

Application No: 11/01810/CDC	Ward: Banbury Grimsbury and Castle	Date: 01/12/2011	Valid:
Applicant:	Cherwell District Council		
Site Address:	Spiceball Leisure Centre, Cherwell Drive, Banbury OX16 2BW		

Proposal: Installation of 240 solar PV panels on existing building roof

1. Site Description and Proposal

- 1.1 The application site is the Spiceball Leisure Centre off Cherwell Drive, a purpose built indoor leisure facility. The site lies on the junction of Concorde Avenue/Cherwell Drive and is a large flat roofed modern development that comprises two rectangular wings centred off the main circular atrium.
- 1.2 The proposal is for the installation of solar panels on the flat roof slope on the southern wing. The development proposes 240 solar panels on this roof and is one of a number of similar schemes for Council buildings across the district.
- 1.3 The application is before the Committee as the Council has an interest in the land and buildings.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comments is 12 January 2012.
- 2.2 No third party contributions were received.

3. Consultations

- 3.1 Banbury Town Council – No objections raised but comment that access should be provided for any ongoing maintenance.

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
PPS1: Delivering Sustainable Development
Climate Change Supplement to PPS1
- 4.2 Regional Policy in the South East Plan 2009:
CC1 – Sustainable Development
CC2 – Climate Change
BE1 – Management for an Urban Renaissance
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
Policy C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal

5. Appraisal

- 5.1 The key issues for consideration in this application are the visual impact of the proposals, the suitability of the scheme in the context of the site, and the environmental impact of the proposal.
- 5.2 The proposed solar panels will have limited visual impact, given the context in which they are located; the existing wing on which they will be located faces southwards and has a flat roof. Public views will be limited given the height of the building. The impact on the character and appearance of the area will also be minimal given the overall height of the building and the panels will be sited as to minimise their appearance behind an existing parapet.
- 5.3 Their installation will assist in delivering the objectives for sustainable development and climate change mitigation set out in PPS1, its supplements and the relevant policies in the South East Plan.
- 5.4 As such, the proposal is considered to comply with all relevant national, regional and local policies and is recommended for approval.

6. Recommendation

Approval, subject to the following conditions;

1. That 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.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing NA/101 Rev RO1

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government Policy contained in PPS1.

Planning Notes

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed development is appropriate in its context and will not unduly impact on amenity or the appearance of the area. The delivery of sustainable and renewable energy solutions is in line with government policy direction set out in PPS1 – Delivering Sustainable Development and the Planning and Climate Change Supplement to PPS1. The proposal also accords with Policies BE1, CC1 and CC2 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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