

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of Condition 22 (Plot B only) - details of operational plant and mitigation of 16/02366/OUT

Ward: Banbury Cross & Neithrop

Councillors: Cllr Banfield, Cllr Hodgson, Cllr Dr Okeke

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

Expiry Date: 21 April 2022

Committee Date: 16 June 2022

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO DISCHARGE
CONDITION 22 FOR PLOT B ONLY SUBJECT TO RESOLUTION OF OUTSTANDING
CONCERNS FROM THE ENVIRONMENTAL PROTECTION TEAM**

1. APPLICATION SITE AND LOCALITY

1.1. The application site forms part of the Castle Quay 2 development, for a large mixed used commercial development within Banbury Town Centre. This application seeks confirmation of the Discharge of Condition 22 to approval 16/02366/OUT, in relation to Plot B only, which is the Cinema block.

2. CONSTRAINTS

2.1. The application site is within the Oxford Canal Conservation Area.

3. CONDITIONS PROPOSED TO BE DISCHARGED

3.1. Condition 22 to 16/02366/OUT (Operational plant & mitigation) – this condition states:

'Prior to the first occupation of the units within any phase, full details of operational plant and mitigation shall be provided to the Local Planning Authority for approval, and the scheme to be installed and maintained thereafter in accordance with the approved details.'

3.2. The application submitted relates to Block B, the Cinema block only.

4. RELEVANT PLANNING HISTORY

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

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.

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.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place.

6. RESPONSE TO PUBLICITY

- 6.1. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

- 7.1. 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.

CONSULTEES

- 7.2. CDC ENVIRONMENTAL PROTECTION: **Objection**, request for more information regarding the cumulative impact of the operational plant. At the time of writing, a re-consultation with the Environmental Protection Officer is being undertaken following the receipt of additional information intended to address that initial concern. An update will be provided to the Planning Committee following receipt of an updated response from the Environmental Protection Officer.

8. APPRAISAL

- 8.1. Condition 22 of application 16/02366/OUT requires the submission of acceptable details regarding any operational plant and mitigation to be provided prior to the occupation of a unit.
- 8.2. The application includes the submission of plans showing the layout and positioning of the plant, key access points and the location of relevant equipment. Plant specification details have also been provided, which include the performance and operation of equipment, including sound levels.
- 8.3. More recently, additional information in response to the initial comments received from the Environmental Protection Officer has been received, which sets out a noise impact assessment.
- 8.4. Whilst updated comments from the Environmental Protection Officer are still awaited at the time of writing this report, Officers consider that the additional information is likely to satisfy the reasons for their initial objection as the Noise Impact Assessment demonstrates that at sensitive receptors, the operational plant proposed does not exceed acceptable noise levels. A re-consultation has been sent to the Environmental

Protection Officer and an update will be provided to Members at the Planning Committee meeting.

- 8.5. Objection has not been raised regarding the type or positioning of plant being provided and therefore, this is considered acceptable. Other than the request for additional information in regards to noise, objection has not been raised in regards to other matters such as light, vibration, pollution or other emissions.
- 8.6. Overall, Officers consider that the outstanding noise impact assessment review is a technical matter to which an acceptable solution could be found.

9. CONCLUSION

- 9.1. It is recommended that authority be delegated to Officers to approve the details in respect to Condition 22, subject to the confirmation of acceptability of the details from the Council's Environmental Protection Team.

10. RECOMMENDATION

RECOMMENDATION –SUBJECT TO RECEIPT OF SATISFACTORY AMENDED INFORMATION TO RESOLVE THE CONCERNS OF THE COUNCIL'S ENVIRONMENTAL PROTECTION TEAM, DELEGATE TO THE ASSISTANT DIRECTOR, PLANNING AND DEVELOPMENT, POWERS TO DISCHARGE CONDITION 22 (OPERATIONAL PLANT AND MITIGATION) FOR BLOCK B ONLY IN REGARD TO APPLICATION 16/02366/OUT