides an overview of the Travel Plan aims and objectives, including encouraging staff and visitors to use more sustainable modes of transport.
- 8.16. The plan provides details of how the options can be promoted to staff and visitors to facilitate sustainable travel behaviours and reduce any detrimental impact from the development on the local highway network.
- 8.17. Officers consider the proposed Framework Travel Plan suitably reflects the original details provided under the original planning application and delivers a clear action plan for encouraging more sustainable modes of transport for both employees and visitors. Overall, the submitted Framework Travel Plan is considered to satisfy the requirements of Condition 29 and the condition can be satisfactorily discharged.

Condition 33 – Car Park Routeing and Guidance

- 8.18. The application includes details of the internal wayfinding signs for the car parks of Blocks B and C. Both car parks have a mixture of signs to provide directions for both vehicles and pedestrians, signage panels for lift and stair indexes.
- 8.19. It is considered that the signs (now largely already erected) can be easily read and their regular positioning ensures that clear direction is given to both vehicles and pedestrians.
- 8.20. The design and positioning of the signs within the car parks is considered acceptable and it is recommended that Condition 33 can be discharged.

9. RECOMMENDATION

- 9.1 That Planning Conditions 15 (landscaping scheme), 19 (tree protection), 22 (plant mitigation), 28 (cycle parking facilities), 29 (Framework Travel Plan) and 33 (car parking) of 16/02366/OUT be discharged based upon the following:

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