

Case Officer: Michael Sackey

Applicant: Cherwell District Council

Proposal: New Courtyard roof and roof mounted air handling units

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: 18 July 2024

Committee Date: 11 July 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is part of the Castle Quay shopping centre, specifically the first floor Unit formally occupied by British Home Stores, above Lock 29. The Castle Quay Shopping Centre is located within Banbury Town Centre.

2. CONSTRAINTS

2.1. The application site is outside of but close to the Oxford Canal Conservation Area and Public Right of Way Ref: 120/103/40 runs adjacent to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for a new courtyard roof and roof mounted air handling units.

3.2. The application relates to an email and additional documents received on (19.06.2024) at 13:34hrs from the applicant's agent (Nick Jones) submitting additional information in terms of noise data for the proposed air handling units in relation to noise sensitive receptors. The assessment and determination of this application is based on the additional plans, document and information.

4. RELEVANT PLANNING HISTORY

4.1. There is no relevant planning history to the current proposal:

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **20 June 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. 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.

BANBURY TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. No objections to this proposal

OTHER CONSULTEES

- 7.3. Building Control - Consulted on (30.05.2024); no comments received.
- 7.4. Environmental Health (13.06.2024) - As discussed, it would be useful to have some noise data for the proposed air handling units to confirm there will be no impact on any noise sensitive receptors.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Environmental pollution

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

9.1. Given its nature, the proposal has no implications for highway safety or ecology or archaeology. The key issues for consideration in this case are:

- Design, and impact on the character of the area and on heritage assets; and
- Residential amenity

Design, and impact on the character of the area

9.2. The proposed works and air handling units would be situated on the roof of the existing building and given their scale and positioning would not be readily visible from the public domain or within the setting of the Oxford Canal Conservation Area.

9.3. The proposed courtyard roof and the air conditioning units, given their lack of visibility would not have significant visual impact on its surroundings. Having regard to their nature, design and the air conditioning units the proposal partly replaces, it is considered that the proposal would not have a significant impact on the character and appearance of its locality.

9.4. Overall, therefore, it is considered that the proposed development would not result in significant harm to the character and appearance of the area or the setting of the Oxford Canal Conservation Area. As such, it would accord with Policies ESD15 and of the CLP 2015 and C28 of the CLP 1996 in this respect, as well as the NPPF.

Residential Amenity

9.5. The site is not located in close proximity to any residential building and as such the proposed development would not have any significant impact on any adjacent residential neighbours.

9.6. The Council's Environmental Health Officer initially responded to the application advising that it would be useful to have some noise data for the proposed air handling units to confirm there would be no impact on any noise sensitive receptors.

9.7. Following the submission of additional information of noise data for the proposed air handling units, and the positioning of the air handling units, it is considered that the proposal would also be acceptable in terms of noise. There are no concerns in terms of contaminated land, air quality, odour and light with regards to the proposed development.

9.8. Overall, therefore, the proposal complies with Policy ESD15 of the CLP 2015, saved Policy ENV1 of the CLP 1996 and Government guidance in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposal complies with the relevant Development Plan policies and NPPF guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. **RECOMMENDATION**

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limit

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawing No. 7165-GBS-XX-XX-DR-A-104-P01, 7165-GBS-XX-XX-DR-A-105-P01 and 7165-GBS-XX-XX-DR-A-107-P01.

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.

CASE OFFICER: Michael Sackey