

Application No: 10/00290/CDC	Ward: Banbury Grimsbury and Castle	Date Valid: 26 February 2010
Applicant:	Cherwell District Council, Bodicote House, White Post Road, Bodicote	
Site Address:	Former Spiceball Park Sports Centre Spiceball Park Road Banbury, Oxfordshire, OX16 2PG	

Proposal: Construction of temporary car-park on site of old Spiceball Sports Centre Hall (92 Spaces)

1. Site Description and Proposal

- 1.1 The application site is the site of the former Spiceball Park Sports Centre. The previous buildings have now been demolished creating a vacant site.
- 1.2 The site is located close to Banbury Town Centre, adjacent to other public car parks and opposite a residential development comprising of flats.
- 1.3 The proposal is for the change of use of a section of land to form a public car park. The area will be laid out to form 92 parking spaces (including 4 disabled spaces) with an entrance/exit point onto Spiceball Park Road.
- 1.4 The applicant is seeking a temporary consent for a period of 5 years.
- 1.5 The proposed surfacing materials will be in two parts. The access ramp, circulation roads and 4 no. disabled bays will be surfaced with tarmac (impermeable) and the parking bays will be surfaced with crushed gravel (permeable).

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour letter. The final date for comment is 01/04/2010.
- 2.2 Two letters have been received (one including 52 signatures) and the following points were raised:
 - Object to the siting of the entrance/exit to the car park directly opposite Chamberlain Court
 - Create queing traffic along the narrow road of Spiceball causing difficulty in approaching and leaving Chamberlain Court safely
 - Delays to ambulances accessing Chamberlain Court
 - Noise, pollution and nuisance due to traffic queing. Residents would be unable to have windows open during nicer weather
 - There has been no consultation with residents of Chamberlain Court
 - Suggests utilizing the existing car park entrance adjacent to the new footbridge

3. Consultations

- 3.1 Banbury Town Council: Awaiting comments
- 3.2 Oxfordshire County Council Highways: **No objections, subject to conditions**
- 3.3 Oxfordshire County Council Archaeology: **No objections**
- 3.4 Environment Agency: Awaiting comments
- 3.5 Natural England: **No objections**
- 3.6 British Waterways: Awaiting comments
- 3.7 National Grid: Awaiting comments
- 3.8 Cherwell District Council Arboricultural Officer: Awaiting comments
- 3.9 Cherwell District Council Environmental Protection Officer: Awaiting comments

4. Relevant Planning Policies

- 4.1 South East Plan Policies: T4, NRM2 and NRM4
- 4.2 Adopted Cherwell Local Plan Policies: ENV7
- 4.3 Non-Statutory Cherwell Local Plan Policies: S5a, EN12 and EN15
- 4.4 PPS9: Biodiversity and Geological Conservation
- 4.5 PPG13: Transport
- 4.6 PPS25: Development and Flood Risk

5. Appraisal

- 5.1 The application is before the planning committee because the applicant is Cherwell District Council
- 5.2 The key issues to consider are:
 - The principle of the development
 - Highway safety
 - Flood risk and impact on water quality
 - Impact on biodiversity
 - Neighbouring amenity
- 5.3 The application is situated within an area of land set out in the proposals map in the Non-Statutory Cherwell Local Plan which is designated for Banbury's cultural quarter and therefore should be assessed against Policy S5a.

Policy S5a seeks to resist 'piecemeal proposals that would prejudice the

implementation of the overall strategy for the area'. It is considered that the use of the site as a car park for a temporary period of 5 years will not prevent future redevelopment of the area and therefore the principle of development is acceptable and the proposal complies with Policy S5a of the Non-Statutory Cherwell Local Plan.

- 5.4 With regards to highway safety, Oxfordshire County Council as the Local Highways Authority has not raised any objections to the proposal. Concerns have been raised by local residents but the Council is satisfied that the proposal should relieve some of the existing congestion problems which occur as a result of vehicles queuing to enter the Castle Quay North Car Park, which is controlled by a barrier method of entry. However whilst it is anticipated that this will relieve pressure for spaces, preferred users of the North Car Park will continue to do so and therefore queuing will continue in this respect which is outside the control of this authority. The Local Highways Authority considers that the proposal will not have a detrimental impact on highway safety. Therefore the proposal complies with T4 of the South East Plan and government guidance contained in PPG13: Transport.
- 5.5 The Council is still awaiting comments from the Environment Agency. Members will be provided with an update regarding flood risk and impact on water quality. The proposal will be assessed against Policies NRM2 and NRM4 of the South East Plan, Policy ENV7 of the adopted Cherwell Local Plan and Policies EN12 and EN15 of the Non-Statutory Cherwell Local Plan and government guidance contained in PPS25: Development and Flood Risk.
- 5.6 Natural England have commented that 'based on the information provided, Natural England has no objection to the above proposal in respect of species especially protected by law because it would appear to be unlikely that they would be adversely affected by the proposed development'. The Ecological Survey submitted with the application did not identify any protected species within 1 km of the site and as the proposed development will not extend beyond the previous limits of development, it is considered that the proposal will not have an adverse impact on biodiversity. Therefore, the proposal accords with government guidance contained in PPS9: Biodiversity.
- 5.7 The application site is situated opposite a residential development of flats. Residents have raised concerns regarding noise that could be created by the proposed use. Although there will be some noise associated with the parking and manoeuvring of vehicles, this will not seriously harm these neighbours amenity, to warrant a refusal on these grounds.
- 5.8 In conclusion the proposal to provide 92 parking spaces will not cause harm to protected species or serious harm to residential amenity and accords with the provisions of Policy S5a of the Non-Statutory Cherwell Local Plan as it will not prejudice the future redevelopment of the area. The application is acceptable subject to confirmation from the Environment Agency that the proposal will not result in an increase risk to flooding.

Given the above assessment the proposal complies with Policies T4, NRM2 and NRM4 of the South East Plan, Policy ENV7 of the adopted Cherwell Local Plan, Policies S5a, EN12 and EN15 of the Non-Statutory Cherwell Local Plan and Government guidance contained in PPS9: Biodiversity and Geological

6. Recommendation

Approval, subject to no objection being received from the Environment Agency and the following conditions.

Conditions

- 1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)**
- 2. 4.13CD – Parking and Manoeuvring Area Retained (RC13BB)**
- 3. 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 Policy S5a of the Non-Statutory Cherwell Local Plan.
- 4. 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 number (9)01, drawing number E3545-1 and site location plan received 26 February 2010.**
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 Policy BE1 of the South East Plan 2009.

Planning Notes

- 1. O1**

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 proposal pays proper regard to highway safety, biodiversity, water quality, flood risk and has no undue adverse impact upon the residential amenities of neighbouring. As such the proposal is in accordance with Policies T4, NRM2 and NRM4 of the South East Plan 2009, Policy ENV7 of the adopted Cherwell Local Plan, Policies S5a, EN12 and EN15 of the Non-Statutory Cherwell Local Plan and the provisions of PPS9, PPG13 and PPS25. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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