

**Applicant:** Cherwell District Council

**Proposal:** Discharge of condition 13 (construction environmental management plan) of 17/00284/REM

**Ward:** Banbury Cross And Neithrop

**Councillors:** Cllr Hannah Banfield  
Cllr Surinder Dhese  
Cllr Cassi Perry

**Reason for Referral:** The applicant is Cherwell District Council

**Expiry Date:** 18 March 2019

**Committee Date:** 14 February 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: DELEGATE DETERMINATION OF THE APPLICATION TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY**

#### **Proposal**

The application submits additional details of construction management measures associated with the development of the Castle Quay 2 project to accord with the requirements of condition 13 attached to reserved matters approval 17/00284/REM.

#### **Consultations**

The following consultees have raised **queries** about the details:

- OCC Highways

The following consultees have raised **no objections** to the application:

- CDC Ecology
- CDC Environmental Protection

No third party letters of objection have been received.

#### **Summary**

The applicant originally submitted a construction environmental management plan (CEMP) to discharge the condition though this did not include some of the details specifically required within the condition. A revised CEMP has been submitted though as of the date of writing this report officers are awaiting feedback from OCC as the local highway authority. Officers however do not anticipate any particular difficulties in being able to approve satisfactory details and are therefore seeking delegated authority to approve this application once acceptable details are submitted in order to enable construction works to commence swiftly on the CQ2 development.

**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. The application site relates to that associated with the development of the Castle Quay 2 project.

### **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The application submits a Construction Environmental Management Plan to accord with the requirements of condition 13 of reserved matters approval 17/00284/REM.

### **3. RELEVANT PLANNING HISTORY**

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 deviations in block and Condition 9 to be removed as no longer justified.	Application Permitted
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

#### **4. PRE-APPLICATION DISCUSSIONS**

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

#### **5. RESPONSE TO PUBLICITY**

5.1 This application has not been publicised given that, as it is simply an application to discharge a condition on a planning permission, there is no statutory requirement to do so. No comments have therefore been raised by third parties.

#### **6. RESPONSE TO CONSULTATION**

6.1 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.

OCC HIGHWAYS: The document submitted is missing a number of appendices and so OCC cannot make an assessment of the highway implications of the proposed construction management measures.

*Officer comment: A revised CEMP with appendices has now been submitted and is with OCC for consideration and comment.*

CDC Ecology: No objection.

CDC Environmental Protection: No objection.

#### **7. APPRAISAL**

7.1 The outline planning permission for the CQ2 development included a condition requiring the approval of a construction traffic management plan (CEMP) prior to commencement of construction works. The subsequent reserved matters approval 17/00284/REM then included a further condition requiring approval of additional construction management details in relation to the works compound as well as controls over dust emissions together with mud on the highway.

7.2 An updated CEMP was submitted as part of this application to discharge condition 13 of 17/00284/REM. This however did not include any additional information in relation to the construction compound or controls over mud on the highway. A revised CEMP has then been submitted during the course of considering the application and officers have consulted OCC on its contents. A response has yet to be received from OCC at the time of writing this report and it is proposed to wait for feedback from OCC before any final decision is made.

7.3 The revised CEMP however looks to be broadly acceptable to officers and now includes:

- Commitments to utilise dust cannons and water bowsers on the site to reduce dust emissions to which the Council's Environmental Protection officers are satisfied with;
- Provision of a wheel wash facility on the site together with the operation of a full time road sweeper vehicle to minimise mud residue on the highway;
- The siting of the works compound within the former BHS unit which should minimise any disturbance to occupants of surrounding properties.

7.4 Whilst the principles of the commitments within the revised CEMP look to be broadly acceptable, some minor amendments and clarifications are sought in order to make

any approved document robust and able to be enforced against if necessary. Officers also propose to await the views of OCC in relation to highway matters to ensure that the proposed controls over mud on the highway are considered acceptable to them. At the time of writing this report officers are awaiting this consultation response as well as other amendments and clarifications to the submitted CEMP though these are expected to be forthcoming. Officers will look to update Members at or in advance of the meeting as appropriate.

- 7.5 Officers do not anticipate any problems in achieving the submission of a satisfactory CEMP and are therefore recommending that Members delegate the approval of the details to officers so that a decision can be swiftly made once an acceptable CEMP has been agreed and to avoid any unnecessary delays in the commencement of works on the CQ2 project.

## **8. CONCLUSION**

- 8.1 Subject to minor amendments and clarifications as well as confirmation that OCC does not object to the measures proposed to control mud on the highway, the Construction Environmental Management Plan would include satisfactory measures and controls to ensure that the CQ2 development adequately safeguards public amenity and the condition of the local highway network in accordance with relevant local and national planning policy. Once amended/clarified as necessary, officers therefore recommend that the CEMP should be approved as in accordance with the requirements of condition 13 of 17/00284/REM.

## **9. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO APPROVE THE DETAILS SUBMITTED SUBJECT TO THE MINOR AMENDMENTS AND CLARIFICATIONS CONSIDERED NECESSARY BY OFFICERS AS SUMMARISED IN THIS REPORT.**

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