

Case Officer: Nina Guy

Applicant: Greggs PLC

Proposal: Replace existing two single air conditioning condensing units with one single and one double condenser units

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: 17 March 2025

Committee Date:

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to Units 6 and 7 of Castle Quay, at first floor level, which backs onto a service yard.

2. CONSTRAINTS

2.1. The application site is not within a Conservation Area, although other parts of Castle Quay are. It is not a listed building or within a listed building. The site is within the Archaeological Alert Area for Banbury Castle, Tooleys Boatyard, and associated buildings, and within Potentially Contaminated Land, albeit neither of these bears any constraint on the current proposal.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the installation of two air conditioning units to replace the two existing units. One unit will be a double unit.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history directly relevant to the 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, expiring **18 February 2025**, and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **18 February 2025**.

- 6.2. No comments have been raised by third parties, and any representations received between the publication of the agenda and the consultation expiry date will be reported to members at Planning Committee.

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. PARISH/TOWN COUNCIL:

Banbury Town Council: No objections

- 7.3. CDC ENVIRONMENTAL HEALTH: no comments received.

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

9. APPRAISAL

- 9.1. The proposals subject of this application have no implications for ecology or highway safety and, given their siting, no implications for heritage assets. The key issues for consideration in this case are:

- Design, and impact on the character of the area.
- Residential amenity

Design, and impact on the character of the area.

- 9.2. The proposed air conditioning units would be similar in appearance to the existing units. Although one unit would be larger in scale than the existing, given the character of the area and the number of air conditioning units around the service yard it is

considered that the proposed units would not be incongruous and would have minimal visual impact.

Residential amenity

- 9.3. The distance from residential properties in the locality means that there is little potential for noise impacts. It is relevant to note that the proposed air conditioning units would replace an existing unit performing the same function, and that the proposed units are sited on the roof area of the building within a car park setting.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and 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 forms and the following plans and documents: RCEN/S6631/02A, RCEN/S6631/03P, and RCEN/S6631/04P.

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.

Informative Note

Planning permission may be required for the proposed use i.e. if the latter is a different use class to the last / lawful use of the site.

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