

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

17/00147/DISC

Applicant: Scottish Widows PLC & Scottish Widows Unit

Proposal: DRAFT - Discharge of conditions 1 (reserved matters application), 5 (flood mitigation), 6 (flood management scheme), 7 (floodplain compensation), 9 (archaeological organisation), 10 (archaeological evaluation), 11 (investigation for archaeological mitigation), 12 (archaeological mitigation), 21 (Noise), 23 (surface water and foul drainage) 25 (phasing of works) and 31(SUDs drainage scheme) of 16/02366/OUT

Ward: Banbury Cross And Neithrop

Councillors: Cllr Hannah Banfield
Cllr Surinder Dhesi
Cllr Cassi Perry

Reason for Referral: Cherwell District Council has taken over as developer of this site

Expiry Date: **Committee Date:** 22 November 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

This application relates to the Castle Quay 2 development proposals on both sides of the Oxford Canal in Banbury. The application seeks the clearance of conditions attached to the outline planning permission.

Consultations

Consultees have raised no objections to the application

Conclusion

That the majority of the submissions made have been agreed by the consultees. Clarification is being sought on a limited number of matters and comments are awaited from OCC drainage.

RECOMMENDATION – CLEAR CONDITIONS (as set out below) and DELEGATED AUTHORITY (on conditions 12, 23 and 31)

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. This application relates to the Castle Quay 2 development proposals on both sides of the Oxford Canal in Banbury

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks the clearance of conditions attached to the outline planning permission. Approval is sought for details concerning

- Flood mitigation measures (conditions 5,6 and 7)
- Archaeology (conditions 9 to 12)
- Noise control (condition 21)
- Drainage (condition 23)
- Phasing (condition 25)
- Suds (condition 31)

3. RELEVANT PLANNING HISTORY

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

13/01601/OUT Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved Oct 2016

16/02366/OUT Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified Approved June 2018

17/00284/REM Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping. Approved September 2018

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Pre-application discussions have taken place with regard to these conditions and on others on the reserved matters application that are the subject of a separate application to be reported to the December meeting.

5. RESPONSE TO PUBLICITY

- 5.1. This application has not been publicised due to the technical nature of the submissions

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.

STATUTORY CONSULTEES

- 6.2. ENVIRONMENT AGENCY: **Satisfied** that Conditions 5, 6 and 7 can be cleared. Currently checking that intended revisions to floor levels do not alter that clearance

NON-STATUTORY CONSULTEES

- 6.3. CANAL AND RIVER TRUST : **No objections**
- 6.4. OCC ARCHAEOLOGIST : **No objections** Confirms that conditions 9-11 have been met. Clarification being sought on the necessary additional steps to clear condition 12
- 6.5. OCC DRAINAGE : Comments awaited on condition 23 and 31
- 6.6. CDC ENVIRONMENTAL PROTECTION: **No objections** to the discharge of condition 21

7. APPRAISAL

- 7.1 Conditions 5, 6 and 7 deal with the engineering details associated with the construction of the buildings, the floor levels and flood mitigation measures, together with a flood risk summary report. The Environment Agency were satisfied with the details submitted.
- 7.2 The archaeology conditions on the outline planning permission sought a written scheme of archaeological investigation, a programme of evaluation investigation and recording, a report on evidence found and potentially a further phase of archaeological mitigation (condition 12). The county Archaeologist has confirmed that conditions 9-11 have been fulfilled. The Council's agents are seeking clarification of the need for any further work.
- 7.3 Condition 21 of the outline planning permission sought the submission of on-site noised measurements, agreed noise limits and a scheme of any necessary mitigation. These submissions have been confirmed to be satisfactory.
- 7.4 The scheme is not to be phased so this condition is no longer necessary.
- 7.5 Comments are awaited from OCC Drainage with regards to the SUDS drainage details required by conditions 23 and 31. A written update on this will be given at Committee.

8. RECOMMENDATION

- (a) That Conditions 5,6,7,9-11,21 and 25, be cleared in accordance with the submitted drawings
- (b) That delegated authority be given to the Assistant Director of Planning and Development to clear conditions 12, 23 and 31 upon the receipt of appropriate clearance from consultees

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