

**Case Officer:** Lewis Knox

**Applicant:** Loungers PLC

**Proposal:** Discharge of Condition 22 (details of operational plant and mitigation) of 16/02366/OUT

**Ward:** Banbury Cross And Neithrop

**Councillors:** Councillor Becky Clarke MBE, Councillor Matt Hodgson, Councillor Dr Chukwudi Okeke

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

**Expiry Date:** 21 June 2024

**Committee Date:** 11 July 2024

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**SUMMARY RECOMMENDATION: GRANT DISCHARGE OF CONDITION 22 (OPERATIONAL PLANT AND MITIGATION) OF APPLICATION 16/02366/OUT**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

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 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. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The application seeks to fully discharge condition 22 (operational plant and mitigation) in relation to Unit 6, a restaurant unit within 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 extraction layouts, plant deck layout and air conditioning layout along with a Risk Assessment for Odour.

**4. RELEVANT PLANNING HISTORY**

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

13/01601/OUT - Outline planning permission granted for 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;

16/02366/OUT - Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 removed as no longer justified;

22/01217/CDC - Partial Discharge of Condition 22 (operational plant and mitigation) in relation to Unit 6 of the Castle Quay 2 development of 16/02366/OUT.

## **5. PRE-APPLICATION DISCUSSIONS**

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

## **6. RESPONSE TO PUBLICITY**

- 6.1. Public consultation was not carried out in respect to this application because there is no requirement to consult on this application type. No comments have been raised from 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.
- 7.2. CDC Environmental Health – Raised **no objections**.

## **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 any unit.
- 8.2. 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 extraction ducts 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.
- 8.3. 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

## **9. CONCLUSION**

9.1 It is recommended that the submitted details be approved as full discharge under Condition 22 of 16/02366/OUT

## **10. RECOMMENDATION**

### **GRANT DISCHARGE OF CONDITION 22 (OPERATIONAL PLANT AND MITIGATION) OF APPLICATION 16/02366/OUT**

The details to be approved are set out below:

- DEFRA RISK ASSESSMENT FOR ODOUR;
- DRAWING - 01
- DRAWING – 02
- DRAWING – 03
- ACOUSTICA LOUNGE SILENCERS (ELECTRIC COOKLINE)
- JE-EN-2023 PANEL VS4
- LONGAR TYPE 3 LOW PRESSURE BAFFLE FILTER PRODUCT DATA
- OC INNOVATIONS O2 OZONE
- SITE SAFE DISCARB UNIT EN 2014-1
- SYSTEMAIR KVK SILENT 160
- SYSTEMAIR KVK SILENT 200
- SYSTEMAIR MUB 062 560 D4 MULTIBOX
- SYSTEMAIR MUB 062 630 D4

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