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# STATEMENT OF COMMON GROUND

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**Former Buzz Bingo Site, Bolton Road, Banbury, OX16 0TH**

APPEAL REFS: *APP/C3105/W/22/3296229 &  
APP/C3105/Y/22/3298661*

**planning***issues*  
TOWN PLANNING AND ARCHITECTURE

## TOWN & COUNTRY PLANNING ACT 1990

**APPEALS BY CHURCHILL RETIREMENT LIVING LTD AGAINST CHERWELL DISTRICT COUNCIL'S FAILURE TO DETERMINE A PLANNING APPLICATION FOR THE REDEVELOPMENT FOR 80 RETIREMENT LIVING APARTMENTS INCLUDING COMMUNAL FACILITIES, CAR PARKING AND LANDSCAPING & ITS FAILURE TO ALSO DETERMINE A LISTED BUILDING CONSENT APPLICATION FOR ASSOCIATED REMEDIAL WORKS TO TRELAWN HOUSE**

**SITE:** Former Buzz Bingo site, Bolton Road, Banbury, OX16 0TH  
& Trelawn House, 34 North Bar Street, Banbury OX16 0TH

**LPA REFS:** 21/04202/F & 21/04179/LB

**PLANNING INSPECTORATE REFS:** APP/C3105/W/22/3296299 & APP/C3105/Y/22/3298661

**PLANNING INQUIRY DATE:** 9<sup>th</sup>-12<sup>th</sup> August 2022

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## **1.0 INTRODUCTION**

The Statement of Common Ground has been prepared by the Appellant but submitted jointly by the District Council as Local Planning Authority and the Appellant in this its final updated version. The purpose of this Statement is to set out as much of the agreed factual information about the proposal as is possible.

## **2.0 APPEAL PROPOSAL**

### **Appeal Site Description**

- 2.1 The site is located within the built up area of the town of Banbury. The site is within Banbury Town Centre and within close proximity to a range of shops and services.
- 2.2 The site currently comprises the vacant Buzz Bingo Hall, offices and parking area. It is on the junction of Castle Street and North Bar Street. Bolton Road is to its eastern boundary and provides vehicular access to the site.
- 2.3 The site surrounds but does not include Trelawn House, which is a Grade II Listed Building within the Banbury Conservation Area.
- 2.4 The site is part of the wider Policy Banbury 8 allocation within the Cherwell Local Plan. This seeks to regenerate this part of the town with a mixed development comprising retail, hotel, leisure, 200 dwellings and car parking. Further detail for this proposed redevelopment is set out within the Banbury Vision and Masterplan SPD.
- 2.5 A small part of the appeal site fronting North Bar Street is within the Banbury Conservation Area (the frontage office properties extending south from Trelawn House). The Conservation Area wraps around three sides of the appeal side - to the west in North Bar Street; to the north, on the north side of Castle Street; and to the south, along the passageway between the site neighbouring Frampton's offices and along the south side of Bolton Road.

### **Proposed Appeal Scheme**

- 2.6 The scheme the subject of this appeal is for the redevelopment of the site to form 80 [now 78] retirement living apartments including communal facilities and associated car parking and landscaping plus associated remedial works to Trelawn House.
- 2.7 The applications subject of these appeals were submitted to Cherwell District Council on 16th December 2021 and validated from the 23rd December 2021. The target dates for determination were 10<sup>th</sup> February (listed building application) and 23rd March 2022 (planning application).
- 2.8 During the application revised plans were submitted which removed two units. The application has therefore been amended to 78 retirement living units.

- 2.9 The applicant decided to appeal the applications for the LPA's failure to determine the applications within the statutory time period, with appeals lodged on 4<sup>th</sup> April (planning) and 11<sup>th</sup> May (listed building).
- 2.10 The LPA's two deemed reasons for refusal of the planning application are set out below. No reasons for refusal were advanced in respect to the listed building application.

#### LPA's Suggested Reasons for Refusal

1. The development proposed, by virtue of its scale, form and design in relation to Trelawn House adjacent and the Banbury Conservation Area is considered to have a detrimental impact upon the character and appearance, historical integrity and setting of this grade II Listed building and would fail to preserve and enhance the character and appearance of the Banbury Conservation Area. Furthermore the development by virtue of its form and design fails to provide the bespoke landmark building as required by Policy Banbury 8 and the Banbury Vision and Masterplan SPD 2016. The proposals are therefore contrary to saved Policy C18 of the adopted Cherwell Local Plan 1996, Policies Banbury 8 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.
  2. The application proposal which seeks permission on only part of the Policy Banbury 8 allocation, and more crucially fails to include the adjacent tyre depot fails to provide a coherent and integrated development on the part of Policy Banbury 8 site, resulting in an inappropriate and potentially harmful piecemeal development. As such the application is not in accordance with Policy Banbury 8 of the adopted Cherwell Local Plan 2011 - 2031 and Government guidance within the National Planning Policy Framework.
- 2.11 Three other reasons for refusal that were originally considered by the LPA but which are no longer being pursued were:
1. The proposal lacks detail and information relating to the drainage of the site and is therefore contrary to Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.
  2. The proposal does not provide for adequate access, parking and manoeuvring within the site to OCC standards to the detriment of pedestrian and highway safety contrary to the Government guidance within the National Planning Policy Framework.

3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies BSC3, BSC10, BSC11 and INF 1 of the CLP 2015 and Planning Obligations SPD 2018 and Government guidance within the National Planning policy Framework.

### **Relevant Planning History**

- 2.12 A search of the planning register reveals there is no relevant planning history on the appeal site. Planning applications were made in 2007 for minor modifications to the Bingo Hall and in 2015 for advertisement consent.
- 2.13 The Appellant submitted a pre-application inquiry for the redevelopment of the appeal site to form apartments for older persons on the 20<sup>th</sup> August 2021 (21/02881/PREAPP). A Teams meeting was held with the Appellant on the 2<sup>nd</sup> November 2021 with a written response received 16<sup>th</sup> November 2022.

### 3.0 UNDETERMINED DRAWINGS AND DOCUMENTS

3.1 The application submitted to the Council in December 2021 for 80 Retirement Living apartments included the following plans:

Details	Plan Number	Scale
Site Location Plan	10116BB-PA00	1:1250 @ A4
Site Layout Plan	10116BB-PA01	1:200 @ A1
Ground Floor Plan	10116BB-PA02	1:100 @ A1
First Floor Plan	10116BB-PA03	1:100 @ A1
Second Floor Plan	10116BB-PA04	1:100 @ A1
Third Floor Plan	10116BB-PA05	1:100 @ A1
Roof Plan	10116BB-PA06	1:100 @ A1
Castle Street Elevations	10116BB-PA07	1:100/200 @ A1
North Bar Street Elevations	10116BB-PA08	1:100/200 @ A1
Internal and Gable Elevations	10116BB-PA09	1:100 @ A1
Proposed Site Sections	10116BB-PA10	1:200 @ A1
Existing Elevations	EL 01	1:200 @ A1
Existing Site Plan	210076-3DR-XX-XX-DR-A-10001	1:200 @ A1
Existing Bingo Hall/Office Plans	210076-3DR-XX-XX-DR-A-10002	1:200 @ A1

3.2 The application was also submitted with the following accompanying statements and information;

- Design and Access Statement by Planning Issues Limited;
- Planning Statement by Planning Issues Limited;
- Statement of Community Involvement by Devcomms
- Affordable Housing and Viability Statement by Planning Issues Limited;
- Heritage Statement by Ecus Consultants Ltd;
- Archaeological Assessment by Ecus Consultants Ltd;
- Flood Risk and Drainage Technical Note by AWP;
- Transport Statement by Paul Basham Associates;
- Travel Plan by Paul Basham Associates;
- Landscape Strategy Plan by James Blake Associates;



- Noise Impact Assessment by 24Acoustics;
- Air Quality Report by Air Quality Consultants;
- Ground Investigation Report by Crossfields Consulting;
- Health Impact Assessment by Planning Issues Ltd;
- Sustainability Statement by JSP Ltd;
- Construction Management Plan by Churchill Retirement Living;
- Urban Form Analysis Document by Barton Wilmore; and
- Ecological Assessment by Tyler Grange;

3.3 The following amended plans were submitted through the course of the application on 28<sup>th</sup> February 2022. These included a number of design changes and resulted in the loss of 2 units (78 units in total).

Details	Plan Number
Site Layout Plan	10116BB-PA01 A
Ground Floor Plan	10116BB-PA02 A
First Floor Plan	10116BB-PA03 A
Second Floor Plan	10116BB-PA04 A
Third Floor Plan	10116BB-PA05 A
Roof Plan	10116BB-PA06 A
Castle Street Elevations	10116BB-PA07 B
North Bar Street Elevations	10116BB-PA08 B
Internal and Gable Elevations	10116BB-PA09 B

3.4 On 4<sup>th</sup> March 2022 Visually Verified Montages were submitted.

3.5 On 9<sup>th</sup> March 2022 an Overheating Risk Assessment was submitted following comments from the Environmental Health Officer.

3.6 On 7<sup>th</sup> March 2022, in response to comments from the Highways Officer the following was submitted:

- Amended Site Plan ref 10116BB-PA01 B
- Extract drawing 536.0037.001 C showing vehicle tracking drawing from the Transport Statement Appendix.
- Banbury Multi Modal TRICS graph
- Drawing 536.0037.003 D showing vehicle tracking with the larger refuse vehicle.

3.7 On 1<sup>st</sup> April, a further tweak was made to the layout to address concerns about the parking spaces. The submission comprised:

- Amended Site Plan ref 10116BB-PA01 C
- Vehicle Turning Tracking 536.0037.006

3.8 On 4<sup>th</sup> April a revised Flood Risk and Drainage Technical Note (Rev C) was submitted in response to the objection from the Local Lead Flood Authority who required further information.

3.9 For clarity the plans in front of the Inspector for determination are:

Details	Plan Number	Scale
Site Location Plan	10116BB-PA00	1:1250 @ A4
Site Layout Plan	10116BB-PA01 C	1:200 @ A1
Ground Floor Plan	10116BB-PA02 A	1:100 @ A1
First Floor Plan	10116BB-PA03 A	1:100 @ A1
Second Floor Plan	10116BB-PA04 A	1:100 @ A1
Third Floor Plan	10116BB-PA05 A	1:100 @ A1
Roof Plan	10116BB-PA06 A	1:100 @ A1
Castle Street Elevations	10116BB-PA07 B	1:100/200 @ A1
North Bar Street Elevations	10116BB-PA08 B	1:100/200 @ A1
Internal and Gable Elevations	10116BB-PA09 B	1:100 @ A1
Proposed Site Sections	10116BB-PA10	1:200 @ A1
Existing Elevations	EL 01	1:200 @ A1
Existing Site Plan	210076-3DR-XX-XX-DR-A-10001	1:200 @ A1
Existing Bingo Hall/Office Plans	210076-3DR-XX-XX-DR-A-10002	1:200 @ A1

3.10 The Appellant decided to appeal non-determination against the Council's failure to determine the application within the statutory period on the 4<sup>th</sup> April 2022. Subsequently, to the submission of the appeal the Council took the application to its planning committee of the 16<sup>th</sup> May 2022, where it resolved had been able to determine the application they would have refused it for the following reasons:

1. The development proposed, by virtue of its scale, form and design in relation to Trelawn House adjacent and the Banbury Conservation Area is considered to have a detrimental impact (less than substantial) upon the character and appearance, historical integrity and setting of this grade II Listed building and would fail to preserve and enhance the character and appearance of the Banbury Conservation Area. Furthermore, the development by virtue of its form and design fails to provide the bespoke landmark building as required by Policy Banbury 8 and the Banbury Vision and Masterplan SPD 2016. The benefit of bringing the site back into use and making efficient use of the land would not outweigh the harm caused to the heritage assets. The proposals are therefore contrary to saved Policy C18 of the adopted Cherwell Local Plan 1996, Policies Banbury 8 and ESD15 of the adopted Cherwell Local Plan 2015 and Government guidance within paragraphs 199, 202 and 206 of the National Planning Policy Framework.
2. The proposal lacks detail and information relating to the drainage of the site and is therefore contrary to Oxfordshire County Council's published guidance "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire" and Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.
3. The application proposal which seeks permission on only part of the Policy Banbury 8 allocation, and more crucially fails to include the adjacent tyre depot fails to provide a coherent and integrated development on this part of Policy Banbury 8 site, resulting in an inappropriate and potentially harmful piecemeal development. As such the application is not in accordance with Policy Banbury 8 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.
4. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies BSC3, BSC10, BSC11 and INF 1 of the Cherwell Local Plan 2015 and Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

3.11 In respect to the second reason for refusal the Appellant has continued to engage with the Lead Local Flood Authority and provided to them an updated drainage strategy

on the 29<sup>th</sup> June 2022. The Lead Local Flood Authority has responded through consultation correspondence on the 14<sup>th</sup> July 2022 to confirm that they now have no objections to the proposed scheme subject to the inclusion of appropriate conditions.

3.12 In respect to the fourth reason for refusal the Council confirmed at the case management conference that it accepted the Appellant's position based on the affordable housing and viability statement provided with the application and was no longer seeking planning obligations towards affordable housing provision and other infrastructure.

3.13 The remaining issues for these appeals relate to the first and third reasons for refusal and are summarised as follows:

- (i) The effect on the significance of designated heritage assets (including their setting;**
- (ii) The effect on the character and appearance of the area;**
- (iii) Whether the proposal would result in any harm to the comprehensive redevelopment of the area**

## 4.0 DEVELOPMENT PLAN POLICY

4.1 It is agreed that the following are relevant policy/guidance considerations in respect of this Appeal.

### Development Plan Policy

Cherwell Local Plan 2011-2031

Policies:

- PSD1: Presumption in favour of sustainable development
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient use of land
- BSC3: Affordable Housing
- BSC4: Housing Mix
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Policy Banbury 7: Strengthening Banbury Town Centre
- Policy Banbury 8: Bolton Road Development Area

Cherwell Local Plan 1996

Policies:

- C18: Determining applications for Listed Building Consent
- C28: Layout Design and external appearance of new development
- C30: Design Control

4.2 Other relevant Supplementary Planning Documents include:

- Banbury Vision and Masterplan SPD
- Cherwell Residential Design Guide SPD

### National Planning Policy

National Planning Policy Framework

**Planning Practice Guidance**

4.3 The following sections of the NPPF are considered to be relevant to this appeal:

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting Sustainable Transport
- Section 11 - Making Effective use of Land
- Section 12 - Achieving well-designed places
- Section 16 - Conserving and Enhancing the Historic Environment

**National Planning Practice Guidance (NPPG) 2019**

4.4 It is considered that the following sections are relevant to this appeal;

- Design
- Effective Use of Land
- Historic Environment
- Housing for Older and Disabled People
- Housing Supply and Delivery

## **5.0 THIRD PARTY REPRESENTATIONS**

- 5.1 The Council received 3 local representations during the determination of the planning application, 2 objections and 1 comment.

## **6.0 ISSUES TO BE ADDRESSED WITH THE APPEAL**

6.1 It is considered that the main issues to be addressed for the appeal scheme at this Inquiry would be as follows:-

- (i) The effect on the significance of designated heritage assets (including their setting;**
- (ii) The effect on the character and appearance of the area;**
- (iii) Whether the proposal would result in any harm to the comprehensive redevelopment of the area**



## **7.0 CONDITIONS**

- 7.1 Should the Inspector be minded to allow these Appeals it would be appropriate to consider necessary conditions. A list of suggested conditions is attached at Appendix 1.

## **8.0 AGREED ISSUES**

8.1 The issues set out below are those agreed between the parties

### **Principle of Development**

8.2 The principle of redevelopment of the site for retirement living accommodation is agreed

8.3 The proposals are consistent with policy BSC2 which states that the Council will encourage the use of previously developed land.

8.4 It is agreed that the site is in a highly sustainable location, in close walking distance to Castle Quay shopping centre and the town centre.

### **Specialist Older Persons Accommodation**

8.5 National Planning Policy Guidance (July 2021) identifies that the need to provide housing for older people is 'critical', and that 'Plan-making authorities should set out clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.

8.6 The Oxfordshire Growth Needs Assessment Report (July 2021), shows that in comparison to all the other Oxfordshire Districts, Cherwell has seen the greatest increase in the proportion of the population aged 65 plus between 2011 and 2018.

8.7 The Cherwell Housing Strategy 2019-2024 acknowledges that not only is the population of Cherwell growing, the rate it is growing is above the UK growth rate and the rate of population growth in Oxfordshire as a whole. The life expectancy of people in Cherwell is higher than the national average and the district is expected to see a substantial increase in the older person population. The Housing Strategy acknowledges the specific increase in those aged over 85 resulting in a significant increase in the demand for accommodation that is suited to an older population.

8.8 The 2014 SHMA projected a need for housing for older people in Cherwell somewhere between 696 units @133 units per 1000 (Oxfordshire average supply) and 1,436 units @170 units per 1000 (national average).

8.9 Policy BSC4 supports opportunities for housing for older and /or disabled people in suitable locations close to services and facilities.

### **Housing Delivery**

- 8.10 There is a significant national drive to increase housing delivery. Paragraph 60 of the NPPF sets out the requirement to significantly boost the supply of new homes.
- 8.11 The Council are unable to demonstrate a five year land supply. The 2021 AMR identifies a 3.8 year land supply for the period 2021-2026 and a 3.5 year housing land supply for the period 2022-2027 resulting in a shortfall of 1638 dwellings. Therefore in accordance with paragraph 11 (di or dii) of the NPPF, the tilted balance is engaged unless the criteria specified in paragraph 11 d)i and 11 d)ii and the accompanying footnotes are not satisfied.

### **Design**

- 8.12 There is no objection to the site being able to accommodate a flatted form of development.
- 8.13 It is agreed that the Banbury Vision and Masterplan Document, states that this site is to provide three/four storey development, with an increase in building height on the corner of Castle Street and Bolton Road.

### **Heritage**

- 8.14 It is agreed that the site falls partly within the Banbury Conservation Area and adjoins the Grade II Listed Trelawn House.
- 8.15 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory test to preserve or enhance the character or appearance of the Conservation Area.
- 8.16 The visual analysis within the Banbury Conservation Area Appraisal (Figure 18) identifies the site as a negative landmark. The Buzz Bingo building currently has a negative impact on Trelawn House and the Conservation Area.
- 8.17 Please see separate Heritage Statement of Common Ground for further details.

### **Drainage and Flooding**

- 8.18 It is agreed that the site is within Flood Zone 1.

- 8.19 It is agreed that the Council's second reason for refusal has been resolved following submission of Flood Risk and Drainage Technical Note (rev D) and Drainage Layout Plan (01-PDL-1001 Rev E) by Allcock Ward Partnership.


### **Transport and Parking**

- 8.20 It is agreed that the development could provide a lower level of parking provision than standard open market housing, in accordance with adopted parking standards.
- 8.21 It is agreed that the proposed development will lead to an estimated reduction of 174 total daily trips for the retirement apartments compared to the current use.
- 8.22 It is agreed that the proposed development would not result in any unacceptable impacts to highway safety.

### **Comprehensive Redevelopment**

- 8.23 There have been no applications for the redevelopment of any other part of the Banbury 8 allocation since its designation in the 2015 Cherwell Local Plan.
- 8.24 Policy Banbury 8 allows for a phased development of the allocation where it can be demonstrated that the proposals will contribute towards the creation of an integrated and coherent development.
- 8.25 The Council's reason for refusal is specific to the proposed development not including the adjacent tyre depot site.

9.0 SIGNATORIES

Signed.....

Mr. Matthew Shellum on behalf of Churchill Retirement Living Ltd.

Date.....

Signed.....

Mr. Andrew Bateson on behalf of Cherwell District Council.

Date....22 July 2022.....

## Appendix 1 – Draft Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form documents submitted with the application and the following plans and documents:

Drawing Nos: Site Location Plan - 10116BB-PA00; Site Layout Plan - 10116BB-PA01 C; Ground Floor Plan - 10116BB-PA02 A; First Floor Plan - 10116BB-PA03 A; Second Floor Plan - 10116BB-PA04 A; Third Floor Plan - 10116BB-PA05 A; Roof Plan - 10116BB-PA06 A; Castle Street Elevations - 10116BB-PA07 B; North Bar Street Elevations - 10116BB-PA08 B; Internal and Gable Elevations 10116BB-PA09 B; Proposed Site Sections - 10116BB-PA10; Existing Elevations - EL 01; Existing Site Plan - 210076-3DR-XX-XX-DR-A-10001; Existing Bingo Hall/Office Plans - 210076-3DR-XX-XX-DR-A-10002; Vehicle Tracking Plan 536.0037.001 C; Refuse Vehicle Tracking Plan 536.0037.003 D; Vehicle Turning Tracking Plan 536.0037.006

Documents: Design and Access Statement by Planning Issues Limited; Planning Statement by Planning Issues Limited; Statement of Community Involvement by Devcomms; Affordable Housing and Viability Statement by Planning Issues Limited; Heritage Statement by Ecus Consultants Ltd; Archaeological Assessment by Ecus Consultants Ltd; Revised Flood Risk and Drainage Technical Note (Rev C) by AWP; Transport Statement by Paul Basham Associates; Travel Plan by Paul Basham Associates; Landscape Strategy Plan by James Blake Associates; Noise Impact Assessment by 24Acoustics; Air Quality Report by Air Quality Consultants; Ground Investigation Report by Crossfields Consulting; Health Impact Assessment by Planning Issues Ltd; Sustainability Statement by JSP Ltd; Construction Management Plan by Churchill Retirement Living; Urban Form Analysis Document by Barton Wilmore; and Ecological Assessment by Tyler Grange.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply

with Government guidance contained within the National Planning Policy Framework.

3. No development shall commence above slab level until specification details/samples of the materials and finishes for the external walls and roof of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to commencement of the development, a Car Park Layout Plan detailing the layout of the car parking area shall be submitted to, and approved by, the Local Planning Authority. The Car Park Layout Plan must be set out so that all car parking spaces meet the minimum dimensions of 5m(L) x2.5m(W) required (Oxfordshire Street Design Guide) and can be safely and easily accessed. The Car Park Layout Plan should demonstrate the capability of accommodating the associated car parking manoeuvres within the car park.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, full details of the highway design improvements to the existing vehicular access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the improvements to the

existing vehicular access shall be delivered in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to implementation details of footway improvement works to be delivered on North Bar Street and Bolton Road shall be submitted to and approved by the Local Planning Authority. These works shall include dropped kerbs to provide access onto existing footway in South Bar Street and dropped kerb crossings at the site access junction on Bolton Road. The development shall not be occupied until the approved works have been completed.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the development a Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability, in order to promote sustainable modes of travel and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. No development shall commence unless and until a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist has been submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to first occupation of the development, a Delivery and Servicing Plan should be submitted to and approved in writing by the Local Planning



Authority. Thereafter, during the operation of the development, all delivery and servicing shall be conducted in accordance with the approved plan.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Document: Flood Risk & Drainage Technical Note

Ref: P:\1260 Castle Street, Banbury\C Documents\Reports\1260 - Castle Street,

Banbury - Flood Risk & Drainage Technical Note - C

Issue: 28 June 2022

Drawing: Preliminary drainage layout

Drawing No: 01-PDL-1001, Rev E

All relevant Hydraulic calculations produced via Microdrainage

Date 27/06/2022

File 1260-NW-01-A-101-SURFACE WATER..

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include: (a) As built plans in both .pdf and .shp file format; (b) Photographs to document each key stage of the drainage system when installed on site; (c) Photographs to document the completed installation of the drainage structures on site; (d) The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. No development shall commence unless and until a Construction Environment Management Plan (CEMP), which shall include details of the

measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. The development must not be carried out other than in accordance with approved CEMP.

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

15. Notwithstanding condition 2 (plans), no development shall take place above slab level until details of the hard and soft landscaping for the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- 1) Details of the hard surface areas including vehicular pavements, pedestrian footways and other areas, crossing points and steps;
- 2) Details of position and appearance of litter bins to be provided;
- 3) Details of the soft landscaping proposals along Castle Street, beside Trelawn House, around the car park, beside the Tyre Depot and around the Bolton Road boundaries.

The development shall be carried out in full accordance with the approved details prior to the first occupation of the building and shall be retained as such thereafter.

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 ESD13 and 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.