

Application 11/00057/F	No:	Ward: Grimsbury and Castle	Banbury	Date 13/01/2011	Valid:
Applicant:	Scottish Widows PLC & Scottish Widows Unit Funds Ltd				
Site Address:	North Car Park, Castle St, Banbury				

Proposal: Extension of time-limit to 05/02419/F – Renewal of condition 1 of 00/02486/F (construction of an extra storey on existing car park) to allow the permission to remain in existence for a further period of 5 years

1. Site Description and Proposal

- 1.1 The application site is the North Car Park serving the Castle Quay Shopping Centre in Banbury Town Centre. It sits opposite a similar car park which is currently one storey taller than this site.
- 1.2 The proposal is for an extension of the time limit, originally attached to 00/02486/F, also renewed in 2005 under 05/02419/F, to allow the provision of an extra storey on top of the existing car park. Were this consent to be implemented, the proposal would add 124 extra spaces, bringing the total available spaces in the North car park to 424. Materials, finishing and design (including the stair towers) are proposed to match the existing.
- 1.3 The Report to Committee relating to the 2005 application is attached to this report as an Appendix.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The final date for comments was 24 February 2011.
- 2.2 No third party contributions were received.

3. Consultations

- 3.1 Banbury Town Council – no objections
- 3.2 County Highways Liaison Officer – no objections, subject to the re-imposition of appropriate conditions
- 3.3 Thames Water – no objections
- 3.4 British Waterways – no objections, request planning note
- 3.5 Environment Agency – no objections, request planning note
- 3.6 Building Control – no comments

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
PPS1: Delivering Sustainable Development
PPS5: Planning for the Historic Environment
PPG13: Transport
PPS25: Development and Flood Risk
- 4.2 Regional Policy in the South East Plan 2009:
CC1 – Sustainable Development
BE1 – Management for an Urban Renaissance
T4 - Parking
- 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
Policy C29 – Appearance of development adjacent to the Oxford Canal
ENV1 – Development likely to cause detrimental levels of pollution

5. Appraisal

- 5.1 As an extension of time application, the key issue to consider is whether there has been any material change in circumstances since the previous approval.
- 5.2 The opinion of SDPHE is that there has been no such change in circumstances; shifts in the Policy context have not affected the acceptability of the proposal, nor has the construction of the replacement Spiceball Centre.
- 5.3 The proposed building will be more prominent than the existing car park, but given the context, it is not considered to have an adverse impact on the visual amenity of the area.
- 5.4 The proposal is also not considered to be detrimental to the free flow of traffic and highway safety.
- 5.5 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) SC 1_4A (Time for implementation – NB **5 years**)
- 2) SC 2_6AA (Materials to match)
- 3) That the proposed metal work shall be painted dark green (RAL 6005). Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with government advice in PPS1: Delivering Sustainable Development and Policies C28 and C29 of the adopted Cherwell Local Plan 1996.
- 4) That the proposed timber cladding shall be stained to match the existing timber cladding on the car park. Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with government advice in PPS1: Delivering Sustainable Development and Policies C28 and C29 of the adopted Cherwell Local Plan 1996.

- 5) That prior to the commencement of the development, full details of the means of drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be implemented prior to the first use of the additional parking created. Reason – To ensure that the development is served by proper arrangements for the disposal of surface water and to comply with government guidance in PPS25: Development and Flood Risk, and Policy ENV1 of the adopted Cherwell Local Plan 1996.
- 6) That prior to the first use of the additional parking created, additional disabled parking spaces shall be provided on the ground floor of the car park in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority and such spaces shall be retained thereafter. Reason – To ensure that sufficient disabled parking spaces are provided for the shopping centre in accordance with Policy T4 of the South East Plan 2009.

Planning Notes

- 1) T1 – Third party rights
- 2) The Environment Agency advises the applicant to sign up to their flood warning direct service to ensure that the car park is closed during a flood event. This will stop vehicles being damaged during a flood event and users becoming stranded. Please visit their website for further information: <http://www.environment-agency.gov.uk/homeandleisure/floods/38289.aspx>
- 3) British Waterways have advised that the applicant should contact their third party works engineer, Neil Owen (07824 623 812) in order to ensure that any necessary consents are obtained and the works are compliant with British Waterways' 'Code of Practice for Works affecting British Waterways'.

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 the character and appearance of its surroundings, including the historic significance of the Oxford Canal and has no undue impact on highway safety. As such, the proposal is in accordance with government guidance set out in PPS1: Delivering Sustainable Development, PPS5: Planning for the Historic Environment, PPG13 – Transport and PPS25: Development and Flood Risk. In addition, the proposal is considered to be in accordance with Policies T4 of the South East Plan 2009 and Policies C28, C29 and ENV1 of the adopted Cherwell Local Plan 1996. For the reasons given above and having proper regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to the conditions set out.

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