

**Case Officer:** Samantha Taylor

**Applicant:** Pizza Express Restaurants Ltd

**Proposal:** Partial Discharge of Condition 22 (operational plant and mitigation) in relation to Unit 6 of the Castle Quay 2 Development of 16/02366/OUT

**Ward:** Banbury Cross and Neithrop

**Councillors:** Cllr Banfield, Cllr Hodgson, and Cllr Dr Okeke

**Reason for Referral:** Application affects Council's own land

**Expiry Date:** 20 June 2022

**Committee Date:** 14 July 2022

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**SUMMARY OF RECOMMENDATION: GRANT PARTIAL DISCHARGE OF CONDITION 22 (OPERATIONAL PLANT AND MITIGATION) IN REGARDS TO UNIT 6 OF BLOCK B ONLY OF APPLICATION 16/02366/OUT.**

**1. APPLICATION SITE**

- 1.1. The application site is located within Block B of the Castle Quay 2 development. Block B includes the cinema and other leisure facilities, including restaurants. The site is situated on the ground floor of the Block B, adjacent to the canal.

**2. CONSTRAINTS**

- 2.1. The application site is within Banbury Town Centre and the Oxford Canal Conservation Area.

**3. CONDITIONS PROPOSED TO BE DISCHARGED**

- 3.1. The application seeks to discharge condition 22 (operational plant and mitigation) in relation to Unit 6, a restaurant unit, with Block B, the cinema block, of application 16/02366/OUT for the wider Castle Quay 2 development.

- 3.2. Condition 22 (Operational Plant and Mitigation) 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.'*

- 3.3. The applicant has provided plans which show extract layouts, plant deck layout and air conditioning layout along with a Risk Assessment for Odour

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

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

22/01150/ADV

Advertisement consent for 1No LOGO SIGN, 2No FASCIA SIGN 2No ADDRESS TEXT.

Approved.

21/04089/F

CQ2 Block B Terrace Area - Erection of enclosure area including full height glazed windows and retractable fabric roof and two green wall features.

Approved.

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.

Approved.

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

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

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

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

5.1 Public consultation was not carried out in regards to this application because there is not a requirement to consult on this application type. No comments have 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.

6.2 CDC Environmental Health: **No objections**

## **7. APPRAISAL**

- 7.1 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.
- 7.2 The application includes the submission of plans showing the layout and positioning of the plan, key access points and the location of relevant equipment. This includes extracts serving the kitchen, WC, and general area, fresh air supply and ventilation layouts, plantroom, plant deck, roof level and air-conditioning. In addition, a risk assessment for odour has also been provided in support of the application.
- 7.3 The Council's Environmental Health Officer has confirmed they have no objections in relation to the plant and any mitigation proposed. As such, officers are satisfied that an acceptable scheme for operational plant and mitigation in relation to Unit 6 of Block B has been provided.

## **8. CONCLUSION**

- 8.1 It is recommended that the submitted details be approved under Condition 22 of 16/02366/OUT for Unit 6 of Block B only.

## **9. RECOMMENDATION**

**GRANT PARTIAL DISCHARGE OF CONDITION 22 (OPERATIONAL PLANT AND MITIGATION) IN REGARDS TO UNIT 6 OF BLOCK B OF APPLICATION 16/02366/OUT.**

The details to be approved are as set out below:

EMAQ Risk Assessment for Odour  
Kitchen Extract Layout C137-M-11-01  
WC Extract Layout C137-M-11-02  
General Extract Layout C137-M-11-03  
Fresh Air Supply Layout C137-M-11-04  
All Ventilation Layout C137-M-11-05  
First Floor Plant Room Layout C137-M-11-06  
Second Floor Plant Deck Layout C137-M-11-07  
Roof Level C137-M-11-08  
Air Conditioning Layout C137-M-15-01