

**Site Address: Former Spiceball Park  
Sports Centre, Spiceball Park Road,  
Banbury**

**14/02070/CDC**

**Ward:** Banbury Grimsbury and  
Castle

**District Councillors:** Andrew Beere, Claire Bell and  
Ann Bonnor

**Case Officer:** Rebekah Morgan

**Recommendation:** Approval; subject to the  
expiration of the consultation period.

**Applicant:** Cherwell District Council

**Application Description:** Change of Use to vehicle park

**Committee Referral:** CDC  
Application

**Committee Date:** 22<sup>nd</sup> January 2015

**1. Site Description and Proposed Development**

- 1.1 The application site is the site of the former Spiceball Park Sports Centre. The previous buildings have been demolished and the site has been used as a public car park for nearly 5 years. The site is located close to Banbury Town Centre, adjacent to other public car parks and opposite a residential development comprising of flats.
- 1.2 The proposal is for the change of use to continue using a section of land as a public car park. The area will remain as it is currently laid out providing approximately 92 parking spaces with an entrance/exit point via the existing carpark onto Spiceball Park Road.
- 1.3 The application seeks a consent to allow the continued use of the site as a car park for a further period.

**2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is the 29th January 2015. No correspondence has been received at this stage as a result of this consultation process. Members will be updated if any comments are received.

**3. Consultations**

- 3.1 Banbury Town Council: Awaiting comments

**Oxfordshire County Council Consultees**

- 3.2 Highways Liaison Officer: Awaiting comments

**4. Relevant National and Local Policy and Guidance**

- 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

ENV7: Water quality

C28: Layout, design and external appearance of new development

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (January 2014)

**Submission Local Plan (January 2014) (SLP)** has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Highway Safety
- Neighbouring Amenity

### Relevant Planning History

5.2 **10/00290/CDC:** Construction of a temporary car-park on site of old Spiceball Sports Centre Sports Hall. Application granted for a five year temporary consent which expires on 08 April 2015.

5.3 **13/01601/OUT:** Major redevelopment of the wider area including a retail foodstore, hotel, cinema, restaurant and cafes. The Planning committee has resolved to approve the proposal subject to conditions and a legal agreement. The application site would be included within this proposal.

### Principle of the development

5.4 The site forms part of the site of the former sports centre that was previously demolished. A temporary consent (10/00290/CDC) was granted for a period of 5 years to allow the site to be used as a public car park.

5.5 This application does not specify a time period, but it is envisaged that the use would continue until a time when work commences on the redevelopment proposals for the wider area. As the site is within an area that has been highlighted for redevelopment, it is considered appropriate to restrict the consent to a further five years. As the land is owned and managed by Cherwell District Council, the granting of consent would not prejudice the future redevelopment of the area if it were to come forward within the 5 year period.

5.6 The site is located within the town centre and provides additional parking especially during peak periods. The site is already laid out as a car park with no proposed changes to the surfacing, layout or access arrangements.

5.7 The proposed use is appropriate for the location and the principle of the development is considered to be acceptable.

### Highway Safety

5.8 The car park has been operating successfully and utilises an existing access via the adjacent public car park.

5.9 The continued use of the site as a car park would not have a detrimental impact on highway safety and complies with government guidance contained within the National Planning Policy Framework.

#### **Neighbouring Amenity**

5.10 There will be some continued noise associated with the parking and manoeuvring of vehicles. The site is adjacent to a public car park and other existing car parks are adjacent to the residential properties. The additional area of car parking is not considered to cause significant levels of noise (in excess of noise associated with existing car parking and roads) to cause harm to neighbouring amenity. Therefore, as previously concluded on the last application, this would not cause serious harm to neighbouring amenity to warrant a reason for refusal.

5.11 The continued use of the site as a public car park would not cause harm to neighbouring amenity and accords with the core principles of the National Planning Policy Framework.

#### **Engagement**

5.12 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **6. Recommendation**

**Approval**, subject to:

- a) The expiration of the consultation period on 29<sup>th</sup> January 2015
- b) the following conditions:

1. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Ecological Survey Update dated December 2014, site location plan and drawing number 2642 Rev A.

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 guidance contained within the National Planning Policy Framework.

2. That at the expiration of 5 years from the date hereof the use specified shall be discontinued.

Reason – To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land in accordance with the National Planning Policy Framework.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the decision has been made in an efficient and timely way.