

**Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury**

17/00284/REM

Applicant: Scottish Widows PLC & Scottish Widows Unit

Proposal: 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.

Ward: Banbury Cross and Neithrop

Councillors: Cllr Hannah Banfield
Cllr Surinder Dhesi
Cllr Alastair Milne-Home

Reason for Referral: Major application that the Council has an interest in

Expiry Date: 9 May 2017 **Committee Date:** 18 May 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

1.1 This application is for approval of Reserved Matters pursuant to Outline Planning Permission 16/02366/OUT.

1.2 Permission 16/02366/OUT was for the variation of two conditions to an earlier outline planning permission for the following development :

“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 associated canal footbridge, and the 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 food retail (Use Class A1), hotel (Use Class C1), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses; alterations to the rear of 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”.

1.3 The Outline Planning Permission followed an earlier approval (13/01601/OUT) in October 2016 for development of substantially the same form, albeit with a marginally different access and highway arrangement.

1.4 The site falls within the extended town centre (Cherwell Local Plan 2016), and Policy ‘Banbury 9: Spiceball Development Area’ underlines the Council’s

commitment to bringing forward a mixed commercial development in this area. The early submission of Reserved Matters seeks to facilitate early delivery of the development, to start later this year.

- 1.5 The Reserved Matters comprise scale, layout, appearance and landscaping. Access was not reserved in the outline applications and as such, full planning permission has been granted for the proposed alterations to Spiceball Park Road to serve the proposals under the Outline Planning Permission. Approval of all other Reserved Matters across the entire development site is sought in this application.
- 1.6 The Outline Permission was granted subject to a range of controls imposed by Planning Condition which relate to matters outside the scope of this Reserved Matters submission. For clarity these relate to:
 - Archaeology
 - Ecological mitigation and enhancement
 - Environmental noise limits and controls including operational plant and mitigation
 - Surface water drainage, SUDS, flood mitigation and management
 - Landscaping
 - Car park routing and guidance
- 1.7 The application is supported by a suite of accompanying documents, which assess the detailed design, scale and layout of the proposals in line with the development parameters established by the Outline Planning Permission. These documents comprise:
 - Application drawings
 - Design and Access Statement
 - Transport Technical Note
 - Flood Risk Statement
 - Consultation StatementSupporting statement
 - Framework Construction Environmental Management Plan
- 1.8 The application site extends to 4.31 hectares and encompasses the Castle Quay shopping centre northern car park and the frontage of the southern car park, the General Food Sports and Social Club band practice room (not the Social Club itself), and the site of the former Spiceball Sports and Leisure Centre (which was demolished in 2010).
- 1.9 The entirety of the Oxford Canal included within 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.

- 1.10 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.
- 1.11 In respect of the matters reserved for subsequent determination the following development principles were established by the outline permission to which the detailed design must comply.
- 1.12 These establish minimum and maximum development parameters relating to:
- the type and scale of uses (floorspace by Use Class)
 - the number of parking spaces
 - the broad positioning and size of the development blocks (length, width and height of blocks)
 - the spaces between buildings
 - other design features including an option for an external canopy
 - areas of hard and soft landscaping
 - the extent of demolition
 - the extent of excavation
- 1.13 The Outline Permission also includes indicative pedestrian and cycle routes through the development site. The highway access to the development including the layout of Spiceball Park Road is fixed by the outline permission, having been the subject of extensive consultation at outline stage. It is therefore not for consideration as part of this submission.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development is a mixed-use retail and leisure development that seeks to ensure the delivery of a high quality expansion of the commercial core of Banbury town centre as envisaged in the adopted Local Plan.
- 2.2 The proposals are in line with the parameters set by Outline Planning Permission 16/02366/OUT and comprise the following principal elements:
- Foodstore (Class A1) – 2,942 sq m GIA
 - 117 bed hotel (Class C1) – 4,230 sq m GIA
 - 8 Screen cinema (Class D2) – 4,101 sq m GIA

- 6 restaurants and a café (Class A3/A4) – 3,790 sq m GIA
- 586 car parking spaces within the application site
- 84 cycle spaces

Each of the principal elements is described below

Foodstore

- 2.3 The foodstore is located on land to the south of the River Cherwell and north of Spiceball Park Road on land of the former Spiceball Leisure Centre that has last been used as surface parking following the demolition and relocation of that building to the north.
- 2.4 The foodstore will extend to 2,942 sq m and have a sales area of 1,686 sq m net. The store is located towards the eastern end of Spiceball Park Road with its car parking to the west, extending up to Cherwell Drive. The car park for the foodstore has 124 spaces.
- 2.5 The existing levels of this development site drop away from Spiceball Park Road, which means it is possible to maximise the amount of parking by building the foodstore on a podium, with its parking on a deck which is level with the store entrance with a separate car park below providing space for 217 vehicles. Cars will gain entrance to the foodstore car park directly from Spiceball Park Road in the location fixed by the outline permission. This will require a small ramp up. The lower car park will be accessed off the roundabout towards the end of Spiceball Park Road and all vehicles, save for disabled drivers, will exit under Cherwell Drive and therefore will not use Spiceball Park Road to leave the car park. These access arrangements have already been approved under the outline permission.
- 2.6 The arrangement for pedestrian access into the foodstore is either via steps, a ramp or lift immediately adjacent to the store entrance, or via steps and a ramp from the lower level parking. There will also be a footpath adjacent to the car park entrance off the roundabout at the end of Spiceball Park Road.
- 2.7 The existing pedestrian bridge to Spiceball Leisure Centre will be modified as part of the proposals. This walking route will extend over the foodstore car park and down a ramp to a crossing on Spiceball Park Road (it will be demarked by a change in surface material) which will then lead directly past the Social Club to the restaurants and Castle Quay Shopping Centre.
- 2.8 The design of the foodstore is driven largely by the intended operator's requirements. It will be regular in shape with a monopitch roof and will be finished in a mix of white render and cladding panels. It will be 9 metres high, which is the equivalent of about 3 storeys. The store entrance is on the western elevation and will have a fully glazed façade. All servicing will be to the north, adjacent to the River, furthest from residential properties, via the store car park.
- 2.9 A new sub-station is required to serve the development and this is located adjacent to the western elevation of the foodstore. It is a simple structure with a pitched roof and has direct access to Spiceball Park Road for maintenance purposes.

Hotel

- 2.10 The hotel is to be situated on land to the south of the Oxford Canal and north-west of Castle Quay Shopping Centre. It abuts the South Car Park of Castle Quay and includes a proportion of the multi-story car park (Castle Quay South) that is to be demolished and rebuilt to provide 162 car parking spaces. The hotel is positioned to front the canal and will effectively 'screen' the multi storey car park from the canal. The hotel will comprise a hotel lobby and restaurant on the ground floor with 117 rooms overlooking the canal, arranged over 6 storeys above. There will be an area for plant provided on the roof which will be screened.
- 2.11 The building will be relatively narrow in profile to maximise retention of parking in the multi-storey car park and to provide adequate set back from the canal to allow ready access to the canal.
- 2.12 The building will be generally rectangular in shape, with a flat roof with parapet. The external elevations are expressed as double height features with a geometric pattern comprising areas of recessed brickwork and render. The precise materials are still to be agreed.

Cinema and restaurants

- 2.13 The cinema and restaurants building is to be located on land to the north west of the GF Sports and Social Club and north of Oxford Canal. It is a mixed-use block comprising an integrated multi storey car park providing 251 spaces, an 8 screen cinema, 6 restaurant units and a café.
- 2.14 Existing site levels are utilised to create three levels of parking (lower ground, ground and first) accessed off Spiceball Park Road, allowing the double height restaurants to front the canal to the south, with the cinema positioned over the restaurants and car parking areas. The restaurants will have external south-facing terraces and the cinema will also have a café bar in its foyer with a further external terrace overlooking the canal.
- 2.15 The southern facades of the restaurants and the cinema foyer will be fully glazed. The cinema screen block will be wrapped in profiled aluminium with ribbed metal cladding providing relief to break up its massing. The profile of the roof is articulated in a saw-tooth shape to provide interest. The cinema is within the outline development parameters and in terms of its scale, will sit lower than the height of the hotel which is the tallest part of the development.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/00054/SO	Screening Opinion - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal, Banbury	Screening Opinion not requesting EIA
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	Application Permitted

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

13/00082/SO	Screening Opinion - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal, Banbury	Screening Opinion not requesting EIA
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.	Resolution to approve subject to Section 106 agreement with OCC
16/00099/SO	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.	Screening Opinion not requesting EIA
17/00006/SO	Screening Opinion for the reserved matters application relating to 16/02366/OUT	Screening Opinion not requesting EIA

4. PRE-APPLICATION DISCUSSIONS

- 4.1 A dialogue has been maintained with the designers of these buildings throughout the outline application phase and since. Numerous detailed discussions have been held with the architects concerning the appearance of hotel, cinema and supermarket. Senior Members have been informed of the development of the design during this period.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site. The final date for comments was 16.03.2017, although comments received after this date and before finalising this report have also been taken into account.

The comments raised by third parties are summarised as follows:

5.2. Two letters have been received from third parties

The first is from the residents of Chamberlaine Court and is divided into comments concerning the construction period and those concerning the design and operation of the development

Their comments on construction cover

- Siting and security of construction compounds
- Routeing of construction vehicles
- Dust and mud control
- Method of construction –piling?
- Removal; of traffic calming
- Hours of construction
- Need to maintain access to Chamberlaine Court throughout build
- Contact arrangements for site

With respect to the design and operation of the development they comment as follows

- The need to restrict the hours of opening of the foodstore
- The timing of servicing for the foodstore and querying the use of reversing alarms
- Lighting of podium car parking – to be switched off outside store opening times
- Lift –ensuring quiet operation
- Need for security to react to anti-social behaviour in car parks etc.
- Control of audible noise from restaurants/bars
- Encourage use of parking near cinema/restaurants to avoid late night noise
- Parking controls in Spiceball Park Road
- Barrier control of parking?

- Siting of air handling equipment?

A second representation has been received from a narrowboat user. This expresses concern about further retail development, as this may impact detrimentally upon existing businesses in the town.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register .

6. RESPONSE TO CONSULTATION

6.1. 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. **Banbury Town Council** raise no objections

STATUTORY CONSULTEES

6.3. **Oxfordshire County Council** object and comment as follows

Objection was originally made on the basis that the retaining wall design was still the subject of negotiation. The plans and sections submitted with the application were unacceptable due to their potential impact on the highway. It is understood that these details have now been satisfactorily resolved and that OCC will withdraw its objection

It is expected that the other points can be addressed through the conditions on the outline permission as well as some additional conditions as recommended below

Key issues:

- Revisions to retaining walls - now understood to be agreed
- Concern regarding reversing HGVs in the foodstore car park
- Vehicular and emergency access to the hotel remains a concern
- Cycle parking quantity, locations, access and dimensions
- Flood evacuation strategy needed for Block B lower level car park
- Concern regarding car park payment strategy
- Construction Environment Management Plan – some details need addressing

(CDC officer note. Further revised plans have been received that address some of the above matters. Careful assessment of the need for further conditions is necessary)

Attention drawn to the fact that the original Section 106 agreement needs to be amended to release the outline permission to which this reserved matters relates

They seek conditions as below

- A condition requiring an evacuation plan for the lower level car park in Block B, which is intended to be allowed to flood in extreme flood conditions.

- A condition requiring the alleyway between the existing Castle Quay shopping centre and the multi-storey car park to be kept closed with a bollard

Detailed comments supporting the above representations are available on the Council's web-site

6.4 The **Canal and River Trust** comment has the following comments on the individual elements of the proposals

Hotel

The end elevation of the hotel is rather bland, and does not meet the architectural aspirations of the scheme. This elevation is very visible from the canal and towpath and we suggest that further consideration is given on how best to enliven it, either by additional glazing or more use of contrasting brick.

Retail/cinema block

The frontage of the retail/cinema block on elevation looks rather bland, with concrete surfacing proposed for the steps/boulevard. We request higher quality surfacing for this important part of the public realm which fronts the canal Conservation Area. The plan shows planting areas along the frontage, whereas the elevation shows steps along the entire frontage. Which is correct? Planting would help break down the frontage.

Public Realm to the front of CQ1

The proposed landscaping of the area in front of CQ1 is interesting in terms of levels and forms, but we have concern over the planting choices, particularly in relation to the planting beds which should be less 'ornamental' in nature, although it is quite difficult to gauge exactly what is proposed without detailed planting plans. There is no indication of where the Wisteria will grow, but perhaps it is not appropriate choice?

The trees will need to be contained, to prevent root damage to the canal wall, and we question the suitability of Acer Platanoides which have very shallow roots and can cause issues with adjacent paving, as well as being very large, seeding freely and can be susceptible to aphids and the associated 'honey dew' problems.

Smaller, more 'open' species such as Betula jacquemontii and Acer campestre (as well as the proposed Malus species) would be more appropriate than large trees with very dense crowns. the Ulmus are slow growing, and may therefore be more appropriate, although they may require quite a lot of maintenance.

We suggest that further consideration is given to the elevations and public realm details as mentioned above and we would welcome the opportunity to comment on any further revisions.

6.5 The **Environment Agency** comment that *"We would hope that as long as the proposed details comply with the planning conditions we requested on the outline planning permission, together with any advice provided in our consultation response, that the submitted details would be sufficient for you to determine the application."*

6.6 **Thames Water** have reviewed the documentation provided; RESERVED MATTERS - FLOOD RISK SUMMARY REPORT Doc. RefCQ2-BWB-EWE-XX-RP-EN-0003_FloodRiskSummaryReport, Status S2 and have no objection to the discharge of the reserved matters relating to Conditions 5, 6 & 7.

NON-STATUTORY CONSULTEES

6.7 **CDC Environmental Protection Officer** does not wish to comment

6.8 **Ecology** advice (provided by Warwickshire County Council acting as CDC consultants) comments that “Largely the proposed landscaping is appropriate and the corridor along the River Cherwell is welcomed, however I would note that *Rosa rugosa* is a non-native invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981). Therefore this species should not be used within the final landscaping scheme and it is recommended that a diverse native species are used alternatively, which have a far higher value to wildlife than non-native species. The proposed lighting scheme should also ensure that any light spill is avoided along the River Cherwell corridor, to ensure that the corridor remains suitable for nocturnal species such as foraging/commuting bats, birds and otter.

I welcome the proposed bird and bat boxes on the parapet wall of the upper car park deck and recommend the locations and specifications of these are provided within the final landscaping details. Although the Design and Access statement provides an indication of the landscaping strategy, I would recommend that detailed landscaping plans are provided and secured by condition of any approval granted”

6.9 **CDC Landscape Architect** comments that the Landscape Strategy should provide a clear indication of measures to mitigate elevations of Block B Cinema, Block A Hotel, Block C Foodstore, the cinema and food store car parks. The planting of trees in the locations are acceptable – and there is limited space to increase tree cover within the current layout, however I have a preference for blocks of native silver birch and pine to mitigate and counteract the scale of the building for the benefit of human experience. This would be in preference to the proposed fruit and crab apple trees which will result in a nuisance in respect of fruit fall on pavements and the attraction of wasps.

Application of Woodland Blocks, subject to important vis-splays and CCTV envelopes.

- Northeast elevation of cinema car park, but kept well away from pedestrian access on the north to allow for light levels and prevent oppressiveness. Three woodland block required to this elevation with view corridors between them of allow the building to be legible.
- The north-western green area to the hotel planted as woodland, but to kept well away from pedestrian and cycle storage access for the above reasons.
- the proposed tree locations for the southern elevation of the hotel is welcomed.

Visually onerous elevations should be mitigated with green walls , for an example the northern elevation of Spiceball Leisure Centre is successfully clothed in *Parthenocissus* sp. Sufficient volume of soil medium with moisture levels maintained by irrigation systems is essential due to dryness created by the building rain shadow and wind funnelling.

Application of Climbers:

- For visual receptors on Cherwell Drive the visual impact of the wall of the service yard to the cinema with a height up to 4850
- Identify where appropriate

The green route between the Spiceball Leisure Centre and the canal is good idea, however the planting in minimal. Trees and planting should enhanced to mitigate building impacts, wind funnelling and improve amenity:

- Increase tree cover between the end of the Spiceball bridge. The triangular-shaped beds on both side of the vehicle access to be considered for the planting of individual trees, services a soil medium volumes permitting (note that a minimum of 15 m3 of tree soils is required for each tree).
- Space should be found for 2 more trees within the concourse opposite the of unit 6 elevation

The open aspect of the café frontages and association with the canal corridor/function is appropriate and perhaps trees here would be appropriate because user sightlines from the cafes are important.

The cycle pedestrian route, with the proximity of the split level car park and the food store excessive vegetation may be oppressive for users. Improve it by:

- Increase the depth of the corridor between the buildings and the bank of the river.
- Allow for maintenance access for EA operatives (presumably the EA will be commenting on this matter)
- Provide clear surveillance of river from the route to reduce risk.
- Revise the planting proposals accordingly.

Visual receptors from the Spiceball Leisure site will experience a harmful expanse of car parking/vehicles (for food store). It will influence the setting of the development. It should be visually mitigated by planting. It is necessary to improve the amenity of the river corridor and to this end, with the widening of the pedestrian/cycle route, it should be possible to plant trees on the upper level of the car park (this has been achieved successfully on other developments). In addition some edge treatment to the car park, similar to the formal hedging example on Spiceball car park.

Further information required:

- Detailed cross-sectional information appertaining to the terracing of the green route concourse and the café/canal interface, also including levels between the Spiceball bridge and the green route concourse.
- Evidence the levels are DDA compliant
- Soft landscape proposals
- Hard landscape proposals (and surface materials)

6.10 **CDC Urban Design and Conservation Officer** concludes in her comments as follows

“The proposals submitted as part of the Reserve Matters Application, broadly follow the principles and parameters established in the Outline application. The LPA were clear that there are a number of issues that need to be considered and resolved at a Reserve Matters stage. I feel that these issues have not yet been fully resolved. These include:

- Public realm improvements around the site, especially, the Oxford Canal, Spiceball Park Road and connectivity between the Spiceball Leisure Centre and the Town Centre
- Establish a more sensitive approach to the architectural form, materials and details, including consideration of the materials and massing of the architecture at the hotel and cinema.”

In more detail she comments (summarised)

Public Realm

A public realm led approach to this site has always been a fundamental part of the development proposals. The implementation of this is critical if this area is to be successfully connected to the town centre thus optimising the areas strategic potential. One of the key objectives of the development in this area is to provide a comprehensive redevelopment offer that helps to activate the Oxford Canal.

- *While the proposals will offer greater activity and a positive public frontage onto this area, with a low terrace overlooking the canal, there are a number of issues regarding the levels which are likely to result in a poor relationship. The current level changes between the Canal towpath and the development area is very significant in places and it was hoped that these issues would be appropriately resolved through the new development proposals for the area. Many of our concerns relate to the design of the bridge and its landing points which will create areas of separation between the terrace and towpath.*

Spiceball Park Road

Spiceball Park Road will be retained and this area forms a key part of the scheme. It is currently a car dominated environment and a significant redesign is required to ensure a public realm led approach. This area provides the main vehicular entrance to the scheme, which will for many be their first sight of Banbury Town Centre. This route also provides pedestrian access to The Mill area and the Banbury Museum alongside Spiceball Leisure Centre and the Town Centre. A number of changes to this route would improve the way it is used by pedestrians and the area could be positively designed as a 'lane' with shared surfaces, cobbles and block paving.

Spiceball Leisure Centre Connection

In the current proposals pedestrians walking from Spiceball Leisure Centre to the Town Centre would follow a convoluted route: cross the existing bridge and ramp down before ramping or stepping (unclear) up to the deck level, cross a busy car park; take steps or ramp a storey down to grade; cross Spiceball Park Road alongside the vehicular access to the cinema / restaurant block before walking to the new Canal Bridge

Buildings

Canalside Block – Cinema, A1 and A3

Development in this area is focused on the canal, with a terrace level providing an interface with the new development area. The proposal shows a good relationship between the towpath and the terrace space / retail area. The terrace is elevated 1.3m above the tow path and I am comfortable that the proposals will establish a positive relationship in this area.

Along the canal frontage a simple architectural approach is proposed, with modern materials and a layering / modularisation of the building form to help break down its mass. This is a large building and the cinema element is a particularly bulky element. The A1 and A3 retail units have been used to wrap around the cinema along the canal edge. These help activate the canal and break down the scale of the cinema. A sawcut approach to the roof has also been taken, which while unusual is much more successful than a rectangular box might have been in this area. While the layering of uses has been relatively successful at breaking down the huge scale of this building from the Canal, when viewed from a distance (for

instance from Castle Quay 1) the cinema roof is likely to be a very dominant feature in the townscape.

The southeast elevation is really important, forming the frontage to the key route which runs to Spiceball Park Road to the Canal. At the Canal end the building is well articulated, with active frontages wrapping around the corner (albeit with significant height differences). The area towards Spiceball Park Road is a less attractive environment, with a high wall and looming largescale architecture and parking access.

The north east and north west edges of the building onto Cherwell Drive and Spiceball Park Road are less successful. These areas are dominated by access, servicing and parking and the architectural form and massing. The deck parking projects over 15m beyond the main building and will be dominant. While it is accepted that a building of this nature will have a less attractive rear, it is felt that more can be done to improve this relationship

Hotel

The hotel element has been extensively discussed as part of the pre application discussions. One of the challenges that we have faced has been that the building parameters agreed in the OUTLINE have been maximised, with a very simple abstract form projecting from the building footprint. The approval of the height parameters are subject to the form, massing and the architecture fitting comfortably with the environs and it was anticipated that there would be greater variation in the building form.

While improvements have been made, we still have significant concerns about the design of this building.

- *The two side elevations are poorly designed, with limited fenestration and the area to the south does not spill out onto the public space associated with Castle Quay*
- *The rear elevation is very odd and long views will be visible from the Town Centre*
- *We are still awaiting CGIs which explain the impact in key areas*
- *The ground floor provides active frontage onto the Canal area only and has a limited relationship with the landscaped area which provides the interface with Castle Quay.*

Food store

The overall architectural form is simply detailed with glass and plastic panelling, which is typical of stores belonging to this budget supermarket. From the higher deck level the glazed entrance will be attractive. At ground level, from the path along the Cherwell, Cherwell Drive and Spiceball Park Road much of the view will be of exposed parking decking. It is not clear what the detail is in this area, but climbing plants are proposed in some areas to help mitigate the view (though we have concern over the growth of these given the orientation).

Architectural Design, Details and Material

The architectural design is an important element of the scheme. It is especially important that the architecture on either side of the canal reads as a whole and has a shared vocabulary / relationship. I do not feel that the current proposals read as a united scheme.

- *The proposed bridge structure is very lac lustre*

- *The cinema is a large scale buildings and its internal function means there are limited areas for access or glazing. From the canal side the cinema is wrapped with restaurants and the first floor lobby and cinema bar area. Other facades do not benefit from this wrapping effect and the scale of the building therefore appears very bulky and will dominate open views from the town centre approach. The scale of the building is emphasised by the dark metal seamed material shown in the perspectives. Greater thought needs to be given as to how the building scale can be broken down from long views. In addition the choice of material needs to be reconsidered in relation to the Hotel element and with regard to the buildings scale*
- *The Hotel is very tall compared to other buildings within Banbury. While this building has a positive role in terms of animating a part of the canal which would otherwise be the back of decked parking, the design is overall disappointing. The two side elevations are particularly poor and these need to be addressed.*

Conservation Issues

The development impacts on the heritage assets of the Oxford Canal Conservation Area, Tooleys Yard Scheduled Ancient Monument, the Mill Arts Centre and the Banbury Conservation Area. The development does not affect the historic fabric of any of these assets, but has a significant impact on their settings. The parameters for development are set by the OUTLINE permission, but the details of the scheme as set out in the reserved matters can have a significant impact on the success of the development and their impact on the surrounding heritage assets.

The hotel and cinema buildings are located at the entrance to Banbury from the north-east. The buildings are of a considerable scale and mass and will therefore be highly visible from a considerable distance to the north. The architectural design therefore requires careful consideration to ensure that the buildings form an appropriate gateway approach to the town.

The hotel and cinema buildings also have an immediate frontage on to the canal and their relationship with the canal will have a significant impact on the success or otherwise of the scheme to enliven the canal

Issues relating to the public realm and the pedestrian canal bridge have been addressed by the Urban Design Officer and I would support these comments. The treatment of the public realm around the canal area is fundamental to the success of the scheme. I would also iterate that the public realm should look beyond the specific site boundary and provide a unified approach along the stretch of canal through Banbury drawing in other cultural and historic assets including the Mill Arts Centre and Tooley's Boatyard.

The key issue is that the public realm should be suitable to its canal side location. The proposed design with a range of planters appears to have taken the area as an open square and has ignored its distinctive canal side location. It would be useful to look at the treatment of other waterways regeneration areas (including Stratford Upon Avon and Gas Street in Birmingham), but crucially it also needs to reflect the distinctive character of the Oxford Canal which has a unique place-identity created based on its early construction. It is appreciated that the original form and character of the area has gone, but use of historic maps and photographs could provide clues to link the area to its past and it is fundamental that there is an appreciation of the wider character of the Oxford Canal. A well thought out design for the public realm could transform the area and provide a positive link between the Oxford Canal and Banbury town centre.

Tooleys Boat Yard is the oldest working dry dock on the inland waterways (with an associated forge) and has been in operation since 1790 when the Oxford Canal opened. The site is a Scheduled Ancient Monument and it is of substantial historic significance. The Oxford Canal Conservation Area Appraisal states 'Within the Castle Quay centre is the Banbury Museum and the remains of the stone-lined dry dock of Tooley's boatyard. This area is probably an original, or certainly early, feature of the canal and is now a scheduled ancient monument. It is one of the iconic sites on the canal system, partly because of its rarity value and partly because it was in this dock that Tom Rolt's boat Cressy was reconditioned in 1939; the adjacent smithy also survives'.

It is vital that the proposed new development does not compromise the business operation of the boat yard during the course of construction works or following the completion of the works. Mitigation measures need to be put in place if there is to be any impact on the business. The 'Summary Construction Environmental Management Plan' does not make any reference to closures of the canal, although it is likely that there will be some impact during the construction of the new bridge. Full details should be provided of the construction programme and consultation needs to take place with the owner / management of the Tooley boatyard.

The setting of the boatyard was significantly altered following the development of the Castle Quay shopping centre. The boatyard lies outside the proposed development boundary, but it is regrettable that there has been no attempt to enhance the setting and surroundings of this significant heritage asset within the scheme.

Mill Arts Centre

The Mill Arts Centre is an 18th century Corn Mill and associated Millers House which retains much of its historic fabric. It is a locally listed building and an important cultural asset for Banbury. The building lies outside the proposed development area, but it is unfortunate that the opportunity has not been taken to fully integrate this asset with the other cultural and leisure facilities in the area (museum, sports centre, cinema, hotel). The location of the proposed supermarket is unfortunate in this respect as it reduces the potential for connections to the site. It is appreciated that this was a principle agreed at OUTLINE stage, but there does not appear to be any attempt to include this cultural asset within the wider scheme by way of wider public realm enhancements, signage or cultural branding.

Banbury Conservation Area

The proposed development will also impact on the setting of Banbury Conservation Area which is located at a short distance to the south of the development site. Long distance views have not yet been provided of the new development, but it is likely that due to the scale of the hotel building in particular that it will be visible from a number of locations from within the conservation area. If there are any views in which the proposed development can be seen in the same line of sight of St Mary's Church will need to be given particular consideration. The proposed rear elevation of the building is very featureless and has extremely limited fenestration. The design is unlikely to provide a positive backdrop to heritage assets within the area.

The full comments of the officers concerned are available on the Council's web-site.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th 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)

- SLE2 - Securing Dynamic Town Centres
- ESD6 – Sustainable Flood Risk Management
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – The Oxford Canal
- Ban 9 – Spiceball Development Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C34 – Protecting views of St.Marys Church, Banbury

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Vision and Masterplan SPD- quoted below

The Spiceball area is located between Cherwell Drive to the north, Concord Avenue (A4260) to the east, and Oxford Canal to the south-east. It contains the Spiceball Leisure Centre, multi-storey and surface car parking, The Mill Theatre, Chamberlaine Court residential home, Banbury Museum and General Foods Sports and Social Club.

All the existing development is accessed from the roundabout on Cherwell Drive. The area around the canal is a missed opportunity to focus development on the amenity and boating activity of the canal. It is one of the major assets of the Town, with the boats providing an attractive and ever changing scene. A new canal basin could be provided as part of the comprehensive regeneration of the area.

There is the opportunity on the Spiceball site to create an attractive urban and landscape gateway into the town with improved connectivity to the town centre and enhancement around the canal. New development should provide greater activity and vitality along the canal and improve links across the development into Spiceball leisure centre.

To enhance the regional role of Banbury and to build upon the existing assets, the area should be developed as a leisure, entertainment and cultural quarter with improved links into the town centre. This site could accommodate a number of different options dependent on public sector funding for new cultural/arts and leisure buildings. With reference to the recent planning permission for the site, proposals should also provide for a new foodstore.

A range of town centre uses should be provided on the site along with public open spaces. The existing multi-level car park and nearby land should be redeveloped for mixed town centre uses including leisure and A3 and A5 uses. A significant new public place should be provided alongside the canal with A3 uses, public art and attractive landscaping.

The area containing the short term car park next to the canal and The Mill should be developed to enable the expansion of The Mill with new performance spaces and additional community facilities.

Options to extend the museum should also be considered if funding becomes available to expand this facility. General Foods Social Club and Chamberlain Court will remain on the site.

An outline planning permission has now been granted which includes proposals for a cinema, hotel, A3 uses, a food store and car parking. The Council is working with a development partner to deliver proposals.

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Public realm
- Heritage impact
- Residential amenity
- Construction arrangements
- Operational issues
- Access and car parking
- Landscaping

8.2. The principle of this development was first approved in October 2016, having been resolved to be approved by this Committee in 2015 subject to a legal agreement with OCC which took some time to resolve (13/01601/OUT) . In January this year consideration was given by this Committee to a variation of that outline planning permission to allow for the reconfiguration of the access arrangements off Spiceball Park Road to facilitate alternative access arrangements to the proposed foodstore. That permission (16/02366/OUT) is yet to be issued (it requires a deed of variation of the OCC legal agreement). As a consequence any approval of this reserved matters application will need to be delayed until the varied outline consent has been formally issued.

8.3. The proposals continue to comply with the objectives and design principles contained in the Banbury Vision and Masterplan SPD quoted above at paragraph 7.3.

8.4. The Spiceball site is a complicated brownfield area with multiple constraints, including historic flooding, level changes, existing uses, parking and heritage and residential amenity sensitivities. In addition, the proposals are for large scale commercial uses which typically require a large building footprint. The outline planning permissions have established a set of parameters for the development, namely the location of the uses on site, the heights, massing and maximum/minimum building dimensions. This application therefore deals with the architecture of the buildings, the proposed public realm and details such as car park layout, servicing and other operational arrangements. The report seeks to analyse each of these issues.

Design of hotel

8.5. The hotel is proposed to the south-west of the canal on the area of open car parking between the multi-storey car park and the canal. Clear parameters for the scale and height of the hotel building were established at the outline stage. Because of the

narrowness of the site the building is designed as having a single aspect to the canal. Considerable discussion has been held between the designers and Council officers over a protracted period to explore alternatives to the treatment of the facades of the building. Senior Members have also been consulted during this process. The alternatives have been limited by the strict grid of bedrooms and their windows required by the hotel operators desire to have uniformity in the bedroom space and interior design

- 8.6. The seven–storey building has been designed in such a way as to help reduce the perception of its true scale by the use of horizontal and vertical detailing. It is a bold contemporary approach which seeks to break up what could otherwise be a very bland building. It has also been amended to ensure that there is a degree of similarity in design elements to the restaurant/cinema building which will be on the opposite side of the canal at this point. Images of the building are available in the on-line file (this is listed as Block A), both as elevations and in computer generated images the design and access statement. It should be pointed out that the CGI images are not thought to accurately show the colouration of the materials and their patterning of the building. It is hoped that better images will be available at Committee.
- 8.7. It will be noted that the Council's Urban Designer has some reservations about the design of the building, especially with regards to the narrow side elevations (blank except for limited fenestration) and the rear elevation which will be visible from Castle Street above the top deck of the multi-storey car park. The building results in an active frontage to the canal , but is less successful in addressing the space to the south-east at the rear of the existing Castle Quay development This latter element of the concern has been addressed by revised plans
- 8.8. At the time of writing the Council was still awaiting further CGI images to allow further consideration of these matters and some revised elevational material has been received. Your officers continue to have reservations about the end elevations especially the northern one that is visible from the approach from the north along the canal. To avoid delaying the issuing of the reserved matters approval it is recommended that a condition is attached that has the effect of not giving approval to these end elevations , but requires the submission of further details before the commencement of that part of the development

Design of cinema/restaurant block

- 8.9. This building contains car parking (in semi-basement and decked parking), a floor of restaurants with a terrace to the canal, and an eight screen cinema above also with a foyer bar and terrace overlooking the canal. Again the outline planning consents have established the quantum of uses and the height and scale parameters.
- 8.10. The architects have used a simple architectural approach in this area, with modern materials and a layering of the building form to help break down its mass. This is a large building and the cinema element inevitably has to be a high and bulky element. The A3 units have been used to wrap around the parking along the canal edge. These help activate the canal and break down the scale of the block. A sawcut approach to the roof of the cinema has been taken, which while unusual is much more successful than a rectangular box might have been in this area. While the layering of uses has been relatively successful at breaking down the large scale of this building close up, when viewed from a distance (for instance from the back of the existing Castle Quay) the cinema roof is likely to be a very dominant feature. The applicants intention is to externally illuminate this building at night to make it a feature of the area.

- 8.11. The Council's Urban Designer again has some reservations about elements of the building. In this case it is the rear of the building – as it faces Spiceball Park Road and Cherwell Drive. These areas are dominated by the access, car parking structures and servicing arrangements. The architect believes that these sides of the building can be successfully cloaked by structured climbing plants but there must be some doubt about their success on this north facing side of the building. Again CGI views of the approach to the building are awaited.
- 8.12. Conversely we consider that the canalside elevation with terracing a small height above the towpath will create an attractive and active frontage.

Design of foodstore

- 8.13. This building is to be located in the part of the site formally occupied by the demolished old Spiceball Leisure centre. The location of the store is at the eastern end of the site and on a podium, and the parking strategy of some underneath the building and also on the podium has been established at the outline stage.
- 8.14. The car parking is arranged over two levels, creating a large decked structure which stretches across a large portion of the north of the site. There is a significant change in level between the slab height of the car park and both Spiceball Park Road and the River Cherwell, with the landscape treatment and movement area feeling somewhat pinched compared to other areas of the site. The car park is tight against Spiceball Park Road.
- 8.15. The design of the foodstore is a simply detailed single-storey box (albeit containing staff facilities etc on a mezzanine floor). It has a glazed frontage to the podium car park and is largely blank faced to Spiceball Park Road and the river. Obviously the building is mounted above ground level when seen from Spiceball Park Road and there is a consequent need to cloak the appearance of ground floor car parking. This area will potentially flood and therefore water has to be able to flow in from the river side of the building. Any built structure would restrict the flow of water and this therefore limits the alternatives for screening. As with the cinema block it is intended to use a wire structured climbing plant solution.
- 8.16. Our Urban Designer is concerned about the level changes which in her opinion will constrain pedestrian movement across the site to the new Spiceball leisure centre and will restrict access to the retail offer. The architects have sought to overcome these issues by having steps, ramps and an elevator to try to ensure that access for all is available.
- 8.17. On the river side of the building a landscaped pathway is to be provided, but the car parking will be exposed to view, as will the servicing arrangements above. A substantial part of the existing river bridge is to be retained, landing onto the podium car parking level. Further information has been sought about levels here to ensure that easy and safe access is maintained, and verbal assurances have been given by the applicant to reconsider the detail in this vicinity.

Public realm and landscaping issues

- 8.18. A public realm led approach to this site has always been a fundamental part of the development proposals. The implementation of this is critical if this area is to be successfully connected to the town centre to optimise the areas strategic potential. One of the key objectives of the development offer in this area is to provide a comprehensive redevelopment offer that helps to activate the Oxford Canal. In the opinion of our Urban Designer there are a number of areas where the submitted proposals fell short of delivering this aspiration. Some of these issues are difficult to

resolve, especially in the context of the nature and form of development agreed in the outline permission. There are however improvements that can be made. At the time of writing additional information on levels has been sought to enable a full assessment to be made.

- 8.19 The important areas for consideration are
- The relationship between the canal towpath and development areas
 - The relationship between the Spiceball Leisure Centre and the Town Centre and the public realm treatment along Spiceball Park Road and The Mill
 - The relationship between the development scheme and the GF Club
 - The Cherwell river side
- 8.20 The Oxford Canal is a key piece of the public realm within the Town Centre and is well used by local residents. One of the key principles underpinning the redevelopment of this area is the revitalisation of this asset. The Oxford Canal tow path is an existing feature which runs along the length of the Oxford Canal. The tow path is more formalised with paving in this area of Banbury. While the proposals will offer greater activity and a positive public frontage onto this area, with a low terrace overlooking the canal, there are a number of issues regarding the levels in this area, which could result in a poor relationship in some areas. The current level changes between the Canal towpath and the development area are significant in places and it had been hoped that these issues would be appropriately resolved through the new development proposals for the area, perhaps for example with the introduction of stepped seating down to the canal at the rear of the existing Castle Quay. Full levels and bridge details have now been provided and are being assessed. It is understood that options are limited, and the stepped approach referred to above is not possible, but it may be appropriate to also impose a condition requiring further submissions in this area.
- 8.21 Spiceball Park Road will be retained and this area forms a key part of the scheme. It is currently a car dominated environment and this area needs to be designed as part of the town centre public realm rather than a vehicular focused area. This area provides the main vehicular entrance to the scheme, which will for many be their first site of Banbury Town Centre. This route also provides pedestrian access to The Mill area and the Banbury Museum. In addition this street will be crossed by pedestrians moving between Spiceball Leisure Centre and the Town Centre. Full planning permission for this roadway has however been granted as part of 16/02366/OUT and it will not be possible to now negotiate further significant changes with OCC. It should be possible however to ensure that the main pedestrian crossing area on Spiceball Park Road gives priority to pedestrians
- 8.22 With regards to the relationship to the GF Social Club, it is understood that there will be a drop between the pedestrian walkway and the social club grounds that requires a large retaining wall. Some amendments have been made to the scheme and a glass fence/parapet on top of a retaining wall is proposed. This will somewhat reduce the impact which otherwise would be caused by a brick parapet wall above a retaining wall.
- 8.23 A strip of land will remain between the proposed foodstore and the river. This will be landscaped and provided as a footpath/cycleway.

Heritage impact

8.24 Insofar as the site impacts upon the Oxford Canal Conservation Area the Conservation Officer comments that *“The hotel and cinema buildings are located at the entrance to Banbury from the north-east. The buildings are of a considerable scale and mass and will therefore be highly visible from a considerable distance to the north. The architectural design therefore requires careful consideration to ensure that the buildings form an appropriate gateway approach to the town.*

The hotel and cinema buildings also have an immediate frontage on to the canal and their relationship with the canal will have a significant impact on the success or otherwise of the scheme to enliven the canal”

The Conservation Officer is particularly critical of the northeast elevation of the hotel (see also paragraph 8.7 above). Concerns about the lack of an active frontage at the opposite end of the building have now been addressed.

With regards to the cinema building and its impact upon the Oxford Canal Conservation Area it is commented that *“In functional terms the proposal to ‘wrap’ the cinema building with cafes and restaurants is welcome as is the proposal to have outdoor seating along the towpath”*. Comment is made about the need to be careful in assessing the materials to be used.

Subject to the intended condition concerning the end elevations of the hotel your officers conclude that the impact upon the Conservation Area is acceptable and will preserve that character and appearance of that Area.

Further comments were made about the setting of Tooleys boatyard (a scheduled ancient monument) and the Mill Arts Centre (a locally listed building). The impact of the proposals upon these heritage assets was assessed at outline stage – when the parameters for the size and siting of the buildings proposed were established, and there is nothing in the design of these buildings now proposed which alters the assessment that the settings of these buildings will not be detrimentally affected.

Residential amenity and operational issues

8.25 The above sections have addressed the design and impact upon users of the development, the town centre and the canal. I now move on to consider the impact upon local residents. There is only one set of residents in close proximity to the development, and those are the residents of Chamberlaine Court. Members will see that we have received detailed comments from them about the impact of the development upon them, and also concerns about construction impacts as well.

8.26 With regards to the temporary construction issues it is believed that all of these issues can be overcome with conditions and a construction management plan – see below

8.27 The comments received from residents concerning the operational issues of the development relate to matters concerning noise nuisance and other impacts upon the quiet enjoyment of their properties. Hours of operation and servicing of the foodstore are still to be discussed at the time of writing. Lighting of the car park is addressed through Condition 5. The issue of anti-social behaviour and rough-sleeping will be a matter for the management of the development and is not a matter that the planning system can deal with directly. The issue of the operation and noise emanating from the restaurants will be a matter for the licensing regime.

Construction issues

- 8.28 In this busy town centre location it is important to ensure that as few problems as possible occur through the construction of the development. It will be necessary to control issues such as the location of the construction compounds, their screening and security; hours of work; dust control; mud on road issues; lorry routing; etc. Attention will also need to be given to maximising the availability of car parking through the build process. Some of these issues will be dealt with through the Council's development agreement, but others are and will be captured in the construction environmental plans approved under the outline consent and attached to this potential reserved matters approval.

Access and car parking

- 8.29 As noted at Paragraph 6.3 above OCC, as local highway authority have objected to the proposal on the grounds that some submitted details (with regards to retaining wall design on Spiceball Park Road) are unacceptable. It is understood that the applicant is to withdraw these details and will deal with these issues via Highways Act procedures. It is hoped that in the light of this approach that OCC will feel able to withdraw their objection. It is anticipated that this will be received before Committee.
- 8.30 Turning to other matters that the County Council have raised, the reversing of service vehicles in the foodstore car park is a matter that Members may recall was discussed in the January Committee. It was agreed that that this servicing arrangement, whilst not ideal, was tolerable and furthermore there were other examples of this arrangement at other budget food retailers in Banbury and Bicester, where there had been no reported issues. These retailers tend to get a very restricted number of servicing vehicles in the store opening times. It will be seen that a condition is proposed to require the submission of a scheme of working.
- 8.31 Emergency access to the hotel will continue to be available as currently through the accessway between the existing Castle Quay and the North car park. This route is protected against mis-use by lockable bollards and is marked as being required for emergency access. It is envisaged that this arrangement will persist with the new development. Via the County Council's single response system we are aware that the Fire Officer has been consulted on fire access to the hotel and the existing Castle Quay shopping centre and has confirmed that he is content with arrangements. Access for taxis to the hotel is more troublesome. However, there is an existing taxi drop off area in the forecourt to the car park, accessed off the Castle Street roundabout. Whilst this is in walkable distance it is not ideal, but is difficult to improve upon.
- 8.32 Cycle parking quantity and location is raised, along with flood evacuation strategies. These issues are dealt with by conditions on either the outline or this intended consent, as is the requirement to agree a car parking payment strategy. This is only a planning matter insofar as it is necessary to ensure that any car park entrance queuing that may be caused does not cause issues of highway safety or convenience, and is usually a matter of barrier placement or the adoption of a pay on foot system with ANPR.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. This is an important town centre site, and this scheme delivers considerable regeneration benefits and provides uses that are poorly represented in the town centre. As noted in the introduction of the report the principle of this development, with the position of the buildings and their size, has already been agreed and this application deals with the design of the buildings and the spaces between them. Despite the continued reservations expressed by the Urban Design and Conservation Officer these are considered to be relatively minor and addressable through minor revisions/reserving the approval of a limited number submissions through conditions.
- 9.2. It is known that the developer is keen to make an almost immediate start on this redevelopment and it is hoped that Members will see the substantial benefits of this proposal and grant reserved matters approval now with any limited matters still to be dealt with as set out above.

RECOMMENDATION

That permission is granted, subject to

- (i) The first issue of the associated outline planning permission following the completion of the legal agreement with OCC, and
- (ii) The following conditions
 1. Except where otherwise stipulated by condition on this reserved matters approval or the original outline planning permission, the development shall be carried out strictly in accordance with the following plans and documents so far as they relate to the reserved matters for which this approval was sought (*to be completed*)

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

2. Prior to the commencement of each main part of the development hereby approved (i.e. the hotel, cinema/restaurant block, and the foodstore), a schedule of materials and finishes for the external walls and roof(s) of that part of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of each main part of the development of the development hereby approved, full details of all proposed external lighting, and its hours of usage, shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

4. Prior to the commencement of each main part of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of each main part of the development hereby approved, full details of the refuse bin storage for that part of the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the buildings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

6. Notwithstanding the details shown on submitted plans and in the Design and Access Statement, prior to the commencement of the development hereby approved, a 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, , crossing points and steps, public seating and waste bins etc.

- (d) details of the wire-based climbing plant systems

(e) 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

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.

7. 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, other than for privately owned, domestic gardens, 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.

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.

8. Prior to the first use of the foodstore details shall be submitted to and approved by the Local Planning Authority of the arrangements to be put in place and maintained for the safety of users of the car park during the manoeuvring of service vehicles within the car park and those agreed arrangements shall thereafter be retained.

Reason - In the interests of safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework

9. Prior to the first use of the car parks associated with this development a car parking payment strategy shall be submitted to and approved by the Local Planning Authority and thereafter brought into use and maintained unless first agreed by the LPA

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

10. Prior to the first use of the car parks hereby approved a flood evacuation policy for the car parks shall be submitted to and approved by the Local Planning Authority

Reason: In the interests of public safety

11. No servicing of the foodstore premises shall be undertaken between the hours of 9.00pm and 6.00am

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. 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.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. The construction of the development hereby approved shall be undertaken in accordance with the details and general approach set out in the Construction Environmental Plan accompanying the outline planning permission submission and summarised in the document submitted with this application. Additional details concerning dust and mud control measures , and about construction compound location(s) shall be submitted to and approved by the Local Panning Authority prior to the commencement of development.

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the details shown on the submitted drawings further details of a revised treatment of the north-west and south east elevations of the hotel shall be submitted to and approved by the Local Planning Authority prior to the commencement of the construction of that building element, and shall thereafter be built in accordance with those approved plans.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.