

**Castle Quay 2, Land Adjacent to the Oxford Canal
Spiceball Park Road, Banbury**

23/01337/DISC

Case Officer: Andy Bateson

Applicant: Cherwell District Council

Proposal: Discharge of Condition 7 (Landscape Management Plan) of 17/00284/REM at Castle Quay 2, Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury

Ward: Banbury Cross And Neithrop

Councillors: Cllr Becky Clarke, Cllr Matt Hodgson, Cllr Dr Chukwudi Okeke

Reason for Referral: Application affects Council's own land, and the Council is the applicant

Expiry Date: 12 July 2023

Committee Date: 15 June 2023

**RECOMMENDATION: DELEGATE AUTHORITY TO THE ASSISTANT DIRECTOR
PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO
CONDITIONS & EXPIRY OF THE PUBLICITY PERIOD WITH CONSULTTEES**

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site comprises the Castle Quay 2 development area, which extends from the Block A Premier Inn hotel at the west end, beyond the canal and around the Block B cinema, restaurants, leisure complex and its multi-storey car park, extending south along Spiceball Park Road and around the Block C Lidl supermarket and multi-storey car park at the east end of the site, adjacent the River Cherwell and all south of Cherwell Drive.
- 1.2. The application site lies within Banbury's designated Town Centre and the Oxford Canal Conservation Area.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. The application seeks to retrospectively discharge condition 7 (Landscape Management Plan) of 17/00284/REM for the whole of the Castle Quay 2 development area.



Figure 1 - Banbury Castle Quay 2 Illustrative Landscape Masterplan

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; erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafés (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.

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.

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.

21/00921/DISC

Discharge of condition 3 (external lighting), 7 (Landscape Management Plan), 10 (Flood Management Plan) and 12 (shopping trolley parking) of 17/00284/REM. Partially Approved, but excluding Condition 7 (Landscape Management Plan), which was not approved.

22/01915/DISC

Discharge of Condition 7 (Landscape Management Plan) of 17/00284/REM. Application Withdrawn.

4. RESPONSE TO PUBLICITY

- 4.1. Public consultation was not carried out in respect to this application because there is not a requirement to consult on this application type. No comments have been raised by third parties.

5. RESPONSE TO CONSULTATION

- 5.1. 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.

CDC LANDSCAPE OFFICER

- 5.2. Previously raised objection to the proposed discharge of Condition 7 in respect to earlier applications 21/00921/DISC and 22/01915/DISC on the basis that the Landscape Management Plan (LMP) needed the following amendments to be made before the condition could be discharged:

- The LMP must cover hard as well as soft landscaping features. This should include graffiti removal, skateboarding damage, paving, step and handrail repairs, chewing gum removal and jet wash cleaning of surfaces. An obligation to replace like for like paving rather than jarring macadam infill where utilities require maintenance and repairs within modular unit paved areas. Colour matching of materials is important;
- Pest control must be mentioned, and regulations complied with. There may be rats and wasps nests in and around the planting areas that should be eradicated as soon as they are discovered by the contractor;
- Consider irrigation system maintenance for the watering of plants especially climbers at the base of walls (rain shadow areas);
- References to the appropriate and current British Standards and current legislation;
- All risings, not just 'Excessive' arising's to be removed from the site in respect of tree works and landscape maintenance;
- I would expect the Legal responsibilities of the parties, the landscape contractor and management company should be addressed under the Management Company Structure, with the appropriate insurances, along with the stated compliance with health and safety law and the implementation of landscape-related risk assessments are essential; and
- Not only should the soft landscape works be risk assessed but also the hard landscape rectification works (temporary footpath closures, directional signage, etc).

The LMP has subsequently been amended in this latest application submission to reflect the criticisms previously raised and now includes management of all hard as well as soft landscape features, references pest control measures, irrigation maintenance, BS standards, all risings and legal responsibilities.

The response of CDC's Landscape Officer to this updated LMP was still awaited at the time of drafting this Committee report and will be updated, if and when available. The deadline for comment expires on 21 June 2023.

6. APPRAISAL

- 6.1. Condition 7 of application 17/00284/REM requires submission of acceptable details in respect to a Landscape Management Plan prior to first occupation of the approved Castle Quay 2 development.

- 6.2. However, as Block A – the hotel, Block B – the cinema and leisure complex and Block C – the retail store and their respective car parks are all now complete and occupied, such occupation is presently in contravention of this condition. The proposed discharge of Condition 7 is therefore retrospective and is necessary to achieve legal compliance.
- 6.3. Earlier submissions of a LMP for Castle Quay 2, as referenced under applications 21/00921/DISC and 22/01915/DISC were deemed unacceptable for the reasons specified above in paragraph 5.2 of this report.
- 6.4. The modifications included in this Rev 01 submission appear to address all the matters raised by the Council's Landscape Officer in his criticism of the original submissions and therefore appear acceptable for discharge of the condition. However, confirmation of acceptance has been sought from the Landscape Officer and at the time of writing was still awaited. The consultation period expires on 21 June 2023.

7. RECOMMENDATION

- 7.1. Subject to expiry of the consultee publicity period with no new material objection, that **delegated authority be given to the Assistant Director for Planning & Development to grant planning permission for the discharge of Condition 7 (Landscape Management Plan) of 17/00284/REM** for the whole of the Castle Quay 2 development in accordance with the 'Landscape Maintenance & Management Plan' prepared by Gillespies, Ref: P21450-00-001-0500 Rev 01, dated 6th April 2023.

Case Officer: Andy Bateson