

**Land Adjacent To The South Multi-storey Car Park  
Castle Quay South Multi Storey Car Park  
Castle Street  
Banbury**

**18/01101/F**

**Applicant:** Cherwell District Council

**Proposal:** Erection of 2no brick substation buildings adjacent to the south multi-storey car park at Castle Quay Shopping Centre

**Ward:** Banbury Grimsbury and Hightown

**Councillors:** Cllr A Beere  
Cllr Claire Bell  
Cllr Shaida Hussain

**Reason for Referral:** *Cherwell District Council is the applicant*

**Expiry Date:** 24 August 2018      **Committee Date:** 23 August 2018

**Recommendation:** Approve

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**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located towards the centre of Banbury, adjacent to Castle Quay Shopping Centre to the west and immediately south of the multi-storey car park which serves this. The site is split in two parts. One part, furthest to the west, currently serves 3 outdoor car parking spaces and the other part is currently occupied by landscaping.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The applicant seeks planning consent to erect two electrical substations to the south of the Castle Quay Shopping Centre multi-storey car park. Both substations would be built in brick to a height of 2.7m, with a total gross external area of 46.4sqm. The substations would also feature metal doors and a concrete roof with asphalt coating.

**3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/01601/OUT	Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated	Application Permitted

works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road

17/00284/REM	Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.	Pending Consideration
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#### **4. PRE-APPLICATION DISCUSSIONS**

4.1. No pre-application discussions have taken place with regard to this proposal.

#### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 06.08.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

#### **6. RESPONSE TO CONSULTATION**

6.1. 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.

##### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BANBURY TOWN COUNCIL: **No objections**

##### STATUTORY CONSULTEES

6.3. OCC HIGHWAYS: **No objections** – although the proposal does lead to the loss of 3 parking spaces in addition to 9 parking spaces also granted to be lost as part of another development.

##### NON-STATUTORY CONSULTEES

6.4. OCC ARCHEAOLGY: **No objections**

**7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. 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 2031 Part 1)

- BSC 9 – Public Services and Utilities
- ESD15 - The Character of the Built and Historic Environment
- Banbury 9 – Spiceball Development Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- ENV1: Pollution control
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development

7.3. Other Material Planning Considerations

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

**8. APPRAISAL**

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

Principle of development

8.2. Policy BSC 9: Public Services and Utilities states that the Council will support proposals which involve new or improvements to public services/utilities if they are required to enable the successful delivery of sites and where they accord with other relevant policies in the Plan.

8.3. Furthermore Policy Banbury 9 states that off-site improvements to the utilities network may be required in order to assist the infrastructure needs of the Spiceball Development Area.

8.4. The applicant states that the proposal will assist the delivery of the Spiceball Development Area through the provision appropriate infrastructure, with additional electrical capacity required in order to deliver site specific objectives.

- 8.5. Having regards to the nature, scale and purpose of the proposal, and its siting and context, the proposed development is considered acceptable in principle subject to further considerations in terms of visual and residential impact and highway safety discussed further below.

#### Design and impact on character of area

- 8.6. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.7. Policy Banbury 9 states that development proposals should comply with Policy ESD15 of the CLP 2031 Part 1, states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.
- 8.8. Saved Policy C28 of the CLP 1996 further states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.9. The applicant states that the location of the substations has been chosen in order to minimise local impacts, with materials to match the adjacent multi-storey car park.
- 8.10. The proposed substations would be visible from the public realm, in particular from views within the car park, the pedestrian footway which connects Castle Street to Castle Quay and in glimpsed views from vehicles on the Castle Street roundabout.
- 8.11. However, given that they are to serve a wider infrastructure requirement, the low sensitivity of the application site adjacent to the multi-storey car park and service area of Castle Quay, and also being sited away from the main public realm points around the shopping centre, Banbury Canal and proposed CQ2 development, the current proposals are considered to be of an acceptable design and external appearance for this location.
- 8.12. Whilst the proposal would lead to the loss of an unprotected tree and some low level planting, the entrance to the multi-storey car park is already very well landscaped and officers therefore consider that this loss is not so significant as to warrant a refusal of this application.

#### Residential Amenity

- 8.13. The proposed development would be well set off its adjacent neighbours and having regards to its nature, scale and positioning; the proposed development would not result in significant harm to the living conditions of neighbouring residents. Overall, therefore, the proposed development is considered not to result in significant harm to the residential amenity of the neighbours of the site.

#### Highway safety

- 8.14. Whilst the proposal would lead to the loss of 3 parking spaces within the outside area of the multi-storey car park, the Local Highway Authority has raised no objections to the application. It is therefore considered the proposals would not have any significant impact in highway safety terms.

## Other matters

- 8.15. Whilst the site is located on an area of High Priority for Archaeology in relation to potential ground disturbance, the OCC Archaeologist finds that given the relatively small scale nature of this development, there are no archaeological constraints to the scheme. Officers see no reason to disagree with this assessment.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. Having regard to its scale, siting and design, the proposal would not have a significant adverse impact on the character and appearance of the area, residential amenity, local highway safety or archaeology. Overall the development is considered to be acceptable and would comply with national and local planning policy.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

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.

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:

- Application form
- Cover letter dated 19 June 2018
- 3706-CQ2-LJA-F0-00-DR-A-00301-P1 – Block Plan
- 3706-CQ2-LJA-F0-00-DR-A-00300-P1 – Site Location Plan
- 3706-CQ2-LJA-F0-00-DR-A-00500-P1 – Proposed Sections
- 3706-CQ2-LJA-F0-00-DR-A-00401-P1 – Proposed south east and south west Elevations
- 3706-CQ2-LJA-F0-00-DR-A-00400-P1 – Proposed north east and south east Elevations
- 3706-CQ2-LJA-F0-00-DR-A-00306-P1 – 2 Roof Level Plan
- 3706-CQ2-LJA-F0-00-DR-A-00305-P1 – 2 Level 00 Plan
- 3706-CQ2-LJA-F0-00-DR-A-00303-P1 – 1 Roof Level Plan

- 3706-CQ2-LJA-F0-00-DR-A-00302-P1 – 1 Level 00 Plan
- 3706-CQ2-LJA-F0-00-DR-A-00201-P1 – 2 Existing Ground Floor Plan
- 3706-CQ2-LJA-F0-00-DR-A-00200-P1 – 1 Existing Ground Floor Plan
- 3706-CQ2-LJA-F0-00-DR-A-00700-P1 – 3D View

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.

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