

**Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury**

18/00142/NMA

Applicant: Cherwell District Council

Proposal: Non-Material Amendment to 16/02366/OUT and 17/00284/REM - Block B canopy amendments

Ward: Banbury Cross And Neithrop

Councillors: Cllr Hannah Banfield
Cllr Surinder Dhesi
Cllr Cassi Perry

Reason for Referral: Cherwell District Council is the applicant

Expiry Date: 13 December 2018 **Committee Date:** 13 December 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The application seeks to capture the minor design evolutions that are proposed to the elevations of this block through engagement with the contractors and detailed design

Consultations

No consultations have been undertaken with regard to this proposal.

Conclusion

The key issue arising from this proposal is whether the change proposed amounts to a non-material amendment to the elevational details of the approved building.

The report concludes that the change can be accepted as a non-material change and would not cause a materially harmful impact to visual amenity.

RECOMMENDATION - GRANT Approval for the Non Material amendment

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. This specific amendment proposes a change to what is known as Block B – the block containing the cinema and restaurants.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks to capture the minor design evolutions that are proposed to the elevations of this block through engagement with the contractors and detailed design. The largest change is that the colonnade on the eastern elevation at ground floor level is to be straightened so that rather than splaying away from the building to follow the alignment of the footpath leading to Spiceball Park Road it is now proposed to run parallel with the external wall of the building.
- 2.2. Other small changes are the change to the glazing system on the first floor cinema foyer and the addition of an external screen structure
- 2.3. These changes are proposed as non-material changes to the approved plans due to them being minor in nature and having no significant impact upon the external appearance of the building.

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 - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum	Application Permitted

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 at the November Planning Committee
18/00453/DISC	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	Pending Decision
18/00454/DISC	Discharge of conditions 2 (materials) and 4 (levels) of 17/00284/REM	Pending Decision

4. PRE-APPLICATION DISCUSSIONS

- 4.1 Pre-application discussions have taken place with regard to these changes and on the discharge of conditions others on the outline and reserved matters approvals that are the subject of separate applications on this agenda

5. RESPONSE TO PUBLICITY

- 5.1. This application has not been publicised as the Regulations do not require such publicity or consultation

6. APPRAISAL

- 6.1 The changes proposed through this non-material amendment application are genuinely minor and will not change the appearance of the building in any significant way. The change to the colonnade design is a simplification of the building and is considered to be an improvement. The changes to the glazing system will not be readily detectable from the canal side. The addition of the proposed external screen

structure will be visible from across the canal but is a minor feature on this large building.

- 6.2 The external screen is designed to be viewed from the external terrace which is attached to the foyer of the cinema. This is an appropriate additional facility in this location. It is important however that any external sound system that was associated with the use of the screen produces only a level of sound that is suitably low and will not disturb the enjoyment of the nearest residential properties and hence a condition is proposed.
- 6.3 Notwithstanding the above comments with regards to the external screen these changes are considered minor and non-material and would not cause a materially harmful impact to visual amenity, and therefore the proposed changes are recommended for approval.

7. RECOMMENDATION

That the proposed Non Material Amendment be granted in accordance with the following wording:

Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described in application ref.no.18/00142/NMA in accordance with the application form and drawing numbers set out in the agent's letter dated 15 November 2018. The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 17/00573/CDC. These conditions must be adhered to so as to ensure that the development is lawful.

This approval is subject to an additional condition as follows;

In relation to the installation of the external screen no associated sound amplifying equipment shall be installed or operated without the prior consent of the Local Planning Authority.

CASE OFFICER: Bob Duxbury

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