

**Part Of Former BHS Unit  
36 - 37 Castle Quay  
Banbury  
OX16 5UN**

**18/01426/F**

**Applicant:** Cherwell District Council

**Proposal:** Installation of new entrance doors in north western elevation of former BHS unit to allow pedestrian access to shopping centre from south multi-storey car park

**Ward:** Banbury Cross And Neithrop

**Councillors:** Cllr Hannah Banfield  
Cllr Surinder Dhesi  
Cllr Cassi Perry

**Reason for Referral:** Cherwell District Council is the applicant

**Expiry Date:** 5 October 2018      **Committee Date:** 20 September 2018

**Recommendation:** Approve

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Proposal**

Planning permission is sought for a new entranceway into Castle Quay from the walkway that separates the shopping centres multi-storey car park and the western façade of the shopping centre.

### **Consultations**

- No statutory or non-statutory consultees have raised objections to the application
- Banbury Town Council had not made any comments prior to this report being finalised.
- No Third party letters received

### **Planning Policy**

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

The key issues arising from the amended application details are:

- Principle of Development;
- Design, and impact on the character of the area;
- Residential amenity; and
- Highway safety

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions. The scheme meets the requirements of relevant CDC policies.

**RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS**

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located towards the centre of Banbury, forming part of the existing Castle Quay Shopping Centre. The application site is located nearby, but not adjacent, to the Oxford Canal Conservation Area. There are no other site constraints relevant to planning.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The applicant seeks planning consent to create a new entrance walkway from the northwest elevation of Castle Quay Shopping Centre, which would provide access from next to the multi-storey car park into the shopping centre. The entrance would feature x2 sets of grey metal glazed doors with grey metal arched windows above to match the existing. The proposed glazing would be aligned to match existing openings in terms of height.

**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>
CHN.205/94	Redevelopment to form extension of Castle Quay and new covered shopping centre, together with the provision of link road from Castle Street to inner relief road, car parking, landscaping and ancillary facilities and the relocation of the bus station	Application Permitted
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	Application Permitted

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

17/00284/REM Reserved Matters Application to Pending  
16/02366/OUT across the whole Consideration  
development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.

#### **4. PRE-APPLICATION DISCUSSIONS**

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

#### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 19.09.2018, although comments received after this date and before finalising this report have also been taken into account. Any comments received after this report is finalised will be added by way of written update.

5.2. No comments have been raised by third parties.

#### **6. RESPONSE TO CONSULTATION**

6.1. Below is a summary of the consultation responses received at the time of writing this report. Any comments received after this report is finalised will be added by way of written update. 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: **No comments received**

##### STATUTORY CONSULTEES

6.3. OCC HIGHWAYS: **No objections**

6.4. CANAL AND RIVERS TRUST: **No objections**

##### NON-STATUTORY CONSULTEES

6.5. OCC ARCHAEOLOGY: **No objections**

#### **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)

- ESD15 - The Character of the Built and Historic Environment
- Banbury 9 – Spiceball Development Area

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **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
- Residential amenity
- Highway safety

#### Principle of development

8.2. Policy Banbury 9 of the CLP 2031 Part 1 is focused on the Spiceball Development Area. This Policy has regard for public and pedestrian spaces, focusing on integration between the Town Centre and Oxford Canal/Spiceball Centre.

8.3. The applicant states that this proposal is required for access into Castle Quay from the Multi-Storey Car Park whilst construction works are underway of the CQ2 development.

8.4. The proposed internal walkway and potential subdivision of the units do not require planning permission and there are no conditions on the original consent which restrict this.

8.5. The current application only proposes some minor alterations to the external appearance of the Castle Quay building. Therefore the principle of development in general sustainability terms in this case is considered to be acceptable and there would be no conflict with this policy.

#### Design and impact on the character of the area

8.6. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

8.7. Policy Banbury 9 states that development proposals should comply with Policy ESD15 of the CLP 2031 Part 1. ESD15 states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or

reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.

- 8.8. Saved Policy C28 of the CLP 1996 further states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.9. The proposed new entrance doors are considered a minor change given the context of the site. The style of the opening and materials used are considered to match those already used on the Castle Quay building. Therefore, it is considered that the impact on the site and the wider area including the setting of the Oxford Canal Conservation Area is negligible.
- 8.10. The application is therefore considered to comply with Policy ESD15 of the CLP 2031, saved Policy C28 of the CLP 1996 and relevant paragraphs of the NPPF.

#### Residential Amenity

- 8.11. The proposed development would be well set off its adjacent neighbours and having regards to its nature, scale and positioning; the proposed development would not result in any material harm to the living conditions of neighbouring residents. Overall, therefore, the proposed development is considered not to result in significant harm to the residential amenity of the neighbours of the site.

#### Highway safety

- 8.12. The Local Highway Authority has raised no objections to the application. It is therefore considered the proposals would not have any significant impact in highway safety terms, resulting in no change to the existing parking arrangements to Castle Quay.

#### Other matters

- 8.13. Whilst the site is located on an area of High Priority for Archaeology in relation to potential ground disturbance, the OCC Archaeologist finds that given the relatively small scale nature of this development, there are no archaeological constraints to the scheme. Officers see no reason to disagree with this assessment.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. Having regard to its scale, siting and design, the proposal would not have a significant adverse impact on the character and appearance of the area, residential amenity, local highway safety or archaeology. Overall the development is considered to be acceptable and would comply with national and local planning policy.

### **10. RECOMMENDATION**

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time Limit
2. Compliance with the Approved plans