

OXFORDSHIRE COUNTY COUNCIL'S INTERIM RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application no: 13/01601/OUT-2

Proposal: 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

Location: Land Adjacent To The Oxford Canal Spiceball Park Road Banbury

This report sets out Oxfordshire County Council's interim response to the proposal.

Annexes to the report contain officer advice and the comments of local members.

Comments:

OCC are unable to provide a final response at present as additional transport information is still outstanding.

OCC officers met the developers on **1st July 2014**, on which date it was confirmed by email that:

*"I look forward to a comprehensive response **over the next few days** to OCC's list of issues of 26th June, as discussed earlier, as well as additional urgent clarification on base flows. Also I look forward to the additional documentation, audits and surveys agreed as required, to be provided **over the next 10 days**."*

The required additional information was provided later than originally promised by the developer, and arrived on 22nd July 2014, comprising 11 documents for review and comment. We were subsequently told on 23rd July 2014 to disregard a substantial amount of this information as it is being revised. We are also still awaiting the amended Travel Framework Plan.

When it arrives, OCC officers will require an appropriate amount of time to review this additional documentation, and will work to provide a full response to CDC as soon as possible, bearing in mind the complexity of the work involved, the requirement to consult other officers, staff shortages due to annual leave and other workload.

Annex 1 contains the consultation response from Archaeology, Ecology and Property.

Officer's Name: Lisa Michelson
Officer's Title: Cherwell Locality Manager
Date: 24 July 2014

ANNEX 1
OFFICER ADVICE

RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

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Archaeology

Recommendation:

No objection subject to conditions

Key issues:

The site is located in an area of archaeological potential on the north east section of the site of Banbury Castle. A programme of archaeological investigation will be required to assess any surviving archaeological deposits but due to the current use of the site this will need to be undertaken through a condition on the outline planning permission.

Legal Agreement required to secure:

None

Conditions:

- F8. 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)

- F9. Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition F8, a programme of archaeological evaluation, investigation and recording

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).

F10. Prior to any demolition on the site and the commencement of the development and following the completion of the archaeological evaluation, investigation and recording referred to in condition F9, a report of the archaeological evidence found on the application 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).

F11 Prior to any demolition on the site (other than in accordance with the second stage Written Scheme of Investigation) and prior to the commencement of the development the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition [F10]. All post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the second stage Written Scheme of Investigation approved under condition [F10] as soon as practically possible after the completion of the on-site investigation.

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

Informatives:

None

Detailed Comments:

The site is located in an area of archaeological potential as identified by the archaeological desk based assessment submitted with the application. The development area is located over the north eastern side of the site of Banbury Castle, built by Alexander Bishop of Lincoln, who died in 1148 (PRN 1816). The castle stood on the north side of the Market Place and was destroyed after the Civil War in the C17. It was surrounded by an inner and an outer moat and the NE section of this moat is located within the area of the proposed development, beneath the current multi-storey car park and social club. Given the depths of the proposed impact of this development the archaeological remains of the moat could be disturbed. It is possible that the moat deposits could be waterlogged and therefore preserve organic materials related to the use of the castle and the development of the town which would not have normally survived. Medieval settlement often grew up around castle sites and it is also possible that previously unrecorded settlement evidence could survive on the site and would be disturbed by any development.

We would therefore recommend that, should planning permission be granted, the applicant should be responsible for implementing a staged programme of archaeological work. This can be ensured through the attachment of a suitable negative condition as suggested above.

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

Officer's Name: Richard Oram
Officer's Title: Planning Archaeologist
Date: 09 June 2014



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Property

Recommendation:

No objection subject to conditions

Part of the application site includes land (pavements / hard landscaping) owned by Oxfordshire County Council on the northern edge of the Mill Arts Centre. Furthermore the County Council has an agreement with Cherwell District over the use of some of the parking spaces within the application site immediately to the west of the Arts Centre.

The application proposals should avoid prejudicing the ability of the County Council to both continue to use the parking spaces and to provide full and unhindered access to the Arts Centre via the main entrance on the northern side of the site.

The development includes parking spaces adjacent to the Mill Arts Centre which could fetter the expansion of the Mill. The District and County Council have been collaborating upon exploration of development opportunities for the Mill. The County Council would encourage proposals that did not rely upon the retention of the car parking area between the Mill Arts Centre and the adjacent housing block.

Officer's Name: Nigel Cunning
Officer's Title: Asset Strategy Manager
Date: 06 June 2014



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ECOLOGY

Recommendation

- No objection

Key issues:

- The development should include green infrastructure to enhance the site for visitors, residents and employees and for biodiversity. Existing green spaces and corridors within the site should be retained and enhanced, with particular attention to connecting habitats to reduce habitat fragmentation.
- The treatment of the watercourses is particularly important, to ensure that their biodiversity value is retained and, where possible, enhanced.

Legal Agreement required to secure:

- N/A – for the District Council to comment

Conditions:

- N/A – for the District Council to comment

Informatives:

- N/A – for the District Council to comment

Detailed Comments:

- The District Council should seek appropriate mitigation and compensation for impacts on biodiversity.
- In addition to mitigation and compensation, the District Council should ensure that the development results in a net gain in biodiversity.
- The treatment of the river corridor is particularly important in this development, as this is where the majority of the biodiversity interest is and it is also part of a habitat corridor for species, so fragmentation of habitats should be avoided. The proposals could substantially increase the number of people using this area and an attractive environment could enhance their experience. Biodiversity enhancements could form part of this and buffer the impact of the increased levels of disturbance on species and habitats on these habitats.
- Biodiversity enhancements should be included in the development design, such as green roofs, creation of habitats for bats in buildings and bird boxes, including for swifts, creation of hibernacula for reptiles and amphibians, log piles for invertebrates, hedgehog domes and planting of native species in the landscaping. This is in line with planning policy and the NERC Act, which places a duty on local authorities to enhance biodiversity.
- A sensitive directional lighting scheme should be implemented to ensure that additional lighting does not impact on the green infrastructure.
- Provision should be made for the long term management of these areas.
- I understand that the District Council's Ecologist would comment on the details of the application.

Officer's Name: Tamsin Atley

Officer's Title: Ecologist Planner

Date: 14 November 2013

ANNEX 2

LOCAL MEMBERS' COMMENTS

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LOCAL MEMBER VIEWS

Cllr: Surinder Dhési

Division: Banbury Hardwick

Comments:

- 1) We need to make sure there are restrictions on the time the time that the Supermarket can take deliveries no deliveries between 10pm till 7am
This will reduce the noise disturbance to the residents of Chamberlain Court.
- 2) There needs to be parking restrictions on Spiceball Park Rd,no parking of vehicles at anytime.
- 3) The humps need to be removed to reduce noise level from vehicles .
- 4) There needs to be less lighting overnight around supermarket to reduce light pollution.
- 5)Make sure residents get double glazing to prevent noise pollution from Development.
- 6) Make sure that there is flood prevention measures because the area is prone to flooding.

Date: 13 June 2014
