

<b>Applicant:</b>	Cherwell District Council	
<b>Proposal:</b>	Discharge of conditions 13 (ecological avoidance and mitigation), 14 (ecological enhancement), 15 (landscaping), 18 (Arboricultural method statement), 26 (parking specification details) and 32 (construction traffic management and phasing plan) of 16/02366/OUT	
<b>Ward:</b>	Banbury Cross And Neithrop	
<b>Councillors:</b>	Cllr Hannah Banfield Cllr Surinder Dhesi Cllr Cassi Perry	
<b>Reason for Referral:</b>	Cherwell District Council has taken over as developer of this site	
<b>Expiry Date:</b>	10 January 2019	<b>Committee Date:</b> 13 December 2018
<b>Recommendation:</b>	Approve	

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## **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**

Consultation responses are awaited at the time of writing the report

### **Conclusion**

The application has been brought early to the Committee to enable the scheme to be implemented early in the New Year. Preliminary consideration of the details submitted indicates that all matters should be able to be cleared quickly.

### **RECOMMENDATION – APPROVE the discharge of conditions (on condition 26) and DELEGATED AUTHORITY (on conditions 13,14,15,18 and 32)**

**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

- Ecological measures (conditions 13 and 14)
- Landscaping (condition 15)
- Arboricultural method statement (condition 18)
- Parking specifications (condition 26)
- Construction traffic management (condition 32)

## 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>
13/01601/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	Application Permitted
16/02366/OUT	Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT -	Application Permitted

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.

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.	Application Permitted
17/00147/DISC	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	Application permitted
18/00454/DISC	Discharge of conditions 2 (materials) and 4 (levels) of 17/00284/REM	Pending Consideration
18/00142/NMA	Non-Material Amendment to 16/02366/OUT and 17/00284/REM - Block B canopy amendments	Pending Consideration

#### **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 is the subject of a separate application.

#### **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. OCC (as Local Highway Authority) Discussions are being held with regards to construction traffic management. A formal response is expected before Committee

## NON-STATUTORY CONSULTEES

- 6.3. CANAL AND RIVER TRUST – No comments received
- 6.4. CDC ARBORICULTURE AND LANDSCAPE SERVICES – No comments received
- 6.5. CDC ECOLOGY – No comments received
- 6.6. CDC ENVIRONMENTAL HEALTH – No comments received

All comments received before Committee will be reported in a written update for Committee

## **7. APPRAISAL**

- 7.1 Conditions 13 and 14 require details of measures to be taken to avoid ecological harm and provide mitigation, and to show ecological enhancements. An Ecological Avoidance, Mitigation and Enhancement Strategy have been submitted. This includes the strategy for avoiding harm to nesting birds, roosting bats, reptiles and riparian mammals. Approval of the steps to be taken is awaited from the Council's Ecologist.
- 7.2 The second ecology condition requires steps to be taken to provide habitats. This is proposed to include nesting boxes for swifts and house sparrows; bat roosting bricks, and landscaping with particular thought for wildlife requirements especially along the river corridor. Again we are currently awaiting the opinion of the Council's ecologist.
- 7.3 Hard and soft landscaping details have been submitted to discharge conditions 15 and 18. Comments from the Council's landscape architect and Arboricultural officers are awaited.
- 7.4 The hard paving construction specification document submitted to discharge condition 15 also includes details of the specification of the parking areas. A preliminary assessment of these indicates that these details are satisfactory, but a second opinion from OCC will be sought.
- 7.5 The contractors have submitted a traffic management method statement. OCC are currently having discussions about the strategy proposed. A written update will be provided at Committee.
- 7.6 Preliminary consideration of the details submitted indicates that all matters should be able to be cleared quickly

## **8. RECOMMENDATION**

- a) That Condition 26 be discharged in accordance with the submitted drawings
- b) That delegated authority be given to the Assistant Director of Planning Policy and Development to discharge conditions 13,14,15,18 and 32 following receipt of responses from consultees