

# Agenda

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## West Area Planning Committee

Date: **Tuesday 12 December 2017**

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Time: **6.00 pm**

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Place: **Assembly Room - Town Hall**

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For any further information please contact the Committee  
Services Officer:

**Catherine Phythian, Committee and Member Services Officer**

Telephone: 01865 252402

Email: [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Louise Upton	North;
<b>Vice-Chair</b>	Councillor Colin Cook	Jericho and Osney;
	Councillor Jamila Begum Azad	St. Clement's;
	Councillor Jean Fooks	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Marie Tidball	Hinksey Park;
	Councillor Bob Price	Hinksey Park;

The quorum for this meeting is five members. Substitutes are permitted.

### Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

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# AGENDA

Pages

1 **Apologies for absence and substitutions**

2 **Declarations of interest**

3 **16/02745/CT3: Seacourt Park And Ride, Botley Road, Oxford**

13 - 120

**Site address:** Seacourt Park And Ride, Botley Road, Oxford

**Proposal:** Extension to the existing Seacourt Park and Ride to accommodate new car parking, a single storey building to provide a waiting area and toilets for customers, cycle parking, lighting, CCTV, ticket machines, new pedestrian and cycle access, landscaping together with reorganisation of the layout of existing car parking spaces, repositioning of turning circle, bus pickup and drop-off and other works incidental to the development.

**Recommendation:**

The West Area Planning Committee is recommended to:

**(a) Agree to grant planning permission for the reasons given in the report and subject to:**

1. Decision subject to confirmation from the Secretary of State that the application is not required to be 'called in' in accordance with The Town and Country Planning (Consultation) (England) Direction 2009;

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

4 **17/00860/FUL: Greyfriars Court, Paradise Square, Oxford, OX1 1BE**

121 - 158

**Site address:** Greyfriars Court, Paradise Square, Oxford, OX1 1BE

**Proposal:** Demolition of existing building. Erection of a part 3, part 5 and part 6 storey hotel, with landscaping works

in Paradise Square.

**Recommendation:**

The West Area Planning Committee is recommended to:

**(a) approve the application for the reasons given in the report and subject to the required planning conditions set out in section 13 of this report and grant planning permission subject to:**

1. The satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

**(b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. Finalise the recommended legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and

3. Complete the Section 106 legal agreement referred to above and issue the planning permission.

**5 17/02280/VAR - Land To The Rear Of 200 Woodstock Road, Oxford, OX2 7NH**

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**Site address:** Land To The Rear Of 200 Woodstock Road OX2 7NH

**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 16/00147/FUL (Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Erection of garage. Provision of car parking space, private amenity space, bin and cycle storage (amended plans)) to allow for an extension to the basement area. (Amended plans and description)

**Recommendation:**

**The West Area Planning Committee is recommended to:**

- (a) approve the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission;**
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.**

**6 17/02109/FUL: Bardwell Court, Bardwell Road, Oxford, OX2 6SX**

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**Site address:** Bardwell Court, Bardwell Road, Oxford, OX2 6SX  
**Proposal:** Partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores. Removal of trees and landscaping. (amended plans)

**Recommendation:**

The West Area Planning Committee is recommended to:

- (a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission**
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**
  - 1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

**7 17/02519/VAR: The University Club, 11 Mansfield Road, Oxford, OX1 3SZ**

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**Site address:** The University Club, 11 Mansfield Road, Oxford, OX1 3SZ  
**Proposal:** Variation of condition 2 (Development in Accordance with Approved) and removal of Condition 14 (Community Use) of planning permission 17/01144/FUL (Erection of a teaching laboratory modular building for the Departments of Zoology and Biochemistry (Use Class D1) for a temporary period of 4 years and 10 months).

**Recommendation:**

The West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report; and**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

## 8 Minutes

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To approve as a true and accurate record the minutes of the meeting held on 14 November 2017.

## 9 Forthcoming applications

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

Chiltern Line - East West Rail link - all applications	
15/03524/FUL: Oxford Spire Four Pillars Hotel, Abingdon Road, Oxford, OX1 4PS	Major application - awaiting response from applicant
17/02495/RES: Westgate Development Site Westgate Shopping Centre, Bonn Square, Oxford, OX1 1NX	
17/02893/RES: Westgate Development Site, Westgate Shopping Centre, Bonn Square, OX1 1NX	Major application
16/01220/FUL: 16 Northmoor Road, Oxford, OX2 6UP	Called in by Cllrs Wade, Goff, Landell Mills and Fooks. Linked to determination of 17/00758/FUL
16/01221/FUL: 16 Northmoor Road, Oxford, OX2 6UP	Called in by Cllrs Wade, Goff, Landell Mills and Fooks. Linked to determination of 17/00758/FUL

17/02762/FUL: Holiday Inn Peartree Roundabout, Woodstock Road, Oxford, OX2 8JD	Major application
17/01965/FUL: 22 Charlbury Road Oxford OX2 6UU	Called in by Cllrs Wade, Fooks, Goff and Wilkinson
17/02229/FUL: 12 Crick Road, Oxford, OX2 6QL	
17/02447/FUL: 8 Chadlington Road Oxford OX2 6SY	Called in by Cllrs Fry, Pressel, Upton, Tanner and Chapman
17/02537/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY	Major development: conservation area
17/02778/FUL: Land To The Rear Of 16 Chester Street Oxford OX4 1SN	called in by Cllrs Curran, Kennedy, Fry, Rowley, Price, Azad, Tanner and Tarver
17/02817/FUL: 472-474 Banbury Road, Oxford, OX2 7RG	Committee level
17/02419/FUL: Dragon School Bardwell Road, Oxford, OX2 6SS	Major application/ conservation area
17/02512/FUL: 24 Lathbury Road	Called in: Cllrs Wade, Fooks, Goff and Goddard
17/02971/CT3: 20 Girdlestone Road, Oxford, OX3 7LZ	Council application
17/02832/FUL: 276 - 280 Banbury Road, Oxford, OX2 7ED	Major development
17/02979/FUL: Wadham College, Parks Road, Oxford, OX1 3PN	Major development: conservation area

## 10 Dates of future meetings

The Committee will meet at 6.00pm on the following dates:

<b>2018</b>
16 January 2018
21 February 2018
13 March 2018
10 April 2018
21 May 2018
12 June 2018

## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.



## **Code of practice for dealing with planning applications at area planning committees and planning review committee**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

### **At the meeting**

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

### **Preparation of Planning Policy documents – Public Meetings**

4. At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### **Public requests to speak**

5. Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

### **Written statements from the public**

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

### **Exhibiting model and displays at the meeting**

7. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

8. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. The Council asks those recording the meeting:
  - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
  - To avoid recording members of the public present unless they are addressing the meeting.

### **Meeting Etiquette**

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Code updated to reflect Constitution changes agreed at Council in April 2017.**



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## WEST AREA PLANNING COMMITTEE

12<sup>TH</sup> December 2017

**Application Number:** 16/02745/CT3

**Decision Due by:** 16<sup>th</sup> February 2017

**Extension of Time:** 22nd December 2017

**Proposal:** Extension to the existing Seacourt Park and Ride to accommodate new car parking, a single storey building to provide a waiting area and toilets for customers, cycle parking, lighting, CCTV, ticket machines, new pedestrian and cycle access, landscaping together with reorganisation of the layout of existing car parking spaces, repositioning of turning circle, bus pickup and drop-off and other works incidental to the development.

**Site Address:** Seacourt Park and Ride, Botley Road

**Ward:** Jericho and Osney Ward

**Agent:** Turleys

**Applicant:** Oxford City Council

**Reason at Committee:** The application is a major application and Oxford City Council is the applicant.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) Agree to grant planning permission for the reasons given in the report and subject to:**

1. Decision subject to confirmation from the Secretary of State that the application is not required to be 'called in' in accordance with The Town and Country Planning (Consultation) (England) Direction 2009;

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for an extension to the existing Seacourt

Park and Ride to accommodate new car parking spaces, a single storey building to provide a waiting area and toilets for customers, cycle parking, lighting, CCTV, ticket machines, new pedestrian and cycle access, landscaping together with reorganisation of the layout of existing car parking spaces, repositioning of turning circle, bus pickup and drop-off and other works incidental to the development.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development;
- Site Layout and Built Form;
- Impact on Neighbouring amenity;
- Transport
- Flood Risk & Drainage
- Biodiversity
- Landscaping & Impact on Trees
- Archaeology
- Other Matters – Air Quality, Land Quality

2.3. The application has been accompanied by an Environmental Statement that considers the landscape and visual effects, impacts on ground conditions / contamination; ecology; noise and vibration; air quality; water resources and flood risk; and the cumulative effects of the proposal.

2.4. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations on balance support the grant of planning permission.

2.5. The scheme would also accord with the aims and objectives of the National Planning Policy Framework, would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 14 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

### **3. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

3.1. The proposal is liable for a CIL payment of £3,006.90

### **4. SITE AND SURROUNDINGS**

4.1. The application site comprises the existing Seacourt Park & Ride which lies to the west of the City centre and an area of open land that lies adjacent to the eastern boundary of the car park. The total site area is approximately 4.3ha

4.2. The site is bounded by the Botley Road (A420), and a three storey office building (New Barclay House) with car dealerships on the ground floor to the south; a row of detached and semi-detached housing to the south-east; agricultural and scrub land to north, west, and east.

- 4.3. The existing Park & Ride is a 794 space car park, which is accessed from the Botley Road (A40). It includes a number of internal service roads within the car park, and a vehicle turning circle for the Park & Ride buses. The car park includes a number of associated street furniture such as bus stop shelter, ticket machines, cycle parking, street lighting, and notice boards.
- 4.4. The extension to the Park & Ride site would be located on a rectangular piece of former agricultural land of approximately 2ha to the east of the existing car park. The land has not been farmed for a number of years and is categorised as Grade 4 (poor). The site is currently accessed via a single track from the Botley Road that lies between the existing Volvo Dealership and 226 Botley Road.
- 4.5. The area of land subject to the Park & Ride extension would be located within the Green Belt and is within Flood Zone 3b.
- 4.6. A copy of the site location plan is included in **appendix 1**

## **5. PROPOSAL**

- 5.1. The application is seeking permission for an extension to the existing Seacourt Park & Ride on the open land to the east. The extension would provide 685 car parking spaces, increasing the overall capacity of the facility to 1,452 car parking spaces.
- 5.2. In addition to this the layout of the parking spaces within the existing Park & Ride would be reorganised resulting in a reduction of 27 spaces from 794 to 767.
- 5.3. The extended car park would provide 10 disabled parking spaces, in close proximity to the bus pick-up and drop off area. There would also be 30 cycle parking spaces provided across the site.
- 5.4. The proposal would include a single storey terminal building (150m<sup>2</sup>) to accommodate a customer waiting area and toilets; a new pedestrian and cycle access route from the eastern part of the site onto Botley Road; a repositioned turning circle, bus pick up/drop off servicing area adjacent to the new single storey building.
- 5.5. Other ancillary works would include
  - The provision of a landscape buffer to the north, south, and east of the site together with integrated landscaping throughout the parking areas.
  - The introduction of high level lighting, CCTV, and stand-alone ticket machines
  - A ground source heat pump to provide space heating and hot water for the single storey building
  - A sustainable urban drainage system for all hard surfaced areas, and the provision of a sedum-planted green roof for the single storey building.
- 5.6. The application has been amended since it was originally submitted, although these alterations are non-material in nature and relate to the single storey building and waiting area. The changes would include

- Alterations to the materials for the single storey building, with the Glulam timber beams replaced by structural steelwork
- Alterations to the roof of the building to have a shallow pitch sedum roof
- Changes to the steps around the building
- Alterations to the proposed cycle parking

## 6. RELEVANT PLANNING HISTORY

6.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
73/01233/A_H	Construction of park and ride car park of 205 spaces, bus shelter, vehicle crossing with landscaping	Approved
93/00601/GFY	Extension to existing Park and Ride car park extending capacity from 550 spaces to 855 spaces (Amended plans).	Approved
97/01876/GFY	Extension to park and ride car park to provide 354 additional spaces, including raising of land, new planting, lighting	Appeal Dismissed  A copy of the decision by the Secretary of State is attached in <b>appendix 2</b>

## 7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
<b>Design</b>	7 (paragraphs 24, 56, 58, 60, 64, 65)	CP.1, CP.6, CP8, CP.9,	CS18		
<b>Natural Environment</b>	9 (paragraphs 79, 80, 87, 88, 89, 90)  11, 109 (paragraphs 111, 112, 118, 123, 125)	CP.11, NE.4, NE.13, NE.14, NE.15, NE.20, NE.21, HE.2	CS2, CS4, CS9, CS11, CS12		



<b>Transport</b>	4 (paragraphs 29, 32, 34, 35)	TR.1, TR.2, TR.3, TR9, TR.11	CS13, CS14		Parking Standards SPD
<b>Environmental</b>	10 (paragraphs 99, 100-104,	CP.19 CP.20, CP.21, CP.22, CP.23	CS19		
<b>Miscellaneous</b>		CP.13,	CS1	MP1	

## 8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on the 8<sup>th</sup> December 2016 and an advertisement was published in the Oxford Times newspaper on the 8<sup>th</sup> December 2016.
- 8.2. Additional information relating to Flood Risk, Transport, and Ecology has been submitted during the process, and these have been subject to further public consultation. The most recent information was submitted on the 8<sup>th</sup> November 2017. As a result site notices were displayed around the application site and an advertisement was published in the Oxford Times newspaper on the 9<sup>th</sup> November 2017. This consultation period expired on the 1<sup>st</sup> December 2017.
- 8.3. The consultation responses received in relation to the application are summarised below. Officers would make members aware that copies of all the consultation responses listed below are available to view in full on the Council's public access website.

### **Statutory and Non-Statutory Consultees**

Oxfordshire County Council (6<sup>th</sup> January 2017, 2<sup>nd</sup> and 28<sup>th</sup> November 2017)

- 8.4. Oxfordshire County Council objects to this proposal as it is contrary to policy contained within the Oxford Transport Strategy.
- 8.5. Transport: This County Council originally recommended refusal of the planning application on the following grounds:
- The proposal is permanent and therefore in conflict with our transport strategy
  - The proposals will worsen congestion on Botley Road and on the Botley Road to A34 link road
- 8.6. Following the submission of this objection, further discussions have taken place with the applicant. These discussions have been focused on addressing the second reason for refusal surrounding the technical matters of congestion on Botley Road. These matters have been resolved to an extent that the County Council does not now object on technical grounds. However, the proposal is contrary to adopted policy and therefore the objection on policy grounds is maintained.

8.7. Drainage: The majority of flood risk to this site is fluvial rather than surface water. The EA have commented on this aspect of flood risk and are satisfied with the proposals. The approach to surface water drainage is via Attenuation provided in the form of a permeable block paving system throughout the majority of the car park extension. This system has been chosen following liaison with the county council as the Lead Local Flood Authority to provide ease of maintenance, in particular following flood events. Although attenuation within the floodplain will be compromised in the event of a flood, the attenuation is capable of storing storm water from the 1:100yr plus climate change storm event within the confines of the development site. This attenuation will also provide additional flood storage in comparison to the existing ground. Oxfordshire County Council as LLFA are satisfied with this approach to surface water flooding and the proposed permeable paving and attenuation.

Environment Agency (14<sup>th</sup> January 2017, 2<sup>nd</sup> & 20<sup>th</sup> November 2017)

8.8. The Environment Agency originally requested additional information regarding the assessment of climate change allowances within the Flood Risk Assessment.

8.9. Following the submission of this information the EA are now satisfied with the information submitted relating to the planning application and have no objection, providing that planning conditions are imposed on any planning permission and are included on the associated decision notice. Without these conditions the proposed development poses a risk to people and the environment and we would object to the proposed scheme as submitted.

Department for Communities and Local Government (6<sup>th</sup> December 2016)

8.10. No comments to make on the Environmental Statement

Cherwell District Council (22<sup>nd</sup> November 2016)

8.11. No objection

West Oxfordshire District Council (23<sup>rd</sup> November 2016)

8.12. No objections. The proposal is likely to help promote more sustainable methods of travel and reduce overall car travel into the city centre

Vale of White Horse District Council (24<sup>th</sup> November 2016)

8.13. No objection to the principle of the proposal, but wishes to draw the following issues to the attention of the planning case officer:

- That special circumstances exist to set aside the presumption against the development within the Oxford Green Belt.
- That the proposed flood alleviation scheme is not adversely affected by any pumping of floodwater into the Seacourt Stream.
- That traffic generation will not adversely impact existing bus services along the Botley Road / West Way and Cumnor Hill.

- Any construction traffic management plan agreed with the developer to take account of the proposed construction activity and traffic movements at Seacourt Retail Park (phase 2) and the Botley centre redevelopment scheme, (both scheduled to start in 2017).

Oxford Green Belt Network (14<sup>th</sup> November 2016, 19<sup>th</sup> October 2017)

8.14. Objection for the reasons below

- The site is in the Oxford Green Belt where the presumption is that development is inappropriate and that the openness of the Green Belt should be preserved. We reject the idea that landscaping will somehow overcome this issue of openness. It does not; it simply seeks to hide the development from view. A terminal building, additional roads, and parked vehicles all detract from openness and thus from the basic objective of Green Belt policy.
- The site is in the floodplain and the documentation relating to flooding makes it clear that there is a high risk of flooding from fluvial sources and from run-off. Lying between the Seacourt Stream and the Botley Stream, it is difficult to think of a more unsuitable site for this kind of development. The creation of a permeable surface where the cars are parked will do little to reduce the risk from sudden downpours and overland flow, and it is difficult to comprehend how an application can be approved that requires at the same time the adoption of measures for possible emergency evacuation. It would seem that the intention is to pump floodwater into the Seacourt Stream, but this is already a part of the proposed Flood Alleviation Scheme.
- A similar application to this one was rejected both by a planning inspector and by the Secretary of State in 1999. It is hard to know what has changed in the last 17 years since, if anything, the danger from severe flooding has increased as a result of global warming.
- It is argued in the supporting documents that the demand for parking is growing and will grow further because of the attraction of the new Westgate Centre. Evidence can be found to suggest that the existence of park and ride, by encouraging people to use their cars, not only adds to congestion on local roads, but also competes with and undermines rural bus services.
- The proposed development would seem to be un-neighbourly to those residents of the Botley Road who will find themselves virtually surrounded by moving and parked vehicles and experience the pollution and noise associated with these vehicles.

CPRE Oxfordshire (28<sup>th</sup> November 2017)

8.15. Objection for the following reasons

- The proposed parking and ride extension is located in the Green Belt, an area which should be protected from development to ensure that Oxford retains its unique character and setting

- The Green Belt is most needed where it is adjacent to built-up areas in preventing urban sprawl
- The proposed type of development which is basically for a car park cannot possibly justify the proposed change from open countryside
- This sort of development would set an appalling example for the Council in seeking to protect the countryside around Oxford and make it much more difficult to oppose other unsuitable applications
- The land in question forms part of the natural flood plain of Oxford and has flooded in the past. Flooding is becoming an increasing problem with Global warming and land of this sort should not be built on.

8.16. For the reasons outlined below there does not appear to be any of the exceptional circumstances which are required to justify constructing a car park on the Green Belt

- The County Council is intending to increase the amount of park and ride available on other sites further away from the City centre.
- The opening of the new rail link from Bicester to Oxford later this year will reduce the need for car parking for visitors
- The proposal does not form part of the Council's own strategy for reducing car travel in the city

8.17. In light of the above, the requirement to preserve the Green Belt overreaches any perceive need to extend the Park and Ride car park and this application should be refused.

Oxford Preservation Trust (5<sup>th</sup> December 2016, 6<sup>th</sup> October 2017)

8.18. At a time when large scale infrastructure is proposed to protect Oxford from flooding, it is considerable concern to see that the County Council (sic) proposed this development within Flood Zone 3a & 3b.

8.19. The current proposal does not meet the technical guidance on Flood Risk: the application states that in fact 'the extension to the park and ride will be at a greater risk from flooding as it is set at a lower level than the existing park and ride and new building. An emergency evacuation plan will be put in place to ensure that the site is not in use during times of flood'

8.20. The Environment Agency has recently carried out a Groundwater Flood Modelling exercise on the flood plain in this area as part of the work on the Oxford Flood Alleviation Scheme. The report states 'Given that the whole floodplain area is potentially susceptible to groundwater flooding, it is recommended that this source of flooding is considered carefully when planning any new development in the area. In particular, consideration to should be given to the potential for any excavation work to create a new pathway for groundwater to emerge from the confined sand/gravel aquifer, potentially resulting in flooding'

- 8.21. The Environmental Non-Technical Summary submitted in support of the planning application states that 'the increase in hard surfacing will reduce infiltration rates, which has the potential to impact on groundwater levels'
- 8.22. We also note that the currently proposed Oxford Flood Alleviation Scheme places 'bunds' running East to West in the area proposed for the car park extension and it is unclear how these two schemes will work together.
- 8.23. Oxfordshire County Council in its role as the Strategic Transport Authority does not support the longer-term expansion of current edge of city Park & Ride car parks and has formally objected to the application. This undermines significantly the 'need' argument.
- 8.24. In 1997, the City Council made an application for 354 additional Park & Ride spaces on part of the land covered by the current application. That application was 'called in' by the then Secretary of State and a Public Inquiry was held in November 1998. At that Inquiry, the Oxford, Swindon & Gloucester Co-operative Society Limited put forward an alternative site to the west, as shown outlined in red on the attached plan. That site was out with the Green Belt. On the basis that there was an available alternative site, the Inspector recommended to the Secretary of State that planning permission be refused. That recommendation was accepted.
- 8.25. In its original assessment of alternative sites, which it was required to do to satisfy the requirements of paragraph 90 in the Framework, the City did not even consider the Co-op land, which is still located outside the Green Belt, and part of which is designated on the Local Plan Proposals Map as additional Park & Ride. This land is only referred to in the more recently submitted material. However, the conclusion reached is that it "is not available for development" and "is also adjacent to Seacourt Stream which, combined with [adjacent scrub land], "currently forms an inherent part of the current OFAS." The Trust understands that contrary to the City Council's assertion, the Cooperative Group would be prepared to make the land available for an extension to the Park & Ride on commercial terms.
- 8.26. The Trust is also in contact with the Environment Agency (EA) about the OFAS, and has not been made aware that the Cooperative Group land in any way "forms an inherent part of the current OFAS" and even if it were, that would not necessarily preclude it from being used for car parking. A further point regarding the OFAS is that the Trust cannot find any reference in the material submitted by the City Council to suggest that it has considered the how/if the proposed development will have any implications for/effect on the OFAS.
- 8.27. At the 1998 Inquiry, the Council accepted that the 354 space scheme would "detract from the openness of the Green Belt". It is therefore untenable for the Council now to assert that a scheme for some 685 car parking spaces will "preserve the openness of the Green Belt". Moreover, it is difficult to see how the City Council can argue there will not be a material encroachment into the countryside, which brings the proposal in to conflict with one of the five purposes of the Green Belt.

In short therefore the proposal as submitted is contrary to paragraph 90 in the Framework. This means that the development is inappropriate in Green Belt terms and that consequently, the Council needs to show that there are very special circumstances sufficient to outweigh the harm by way of inappropriateness and any other harm. The City Council has not advanced a very special circumstances case and it is difficult to see how it can do so given the County Council's position.

Oxford Flood Alliance (28<sup>th</sup> November 2016, 5<sup>th</sup>, 7<sup>th</sup>, 19<sup>th</sup> December 2016, 5<sup>th</sup> October 2017, 29<sup>th</sup> & 30<sup>th</sup> November 2017)

- 8.28. The development is incompatible with the NPPF and breaches the Oxford Core Strategy. The applicant has sought to construct a process outside the NPPF, which is described as 'akin' to the Sequential Test and Exception Tests used under NPPF. This is not a legitimate process and is inconsistent with the spirit and letter of planning where flood risk is involved. To allow this application would set a very bad precedent for the future. Once a car park is constructed the site becomes brownfield. In a few years' time, when it's not needed as a car park anymore, no doubt we'll see a proposal coming forward to put a warehouse on it. And so another bit of flood plain gets nibbled away.
- 8.29. The FRA fails to assess the actual frequency of flooding at the site, and certainly understates this to a considerable degree. It fails to take account of the effect frequent flooding will have on the porous pavement proposed for the site which renders the modelling of run off rates redundant. No proper consideration has been given to the compatibility with the Oxford Flood Alleviation Scheme and the potential for the site to increase hazard during a major flood has not been adequately addressed.
- 8.30. On grounds both of principle and practicality this proposed scheme should not be allowed to proceed.
- 8.31. The City Council Executive Board papers for 15 December 2016 include proposals for removing 270 parking spaces at Redbridge to accommodate a new waste transfer facility. It appears there is excess capacity at Redbridge P&R. The analysis of occupancy of Redbridge and Seacourt P&Rs included in the Executive Board papers show that there is existing spare capacity at Redbridge, and but for the planned waste facility this could relieve Seacourt during the week.
- 8.32. There is also capacity at both car parks sufficient to adsorb expected increases in weekend traffic once the Westend development completes.
- 8.33. The Planning Statement for the Seacourt extension makes no mention of the surplus capacity available at Redbridge. The review of Redbridge in the 'sequential test' simply says that there is limited scope to 'expand' Redbridge. There is clearly scope to redirect surplus traffic from Seacourt to Redbridge, which might be achieved at no cost simply by use of differential pricing.

- 8.34. In the Seacourt application we're told Seacourt has to expand because there isn't an option at Redbridge. But the Redbridge proposal is using the possible expansion of Seacourt to justify closing parts of Redbridge. So the need to expand Seacourt is at least in part being created by the Council's wish to re-purpose part of the Redbridge site.
- 8.35. Given the existence of sufficient capacity to deal with any increased weekend traffic related to the West end, the arguments for the extension, contained in 3.20 of the Planning Statement, appear extremely general. The justification for this move appears to rely wholly on longer term projections about potential increases in traffic resulting from a growth in the city and county during the next 15 years. Such needs should be addressed through a strategic planning process.
- 8.36. OFA understand that the Council has to increasingly rely on the revenue it earns, and perhaps the real, unstated reason why this proposal has come forward is financial. The capital cost has now doubled from the original budget to £4.1m. Extra income from the extension, assuming rates increase from £2 to £3 a day, is projected at £160,000 a year according to the Executive Board papers. Even assuming this revenue is achievable the investment would take more than 26 years to pay back, and that is without discounting for the cost of capital. If, as we believe is likely, the site floods regularly, has to be closed part of the year, and faces significant maintenance costs, the payback period will be much longer.
- 8.37. Supplementary documents were published on the Council planning website on 25 August 2017 for public consultation, with the consultation period set to end on 4 Oct. The supplementary documents do provide some of the data missing in the original submission, and the Applicant concedes some of the points raised by OFA and others. However, the Applicant has still failed to provide a satisfactory response to a number of critical points raised by us in our original objection to the proposal.
- 8.38. Our grounds for objecting are:
- The proposed development is in conflict with the National Planning Policy Framework on flood related development, and if approved would establish a dangerous national precedent.
  - The Applicant has failed to demonstrate that the site could be operated in a safe manner.
  - The applicant fails to demonstrate that the development will not interfere with flood flows in the area, which is of particular significance given the planned Oxford Flood Alleviation Scheme. We believe the development represents a significant flood risk.
- 8.39. The Oxford Flood Alliance has reviewed the further documents including the Planning Statement Addendum and Flood Risk Assessment submitted in November 2017 and still consider that the development is incompatible with the NPPF's guidance about Flood Zone compatibility. The proposed car park is not intended to be operational in times of flooding, and does not 'cross' the floodplain. It therefore cannot be classed as 'essential infrastructure' in the sense that the NPPF uses that term.

- 8.40. The attempts by the Applicant to apply the Sequential Test and Exception Tests under NPPF are inappropriate, and inconsistent with both the spirit and the letter of planning regulations where flood risk is involved. These are tools to support strategic planning, not instruments for justifying a short term solution to address a perceived emergency where options are constrained by lack of adequate strategic forethought.
- 8.41. Even if the 'essential infrastructure' argument were to be accepted - and it is so weak it was not even made in the original application - the proposal does not pass the Exception Test. We believe the development would reduce the flood plain capacity, and could significantly increase risk at times of major flooding, and even in times of lower-level floods, if cars are washed out of the car park and block the river channel underneath the nearby Botley Bridge, thereby obstructing water flowing out of the floodplain north of Botley Road.
- 8.42. Proper consideration has not been given to the compatibility of the car park with the proposed Oxford Flood Alleviation Scheme now in development. Oxford City Council as sponsor of both schemes needs to consider potential conflicts between the projects very carefully if OFAS is not to be compromised.
- 8.43. As Sir Michael Pitt urged, national planning policy needs to be applied 'rigorously'. The suggestion from the Applicant that NPPF need not be applied 'mechanistically' we find deeply worrying. Approval of this application would set an extremely serious national precedent.
- 8.44. OFA also consider that the revised Flood Risk Assessment includes a significant number of revisions that seek to address points previously raised by the Alliance and others. Some of the amendments represent concessions and therefore weaken the overall case of the Applicant. Others seek to deflect criticism which the applicant cannot afford to concede without their whole case collapsing.
- 8.45. Finally the Planning Statement Addendum underestimates the potential usefulness of Redbridge in meeting demand. The Alliance conclude that Redbridge is generally reached more quickly from the south than is Seacourt, and that were Seacourt to be extended, that would be even more the case. Thus Redbridge, where there is existing excess capacity (see below) is a good option for traffic from the south. Real-time signage on the northbound A34, showing available spaces at Redbridge (and Seacourt) would allow drivers to make a rational choice (signs placed after leaving the A34 / ring road miss the point).

The Oxfordshire Badger Group (21<sup>st</sup> December 2016, 6<sup>th</sup> October 2017, 2<sup>nd</sup> November 2017, 1<sup>st</sup> December 2017)

- 8.46. The Oxfordshire Badger Group would like to record their strong objection to this application on the grounds that it fails to protect and recognise the importance of this Green Field site for wildlife including bats, birds and badgers and is in contravention of the Council's own Biodiversity Action Plan (2015-2020), the Oxford Core Strategy (Policy CS12) and the NPPF (Para 109).



- 8.47. Our objection focuses on the following:
- The inadequate badger survey by WYG which we believe does not inform the planning process
  - The lack of adequate mitigation for the loss of badger setts and foraging area and net gain in biodiversity is not demonstrated.
- 8.48. It is difficult to see how Oxford City Council by extending the Seacourt Park and Ride on this unspoilt Green Field site complies with its own policies on protection for the natural environment. The impact of this development on wildlife has been woefully underestimated. If this area is lost to this deeply flawed application, then it will define the City Council as willing to sacrifice our dwindling natural environment and wildlife for short term financial gain.
- 8.49. We would like to add the following comments on the supplementary information:
- The claims in the addendum 4.28 that ‘the proposed development in this part of the Green Belt would not significantly alter the level of built development’ and will ‘preserve the openness of the site largely in an urban context’, show a complete lack of understanding of the importance of the water meadows along Botley Road which are part of the mosaic of important habitats for Oxford’s dwindling wildlife. The fields around Seacourt have been harvested for many years and the scrubland and wood have been left relatively undisturbed. The area has been home to an important group of badgers for many years and though described by the Council’s ecologists as ‘sub-optimal habitats for sett construction’, the badgers would disagree. Badgers are losing habitats because of development all over Oxford and the fact that a number of setts have been recorded in the area around Botley Road for many year’s shows that the badgers find this site a conducive habitat. They survive the flooding but will find it difficult to adapt to concrete.
  - The fact that WYG have found new setts on each of their visits points to how important this site is as a wildlife habitat. The most recent survey by WYG was in November 2016 (although this was a year ago) and it is clear that many of the setts show different levels of activity at different times of the year. There has been an expansion of a main sett onto the site and the development will impact on this and take a large area of foraging away from badgers.
  - The mitigation proposed is woefully inadequate:’ A high closed board fence should be installed along the eastern perimeter of the site and set into the ground to reduce disturbance during construction works’. The disturbance to badgers and other wildlife will be unacceptable. An open, undisturbed meadow will become a building site. A proposal that ‘landscape should incorporate native and wildlife friendly planting to provide habit and foraging for badgers’ is fantasy. Is wildlife meant to dodge the hundreds of cars parked or floating depending on the weather and brave the 24/7 lighting. There is no net gain for biodiversity – for the badgers and bats, just loss of an important habitat.
  - WYG refer to a conversation with the W.Berkshire Group in January 2016. Coincidentally the Oxfordshire Badger Group spoke to WYG in January 2016

about the omission of setts in their report (transcript included in OBG expert report) WYG informed OBG at the time that they were waiting for the flood waters to recede before carrying out another survey.

- 8.50. By persisting with its attempts to build on this site, Oxford City Council is showing a disregard for planning rules and is demonstrating that instead of having a coherent and realistic long term plan to deal with inadequacies in transport infrastructure and better facilities for visitors and residents, it is willing to sacrifice Green Belt and concrete over Flood Plain for a short term fix. The doubling of the capacity of a car park on Flood Plain is not the answer and will destroy irreplaceable water meadow that is rich in biodiversity and provides the green lungs for local residents. Botley has been the subject of poor planning decisions by the Council for years which has resulted in the loss of floodplain and exacerbated the severity of flooding in recent years. The Council is now trying to fix its own mistakes with a £120 million flood scheme. To allow this scheme to extend the Park and Ride will just compound the problems and will bring more shame on the Council. Oxford residents and wildlife deserve better.
- 8.51. The Environmental Statement Main Report posted on 9 November 2017 does not change our previous comment. There is no additional compensation or mitigation for badgers. In fact in 8.81 there is still no recognition of the importance of the sett immediately adjacent to the site and the extension of this sett with a new hole which opened in the summer on the proposed site despite a survey having been carried out in October 2017. This is strange given the Environment Agency see this as main sett and are doing all they can to save it in their plans for the Flood Alleviation Scheme. They are keen to preserve the species rich copse where the sett is located and had proposed building a bund around it. Unfortunately the Council did not support this idea, instead preferring a bund immediately behind the houses on Botley Road which is not in the best interests of the badgers or local residents. It could be said that the Council are failing in adhering to their own Biodiversity Plan objectives to 'act as a responsible landowner and manager for the purposes of conserving and enhancing biodiversity'. The recent clearing of the site is testimony to this
- 8.52. The recent report is still putting forward the claim that there will minor adverse impact on badgers' and that badgers are not noted to be using the hedgerows for foraging. However has bait marking been carried out to determine this? As the ecologists are based in London regular monitoring does not seem to have been possible and there is still a lack of understanding of how the badgers use this area and have thrived over many years despite the almost annual flooding.
- 8.53. There is still no net gain for badgers, just loss. They lose their foraging area and will have a 24/7 car park next to their sett. The claim that there will be 'a minor adverse impact on badgers is not borne out by fact
- 8.54. In 8.116 a vehicular access within 50 metre of the badger sett is proposed. Does this relate to the main sett adjacent to the site? Mitigation is still woefully inadequate.

- 8.55. The additional information seems to recycle the material covered in previous reports and one wonders how much all these reports are costing the Council and the council tax payers. There is no 'exceptional case' for the extension of the Park and Ride onto this Green Belt site and the Council in continuing to push for this scheme, is overriding its own policies and the views of its own residents.

Oxford Civic Society (25<sup>th</sup> November 2017)

- 8.56. Oxford Civic Society shares the concerns expressed by those who have posted public comments. We recognise that relieving congestion on the Botley Road and making the Park and Ride bus service more efficient are important objectives. Improved Park & Ride facilities on the western edge of Oxford should help to achieve these objectives. Atmospheric pollution in the Botley Road and the central area more generally could be reduced with consequent benefits for public health. However, the existing, traffic light controlled entrance to the Seacourt Park and Ride from the Botley Road is itself a major cause of congestion. For that reason, the alternative of an entry to the Park and Ride from the A420/A34 roundabout should be considered and this would also permit safety improvements for cyclists and pedestrians at the dangerous junction opposite McDonald's.
- 8.57. Although the planning statement addendum published on 9 November 2017 does deal satisfactorily with some matters, it does not satisfy the NPPF policy that no permanent development should be located in the category 3b flood zone. That policy is important and it is grounded in sound arguments. We therefore recommend that the present application should be refused. In order to achieve the transport, clean air and health objectives mentioned above, other ways of increasing the capacity of the present site or introducing alternative sites should be prioritised.

Historic England (12<sup>th</sup> September 2017, 17<sup>th</sup> October 2017)

- 8.58. No comments to make

Natural England (28<sup>th</sup> October 2017, 4<sup>th</sup> November 2016, 18<sup>th</sup> September 2017, 23<sup>rd</sup> November 2017)

- 8.59. No objection. The proposal is unlikely to affect any statutorily protected sites or landscapes. The application has not been assessed for impacts on protected species. The Natural England standing advice should be applied in this instance.
- 8.60. The proposed amendments to the application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Westgate Alliance (2<sup>nd</sup> February 2017)

- 8.61. The Westgate Alliance support this application.

- 8.62. Given the constrained nature of car parking in the city centre and near to the retail core, it is important that both capacity needs and customer expectations on service and convenience when using alternative methods of transport are met. This is especially important given the opening of the new Westgate in October of this year. The impact of increased visitors from within the existing catchment and from an expanded sub-regional catchment to the centre will increase the demand for Park and Ride services.
- 8.63. Recent research into the Park and Ride services, carried out by the Alliance through focus group use of all five park and ride sites, suggests that the quality of facilities and ease of use found at the Park and Ride car parks are very important factors affecting customer experience. The existing Seacourt facilities are not as good as those found at other Park and Ride car parks and therefore we would welcome the improvement through the addition of a waiting area, providing shelter in a safe and welcome environment.
- 8.64. Seacourt Park and Ride is a convenient site for shoppers due to distance from the ring road and journey times to the centre and as such we would support additional parking provision in this location. With better facilities and greater parking provision this development could provide additional overall capacity to the city. It is important that Oxford can capture as much of the benefit that the Westgate development brings and by improving customer and visitor experience of people's journey into the City will help to allow this to happen, encouraging repeat visits.

Oxford Friends of the Earth (29<sup>th</sup> December 2016)

- 8.65. Objection. The proposal is not appropriate response to Oxford transport problems. This land is within the flood plain, and is within Green belt designation. It is valuable land for nature being homes to protected species including bats and badgers. If there is a need for more parking then consideration should be given to a second layer as with the Oxpens car park.

Oxford Bus Company (1<sup>st</sup> December 2016)

- 8.66. Oxford Bus Company is supportive of the proposal to increase the Park and Ride site at Seacourt. The site provides a unique location within the park and ride network in Oxford by being the only P&R to the West of the city.

We would request that the applicant clarify the following issues:-

- Confirm site layout to allow buses out of the site in the evening peak to bypass cars exiting the site;
- Demonstrate the turning circle can easily accommodate a 15m vehicle
- Although once these technical issues are resolved, we support the application for the following reasons:-
- Demand in the city will grow due to additional housing and employment in and around the city. In addition the development of a workplace parking levy may also lead to additional demand for P&R provision;
- The site can be developed well in advance of the adoption o the Oxford Transport Study;

- The Oxford Transport Strategy is un-adopted and uncertain with little analysis and work undertaken in the feasibility of some of its major proposals;
- There are no agreed construction sites or agreed roll out for outer park and ride sites;
- The provision of BRT and outer park and ride sites are uncertain. In addition there is no costing, funding or permissions on place to deliver on a similar timescale to Seacourt;
- The provision of additional capacity at Seacourt is at a well-established site and will be convenient to users reducing mileage to other alternative locations freeing up the network.
- The Seacourt site can be developed and compared to other longer term options can be delivered relatively cheaply – for example utilising existing services.

Mid-Counties Co-Op (5<sup>th</sup> October 2017)

8.67. The Mid-Counties Co-op object to the application. In essence, the City Council's case, as set out in its original submissions and the more recent responses to statutory and non-statutory objections, is that:

- there is an overriding need for additional Park & Ride capacity at Seacourt; and
- there is no available or viable alternative to the submitted scheme; and that consequently
- this satisfies the third bullet under paragraph 90 of the National Planning Policy Framework ("the Framework") i.e. it is local transport infrastructure which can demonstrate a requirement for a Green Belt location; and which in turn means that
- the proposal is not "inappropriate development" in Green Belt terms, because, in the City Council's view, the application scheme maintains the openness of the Green Belt and does not conflict with the five purposes of the Green Belt.

8.68. The Co-op is not persuaded by these arguments.

8.69. On the first point, Oxfordshire County Council in its role as the Strategic Transport Authority does not support the longer-term expansion of current edge of city Park & Ride car parks and has formally objected to the application. This undermines significantly the City Council's 'need' argument.

8.70. On the second point, in 1997, the City Council made an application for 354 additional Park & Ride spaces on part of the land covered by the current application. That application was 'called in' by the then Secretary of State and a Public Inquiry was held in November 1998. At that Inquiry, the then Oxford, Swindon & Gloucester Co-operative Society Limited put forward an alternative site to the west, as shown outlined in red on the attached plan. That site was out with the Green Belt. On the basis that there was an available alternative site, the Inspector recommended to the Secretary of State that planning permission be refused. That recommendation was accepted.

- 8.71. As to the third point, in its original assessment of alternative sites, which it was required to do to satisfy the requirements of paragraph 90 in the Framework, the City did not even consider the Co-op land, which is still located outside the Green Belt, and part of which is designated on the Local Plan Proposals Map as additional Park & Ride. This land is only referred to in the more recently submitted material. However, the conclusion reached is that it “is not available for development” and “is also adjacent to Seacourt Stream which, combined with [adjacent scrub land], “currently forms an inherent part of the current OFAS.”
- 8.72. The City Council’s planning agents assert that the Co-op is not prepared to make its land available make the land available for an extension to the Park & Ride. This is not the case: the Co-op is prepared to discuss commercial terms with the Council.
- 8.73. The Co-op is also in close and regular contact with the Environment Agency (EA) about the OFAS. The Co-op does not accept that its land “forms an inherent part of the current OFAS” and even if it were, that would not necessarily preclude it from being used for car parking. Moreover, the Co-op doubts that the EA could use Compulsory Purchase powers to secure the land.
- 8.74. A further point regarding the OFAS is that the Co-op cannot find any reference in the material submitted by the City Council to suggest that it has considered the how/if the proposed development will have any implications for/effect on the OFAS. This is a serious and material shortcoming of the scheme as submitted and one that must surely be addressed before the application is determined.
- 8.75. On the fourth point, at the 1998 Inquiry, the Council accepted that the 354 space scheme would “detract from the openness of the Green Belt”.<sup>4</sup> It is therefore untenable for the Council now to assert that a scheme for some 685 car parking spaces will “preserve the openness of the Green Belt”. Moreover, it is difficult to see how the City Council can argue that a 685 space car park will safeguard the countryside from encroachment – there will be a material encroachment into the countryside, which brings the proposal in to conflict with one of the five purposes of the Green Belt.
- 8.76. In short therefore the proposal as submitted is contrary to paragraph 90 in the Framework. This means that the development is inappropriate in Green Belt terms and that consequently, the Council needs to show that there are very special circumstances sufficient to outweigh the harm by way of inappropriateness and any other harm. The City Council has not advanced a very special circumstances case and it is difficult to see how it can do so given the County Council’s position. On any reasonable view, this application is at odds with the Framework should be refused.

### **Public representations**

- 8.77. Letters of comment received from the following addresses: 52 Austin Place, Dunmore Farm, Abingdon; 122 Abingdon Road; Pin Farm Cottage, Barleycott Lane; 69, 108 Bridge Street 192, 210, 212, 214, 224, 216, 226 Botley Road; 72 Church Street, Kidlington; 30 Cope Close; 21 Dove House Close; 5, 11

(Marlborough Court), 24, 25, 31, 35 Duke Street; 55 East Avenue; 135 Eastern Avenue, Milton Park, Abingdon; 3 Folly Bridge (Swan Cottage); 20 Helen Road; Hinksey Hill Farm; 25 Maple Close; Manor Road, South Hinksey; 7 Montagu Road; Middle Cottage, Fyfield; 131 Southern Bypass; 78 High Street, Shoreham; 29 Webbs Way, Kidlington; Elmacres, Church Westcote, Chipping Norton; 3 Jemmetts Close, Dorchester-on-Thames; 11 New Road, Kingham; 13 Winslow Road, Little Horwood, Milton Keynes; 16 Third Acre Rise; 40 West Street; 1 The Cottages, South Hinksey; Minerva Chambers; B Willmore; Mr G Campbell; Mr M Sandham; N Blackwood MP; D Mullar; L Moran MP; A Dodds MP

The main points raised were:

#### Green Belt

- The site is in the Oxford Green Belt
- The proposal involves the development of Green Belt land which protects the environment of Oxford from the effects of urban sprawl. There is a presumption against any development on Green Belt land which the city council seems determined to ignore.
- This proposal would seem to be the thin end of the wedge and is as ill-considered as the approval given to the Castle Mill development.
- The application contravenes Oxford City Council's Core Strategy policy regarding development on greenfield sites designated as Flood Zone 3, and does not fit the legal criteria for building on the Green Belt.
- It would be contrary to Core Strategy Policy CS2 and CS4
- The proposed development is inappropriate development within the green belt and does not preserve its openness or demonstrate a requirement for such a location
- There are no very special circumstances to justify releasing this Green Belt land for development, and the claim that alternative options have been explored is false.
- The Council needs to appreciate its open spaces, instead of maximising profits from every scrap of council land.

#### Ecology

- Open spaces are being lost at an alarming rate, this is harmful to people and our valued wildlife. There are Badges on this land and this will mean a loss of their habitat and this will be a loss to us in the long term.
- The environmental impact would not be negligible. Casual observers have noted approaching forty species of birds, some nesting, as well as badgers, deer and foxes both in and on the land adjacent to the existing P&R. Habitats and species would be lost by attrition.
- The EIA's presumption that the habitat would be recoverable is difficult to believe: 'when it's gone it's gone'.
- The development is completely at odds with the objectives of the Councils Biodiversity Action Plan
- The applicant has failed to mention that the intended development site has two special designations – Conservation Target Area, Habitat of Principal Importance

## Flood Risk

- The development would be contrary to National Planning Policy
- The development would be located within the functional flood plain (Flood Zone 3b)
- The National Planning Policy Framework only allows for development in Flood Zone 3 in exceptional cases; arguably, extension to a car park is not an exceptional reason.
- The development needs to have passed an 'exceptions' test before it can be approved
- The proposal is local transport infrastructure but it needs to be 'essential' before it could be put to an exceptions test
- This part of West Oxford is especially sensitive to the risk of flooding.
- The site sequential test is inadequate.
- The extension will increase the possibility of floodwater being directed elsewhere (i.e. properties in the area)
- The porous surfacing will not make any difference in a flood event
- If permission is granted the surface level should be set one metre below the level of the surrounding flood plain so it floods before properties in West Oxford
- The development will increase the frequency and severity of flooding, as it did when the Park and Ride was last extended. The land has flooded significantly at least in alternate years, and twice in the last four years the area proposed for the extension was under water for more than 10 weeks.
- None of the documents show the effects of increased water drainage into Bulstake Stream. The proposed 'raised mounds' will direct more water into this channel, which is already at saturation point and a threat to Duke Street.
- The flooding of this car park will place pressure on the other park and rides to accommodate parking at times of a flood event
- There would be a danger to life and property in times of flood from vehicles stranded in the car park
- The proposal to build the car park 1m lower than the existing car park will mean that it floods for most of the year. The surrounding gardens of residential properties were under water for 90 days during the floods
- The EA Flood Alleviation Scheme includes plans to construct the northern head of the new conveyance on the same area of land. This will interfere with this scheme
- The proposal will destroy wetland habitat
- The proposal could create a 'death-trap' in times of flooding
- The emergency evacuation plans are irresponsible and dangerous.
- The Environment Agency Transparency data shows that the Environment Agency have objected due to an inadequate FRA.
- The planning application uses out-of-date, inaccurate drawings of the OFAS to imply that the two schemes could work side-by-side.
- The plan includes a 'floodplain compensation area' in the form of a pond to the north of the car park, next to Seacourt Stream. This is inadequately scoped and unlikely to be effective, because it is so low-lying that it will be completely filled with water year round, rather than just during a flood.
- There is a potential for the site to be flooding from groundwater

## Traffic



- The extension will hugely increase traffic on the Botley Road with an extra 794 cars trying to get in and out of the car park.
- The application has not demonstrated need for the extension
- The provision of decking has not been properly considered
- It will place pressure on the junction where cars turn on and on to the Botley Road and impact on local residents journey at peak time
- The park and ride should be located outside of any residential area and ring road
- Increased traffic to the site will add to the delays already experienced by those entering Oxford; it will worsen the queues along the A420 and the A34 and at the Botley Interchange.
- A single exit to the car park will also mean it taking longer for cars to leave, and the greater number of vehicles leaving the car park will further delay traffic travelling west out of the city.
- The proposal will encourage the use of the private car and so cannot benefit from the presumption in favour of sustainable development
- The proposal will conflict with the County Transport Plan which seeks out of town park and ride sites and the reasons given on behalf of the city are unsound and fail to understand the comprehensive nature of the county plan.
- The suggestion that 6% growth of traffic on the A34 could be accepted cannot apply to a road network already operating at over capacity where the impacts would be non-linear.
- Creating significantly more congestion on the A34 and its junctions would be extremely harmful to the growth strategy (supported by the City Council and LEP) along the knowledge spine from Begbroke to Science Vale (ie the A34).
- Increased congestion would be harmful to any prospect of an Oxford to Cambridge Expressway that itself would increase traffic and congestion on the A34
- It does not make sense to say that there is a requirement to increase the capacity at Seacourt, and at the same time state that the capacity at Redbridge could be reduced by '250 spaces'.
- The building upwards on existing park and ride is a viable option
- There needs to be adequate cycle parking spaces. There needs to be more than 50 spaces.
- The reduction of capacity at Redbridge shows the Seacourt expansion is unnecessary.
- The west way will create traffic issues and so the Botley Road needs traffic relief
- The Westgate Development Transport Assessment identifies that there is spare capacity at the other Park & Ride sites to meet the demand from that development.

#### History

- A previous application was rejected because it was in the flood plain and Green Belt
- Neither has any satisfactory explanation been made as to why alternative sites have not been seriously considered, nor why an extension is needed to a car park that is rarely full to capacity; this in the light of proposals for park and rides to be created near Eynsham and in Cumnor.

- An application made in 1997 for extension to the Park and Ride was forbidden because of the risk of increased flooding; the frequency of flooding has risen in any event since then and this proposed development will surely make it even worse.

#### Other Matters

- The development will create light pollution for the adjoining properties
- The development will create noise pollution issues to the rear of the properties in Botley Road.
- The application does not include any mitigation measures to reduce the effects of the construction of the cycle/pedestrian access route on 226 Botley Road
- The changes to the ground level on this access route could have an impact on the damp proof course of 226 Botley Road.
- The proposal will increase carbon emissions
- The application has not properly considered alternative sites
- The cost of the build and maintenance of the extension need to be disclosed
- The approval of this application will set a dangerous precedent, of national importance, for future development
- There is no proper economic analysis to support this application in terms of identifying economic demand forecasting. It is instead suggested that the economics are self-evident
- There is no proper analysis of alternative options or constraints
- The application should be paused until the outcome of the Oxfordshire County Council's Unitary Authority proposals are known
- There have been sites in the area rejected because they are greenfield and in flood zone 3b within the Oxford Local Plan 2036 – preferred options document.
- The Ground Investigation Report states that the development may require Lime Stabilisation as part the drainage strategy. No further details have been provided for this process
- The impact of lime stabilisation of the soil at the proposed site needs to be examined in close detail and over the immediate, medium, and long term before permission is granted, especially in terms of the interaction of this process with (1) run-off water risks, (2) street planting over the site, (3) ongoing maintenance costs, and (4) compensation allowances for dewatering during construction, and potentially repair, of the site.

#### Supporting Comments

- The proposed car park may well flood in extreme conditions and on these infrequent conditions it will not be available for parking
- If the surface allows the flood water to drain then there is no difference to the current situation
- The Council have considered the advantages and problems and this is a compromise solution
- Extra parking is badly needed and Eynsham is too far away to travel
- The loss of green space and protection of endangered species must be balanced against public benefit

## **Officer Response**

- 8.78. The public representations summarised above include a number of submissions from Minerva Chambers. These submissions can be viewed on the public access website, and cover the following topics
- Flood Zone 3B and Flood Risk Objections
  - Core Policy Objections
  - NPPF Chapter 9 (Protecting Green Belt Land) objections
  - Expert Economics Report
  - Green Belt Response
  - Response on Flood Risk
  - Response on Economics
  - Review of Secretary of State's 1999 Seacourt Decision
  - Grenfell Tower Principle
  - Request for pause based on impact of new Oxfordshire Unitary Council proposal
  - Environment Agency Oxford Flood Risk Objections Data 2016-2017
  - Oxford Local Plan 2036 – Preferred Options Report Implications
  - Westgate Transport Assessment Evidence
- 8.79. The applicant has provided specific responses to the Flood Zone 3b and Flood Risk Objections, Core Policy Objections, NPPF Chapter 9 Objections, and the Expert Economic Report. These responses are available to view on the public access website.
- 8.80. Section 9 of this report sets out how matters such as the core development plan policies, Green Belt, Flood Risk, Westgate Transport Assessment, Secretary of State's 1999 Appeal Decision and Economics have been assessed in relation to the proposal. However, the submissions relating to the impact of the Oxfordshire Unitary Council proposal, Grenfell Tower disaster, Environment Agency Oxford Flood Risk Objections Data 2016-2017, and Oxford Local Plan 2036 Preferred Options Report Implications have not been addressed in detail.
- 8.81. In terms of the proposal for creation of a new Oxfordshire Unitary Council, it has been suggested that any decision to grant permission for this development by Oxford City Council would be premature given a new unitary authority would take control of infrastructure planning and this site. Officers would make members aware that the emerging proposal for a unitary authority would not constitute a material planning consideration for this application and that the application must be considered and determined by the City Council on its own merits.
- 8.82. The submission regarding the Grenfell Tower Disaster suggests that Council development projects which create flash-death risk and flash death-trap risk should never be permitted. It goes on to suggest that the proposed expansion to the Park & Ride contains a flash-death risk from a car park wide flash-flood, which they consider would occur whenever heavy rainfall causes the River Thames at Oxford to overflow and flood on to the flood plain. In this event the car park could become a death-trap for people going to or from their cars in the car park with no safe exit route. In addition to this the submission has also raised

a question as to whether the additional risk of extreme rainfall flood risk at Seacourt based on the new Met Office modelling has been assessed.

- 8.83. In response officers would make members aware that Section 9 (v) of this report deals with Flood Risk & Drainage. A site specific Flood Risk Assessment has been submitted which includes upper end current climate change allowances for river flows and rainfall intensities. In terms of the risk from flash-flooding, the historical flood data for the area shows that even in a severe flood, there is a delay of 24 hours between a flood alert being issued by the Environment Agency and flooding occurring. Therefore there is no evidence that the area is susceptible to flash-flooding. The Environment Agency who is the statutory consultee for flood risk have raised no objection to the proposal on grounds of risk from flash-flooding.
- 8.84. The submissions also draw attention to the Environment Agency 'Objections to planning on the basis of flood risk' Transparency Data published on the government's web page. The web site states that the Environment Agency objected to the application due to an unsatisfactory Flood Risk Assessment on the 16<sup>th</sup> February 2017. The submission implies that the Environment Agency objected to the application in this response but draws no other conclusions from this. A copy of the consultation response from the EA dated 16<sup>th</sup> February 2017 is available to view on the Councils website. This response does not include an objection to the application but recognises that additional information on climate change allowances is to be submitted. The Applicant has addressed this response. No objection to the proposed development has been sustained by the Environment Agency.
- 8.85. Finally reference has also been made to the Oxford Local Plan 2036 – Preferred Options report published in July 2017 which rejected a number of potential target development sites in the Oxford Seacourt and Botley Road area, including Green Belt sites, recreation grounds, meadows, and public allotments on grounds that they are Greenfield sites in Flood Zone 3b. It is claimed that the approval of this application would provide a disastrous planning precedent both locally for West Oxford and elsewhere nationally.
- 8.86. The Oxford Local Plan 2036 – Preferred Option Report is an early stage document prepared for the purposes of the preparation of the City Council's emerging local plan. It is not a material document to the determination of this application to which any material weight can be attached. In any event, this report sets out a balanced assessment of the development proposal against the relevant policies of the development plan and any other material considerations in making its recommendation. The matters relating to Green Belt policy and Flood risk are addressed fully in this report. The grant of planning permission for this scheme would be taken on its own individual merits and would not justify the wholesale release of land within the Green Belt or Flood Zone 3b for the uses set out within the preferred options report therefore acceptable as all planning decisions are taken on their own merits when weighed against the relevant development plan policies and other material considerations.

## **9. PLANNING MATERIAL CONSIDERATIONS**

9.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Site Layout and Built Form;
- iii. Impact on Neighbouring amenity;
- iv. Transport
- v. Flood Risk
- vi. Biodiversity
- vii. Landscaping & Impact on Trees
- viii. Archaeology
- ix. Other Matters – Air Quality, Land Quality

**i. Principle of Development**

9.2. The National Planning Policy Framework [NPPF] includes a presumption in favour of sustainable development (paragraph 14) and recognises that the planning system has an economic, social, and environmental role in achieving this aim.

9.3. The NPPF recognises in paragraph 7 that the provision of infrastructure forms part of the economic role in achieving sustainable development. Paragraph 17 of the NPPF identifies a set of core land-use planning principles which should underpin decision-making. These include (but are not limited to) proactively supporting sustainable economic development to deliver the homes, business and industrial, infrastructure and thriving local places that the country needs; taking account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them; encouraging the effective use of land that has been previously developed; and actively managing patterns of growth to make the fullest possible use of public transport, walking, and cycling.

9.4. In terms of the general principle of development, the proposal seeks to extend the existing Park & Ride site into an area of open agricultural land to the east of the site with associated landscaping. This land is not previously developed land and would also be located within Oxford's Green Belt. Therefore these matters need to be considered in detail.

**Green Belt**

9.5. The application site is partially located within the Green Belt. The whole area of the proposed expansion to the east of the existing car park is located within the Green Belt while the area of the existing Park & Ride site including its means of access from the Botley Road falls outside of this designation.

9.6. The NPPF places great importance on Green Belts. The fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts being their openness and permanence (paragraph 79). This fundamental aim is also supported through Oxford Core Strategy CS4

which states that permission will not be granted for inappropriate development within the Green Belt, in accordance with national planning policy.

- 9.7. According to Paragraph 80 of the NPPF the Green Belt serves five purposes,:
- *To check the unrestricted sprawl of large built up areas;*
  - *To prevent neighbouring towns merging into one another;*
  - *To assist in safeguarding the countryside from encroachment;*
  - *To preserve the setting and special character of historic towns; and*
  - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 9.8. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). Furthermore when considering any planning application, substantial weight should be given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88).
- 9.9. Paragraph 90 of the NPPF states that certain forms of development are not considered inappropriate in Green Belt locations provided they preserve the openness of the Green belt and do not conflict with the purposes of including land in Green Belt. These forms of development include 'engineering operations' and 'local transport infrastructure which can demonstrate a requirement for a Green Belt location.
- 9.10. In so far as the application is concerned, officers consider that the extension to the Park & Ride would constitute an 'engineering operation' and also 'local transport infrastructure that can demonstrate a requirement for a Green Belt location'. As such, in order to comply with the NPPF it would be necessary to demonstrate that (a) the development comprised local transport infrastructure which is required to be located in a Green Belt location, (b) that it preserves the openness of the Green Belt and (c) that it does not conflict with the purposes of the Green Belt and is thereby appropriate, or, if not appropriate, that there are very special circumstances which justify the grant of planning permission in accordance with NPPF para.88.
- 9.11. The Planning Statement and subsequent addendum submitted with the application provide a detailed response to these matters in order to justify the proposal. Before they are considered in detail, officers would first make Members aware that an application for the change of use of part of the land subject to this application to provide a 354 space extension to the park and ride (GOSE/103/004/OXFO/002) was dismissed on appeal in March 1999. A copy of this decision can be found in **appendix 2** of this report.
- 9.12. The appeal was dismissed essentially for the following reasons:
- The proposed extension to the Park & Ride was inappropriate development in the Green Belt

- The development would conflict with the purposes of the Green Belt set out in PPG2 by reducing the openness, extending urban sprawl and encroaching into the countryside
- That the harm to the Green Belt would be substantial
- That the need to extend the Park and Ride would constitute very special circumstances that would justify inappropriate development in the Green Belt, if the need could not be met other than on the application site
- It had not been demonstrated that the application site is the only site available to meet the acknowledged need for an extension to the Park and Ride and therefore very special circumstances had not been demonstrated to outweigh the harm

9.13. This appeal decision is a material consideration in the determination of this application that should be taken into account in any decision. In doing so it would be necessary to bear in mind that this decision was taken prior to the publication of the NPPF and under the former Planning Policy Guidance Note 2: Green Belt.

*The requirement for local transport infrastructure in a Green Belt Location:*

9.14. In terms of need, Oxford's Park & Ride would constitute local transport infrastructure that has played a central role in the city's transport policy since the 1970's. The Oxford Local Plan recognises this role by protecting the sites within the city boundary (Peartree, Redbridge, and Seacourt) for park and ride provision including additional capacity through Policy TR9. This is also supported by Oxford Core Strategy Policy CS14 which seeks to improve the ease of access to and between the city and district centres, and other key destinations by improving the capacity and attractiveness of Park & Ride, particularly the development of remote sites closer to county towns. Oxford is a city that is constrained by the Green Belt, with a number of the existing Park & Ride sites (Thornhill and Water Eaton) located within the Green Belt.

9.15. Therefore the development plan currently contains a presumption in favour of maintaining the role of Park & Rides in terms of improving city wide movement throughout the city and supports the principle of providing additional capacity at these sites.

9.16. Existing Capacity: Seacourt Park and Ride is one of the smallest of the park and ride sites and the only one to the west of the city. The existing survey data shows that Seacourt regularly exceeds 85% occupancy and is at capacity at the busiest times during weekdays. The current peak level of demand is highly likely to be disincentivising drivers to use the existing Seacourt P&R thereby causing drivers to seek spaces elsewhere because of the difficulties finding a space, which in turn places pressure on elsewhere the network. This consequence would include driving further into the city centre, where there is a policy objective to restrict parking and reduce traffic. Seacourt P&R has experienced the greatest level of growth in the period 2013-2016 in comparison to the other two city park and ride sites namely Peartree and Redbridge. This is in part due to its positioning as the only park and ride to the west of the city and given it is at a strategic access point to the west end which comprises a number of major regeneration sites such as the Westgate development. It is therefore considered

that there is a need for expansion to P&R capacity to meet existing demand and to address the adverse effects of lack of capacity at the existing P&R now. The Applicant, who controls the application site, has confirmed that the proposed development can be delivered within one year of the grant of planning permission, which represents a considerable benefit to the proposal.

- 9.17. Future Demand: The planning statement demonstrates that there is a clear demand (existing and future) for additional capacity within Oxford's Park and Ride sites and in particular Seacourt.
- 9.18. The 1999 appeal decision (GOSE/103/004/OXFO/002) acknowledged that there was a need for Seacourt Park & Ride to be expanded. The growth throughout the city has only increased since this decision was taken.
- 9.19. The Oxford Transport Strategy (2015) estimates that job growth within and outside Oxford could result in 26,000 additional journeys within the city boundary by 2031. A proportion of these trips from the west will continue to rise as the growth (residential, business, retail, leisure and education) anticipated as a result of the level of regeneration within the city and also outside the city continues. The Department of Transport's traffic growth forecasts (TEMPro) from 2017-2031 suggests that there would be an increase of approximately 1,800 trips along the Botley Road corridor per day. This will place pressure on this radial route at peak times, which will mean users will need to use different modes of travel, to go elsewhere (putting pressures on other parts of the network) or travel at different times of the day. As such the most appropriate method of catering for this additional demand would be to increase the capacity of Seacourt Park and Ride. The proposed extension (685 spaces) would represent 37% of the forecast daily increase of demand along the Botley Road corridor. The proposal has therefore been designed to provide capacity for an even longer period of time than the 2017-2031 timeframe in the Oxford Transport Strategy.
- 9.20. The emerging Oxford Local Plan 2016-2036 Background Paper (Transport) states that the greatest number of inbound commutes and the greatest increase in the number of journeys since 2001 is from the Vale of White Horse (VoWH) (to the west of the city centre), with 10,800 commutes into Oxford, 1,100 more than in 2001.
- 9.21. The Oxford City Council Corporate Plan 2016-2026 cites two measures as helping to achieve a 'vibrant and sustainable economy.' These being working with the County Council to deliver the city's priorities in the Oxfordshire Local Transport Plan and Oxford Transport Strategy and unlock transport blockages; and investing £3.2m in improvements to the city car parks, including expanding capacity at Seacourt Park and Ride so that more people can travel into the city by public transport. The extension would also assist the Council in reaching its aim to achieve a cleaner and greener Oxford. The Oxford Strategic Partnership was formed to improve the quality of life in the city. The partnership recognises in their document 'Oxford: A World Class City for Everyone, Vision Statement, Aims, Challenges and Priorities 2013-2018' that there is a need to promote sustainable transport.



- 9.22. The Oxfordshire County Council's 'Oxford Park & Ride – Future Strategy Development' investigated the options for Park & Rides to meet the challenges resulting from the growth in employment and housing in Oxfordshire to 2031. The assessment accepted the future demand for park and ride from this growth, but proposes a major expansion and reconfiguration of the service through the provision of remote outer city sites. In response to this strategy, the City Council maintains its view that the success of the existing park and ride facilities needs to be supported and enhanced. While the potential for new remote park and ride sites should be investigated, the closure of the existing city park and ride sites would not provide the benefits set out within the strategy. This is because the evidence base supporting the strategy is weak. It assumes that there are a negligible number of commuters and visitors to Oxford that live closer to the city than the remote Park & Rides who have access to bus services in order to access the city. The reality is that there are populated areas within the proposed 'outer ring' of the city who do not have convenient access to bus services and do not wish to drive away from the city to access the new sites. The greater bus travel distances, means that there is a real risk that people will be deterred from accessing Oxford at all, or to drive into the city irrespective of the higher cost, or parking in inappropriate locations, or rent spaces on private property over which Local Authorities have not control. A strategy should therefore be developed that retains the existing Park & Ride sites alongside the remote sites which would create the benefits of 'intercepting' traffic earlier without decreasing the attractiveness of Park & Ride for commuters who live closer to the city. The strategy itself acknowledges that Seacourt Park & Ride differs from the other sites in that it serves a more local catchment area than the others across the city which draw from a medium to long-distance radius (with users typically coming from beyond the Oxfordshire boundary).
- 9.23. The County Council's strategy identified the need to provide more capacity to the west of the city along the A420 corridor by proposing a 1,200 space site at Cumnor and 1,000 spaces on the A40 at Eynsham, both of which are more remote from the City Centre than the Seacourt P&R. However, while the Cumnor site would intercept users that travel along the A420, it would be inferior to the Seacourt Park and Ride site for trips from other directions such as Abingdon, Botley, Didcot, and West Oxfordshire, who currently use this facility, and does not recognise that Seacourt has a more local catchment area. Moreover the County's programme for delivering the Cumnor site in the west of the city envisages completion between 2026 and 2031. This does not meet the current short terms demand (0-5yrs) which is needed now and will become more acute as time passes and well before any new provision at Cumnor is expected to be delivered and become operational. The delivery of Cumnor and the other remote sites is subject to fundamental risks such as land ownership, funding, and it is also within the Green Belt. The extension to Seacourt Park and Ride is a preferred option because it would build on an existing facility that is well used, is served by bus operators, and its delivery in physical and operational terms is more assured in order to meet the immediate need. It is therefore considered that the Seacourt expansion proposal is needed notwithstanding the County Council's support for a new Park & Ride at Cumnor, as part of a series of more remote sites around Oxford, or notwithstanding that there is capacity at other Park & Ride sites such as Redbridge (which is addressed further below).

- 9.24. Alternative Sites: In light of the extension being located within the Green Belt and within flood zone 3b, a detailed sequential assessment of potential alternative sites has been undertaken by the Applicant. The sequential test was undertaken in 2016 and then updated in June 2017. Officers are satisfied that the assessment is sound and reliable and demonstrates that there are no alternative sites currently suitable or available to meet the forecasted need for park and ride spaces in particular a short term period 0-5 years. The assessment also considered how many were located within Flood Zones 1, 2, or 3 and this is discussed later in this report.
- 9.25. The assessment of alternative sites looked to appropriate sites to serve the western catchment area, and gave consideration to
- Sites located to the west of the city centre
  - Sites adjacent to (or have access from) the A34 / A420 junction
  - Sites that are located within 20minutes bus travel time from the city centre
  - Sites of circa 2ha to accommodate the minimum number (650)of parking spaces and facilities
  - Not currently occupied or in active use
  - Sites located in Flood Zones 1, 2 and 3
  - Sites in the ownership of Oxford City Council to ensure delivery and to meet current and increased future demand without delay.
- 9.26. Officers consider that these are all reasonable and appropriate criteria to be applied to the assessment of alternative sites. In particular, it is understood that the 20min travel time from the city centre represents the critical amount of time that Park & Ride users expect to be on the public transport in order to make these facilities attractive. Officers agree with this. The criteria of sites of 2ha is also considered to be a reasonable benchmark for assessment as it reflects the level of capacity that the expansion could reasonably accommodate and represents, as a matter of judgement what is reasonably necessary in order to meet the immediate and future demand outlined in paragraph 9.19 of this report. It is not possible to be precise about the exact number of spaces required but, given the factors affecting current demand and influencing future growth in anticipated use of the P&R, the 2ha / 650 spaces criteria used in the alternative sites assessment is considered by officers to be reasonable and appropriate. That sites owned by the Oxford City Council are included as a factor is also reasonable in order to ensure rapid delivery of the development. As identified above there is a current need for additional capacity which is likely to increase in the short term. Delivery as rapidly as possible is critical and if resort is required either to commercial negotiations (which may well be protracted), followed by a further planning process or, potentially, to compulsory acquisition if negotiation fails, this would not represent a reasonable or proportionate response to the identified need. As acknowledged elsewhere in the report, if planning permission is granted, delivery of the proposals on the application site is anticipated within 12 months.
- 9.27. The sites assessed were predominately located in the Oxford City Council and Vale of White Horse area. They also included the potential extension of the existing park and ride sites; existing public and private car parks, outside the city

centre; existing public and private car parks, in parks; Local Development Framework sites outside the city centre; and sites from the Strategic Housing Land Availability Assessment for the city council, county council and vale of white horse district council.

- 9.28. The sequential assessment identified 118 sites for the consideration using the above-mentioned criteria, but found that there were no suitable alternative sites. 59 of the 118 sites were located outside of the Green Belt but none were available to accommodate a Park & Ride of the required size that were within a 20 min bus travel time of the city centre, or were not constrained physically in terms of access or incompatible uses. The lack of alternative sites lead to the conclusion that the most suitable location for a Park and Ride facility serving Oxford's western catchment area would be through extending the existing facility at Seacourt. The expansion of an existing well-used Park & Ride has obvious benefits over a new site because it utilises an established facility that is already known to be in a successful location and already served by bus operators.
- 9.29. The 1999 appeal decision (GOSE/103/004/OXFO/002) concluded that the Council had not given enough consideration to potential sites adjacent to the Park and Ride that lay outside of the Green Belt. The applicant has also considered this and other development options for the existing park and ride.
- 9.30. The Planning Statement Addendum makes clear that there is no scope for intensifying the number of spaces within the existing car park. At an early stage in the development of the proposal consideration was given to the provision of a decked car park on the existing site. The lease for the existing site states that this must be used as an open air car park, with a restrictive covenant in place which prohibits the construction of any buildings. The council had sought to negotiate a decked solution with the freeholder over a 12 month period prior to the application with no success. A decked solution would only provide a net increase of 145 spaces at the site, with the decking providing approximately 415 spaces but leading to a loss of 270 spaces overall through the release of land to the front of the Botley Road that the freeholder was seeking as part of the agreement to provide the decking. A decked solution would also be more costly (approximately £37,930 per net additional space compared to £6,300 for surface level). In addition to this, it would also result in a loss of flood storage and be considerably more visually intrusive within the area.
- 9.31. In terms of extending to the north, south, east, and west. The site becomes narrower to the north and is constrained by Seacourt Stream. There is no available space to the south due to Botley Road. To the west lies an area of land owned by the Co-operative group and is the alternative site referred to in the 1999 appeal decision (GOSE/103/004/OXFO/002). This area of land is not within the Green Belt and is partly designated in the local plan as part of the park and ride site. The site is privately owned by the Co-operative Group who has the freehold of the site. The site is unavailable unless commercial terms can be agreed to use the land for this purpose. The Co-operative Group has recently indicated that it would be prepared to consider releasing the land subject to commercial terms being agreed. As already demonstrated within this report, there is an urgent need for additional capacity to the Park & Ride which requires

a site to be provided immediately. This alternative site could only be brought forward subject to commercial terms being agreed between the parties and there is no assurance that terms could be agreed at all, or in sufficient time to address the current need for further P&R spaces. In comparison, there is a site available to the east, namely the application site, which is available now and therefore better suited to meeting this immediate need. Furthermore it is unlikely that this alternative site could provide the same capacity as proposed within this scheme, when considering the likely constraints of the site (i.e. size, proximity to the Seacourt Stream). The Co-operative Group have provided no details as to how this site could be delivered to meet the immediate need for additional capacity, timeframe for delivery, and importantly the number of spaces that the site would accommodate. In addition to this, this alternative site has also been identified as forming part of the Oxford Flood Alleviation Scheme (**appendix 3**). The Environment Agency has confirmed formally that this site is an integral part of the scheme, which would include the lowering of the land in order to create a wetland feature that draws water into the scheme and Compulsory Purchase Order is planned in the event that the EA cannot reach an agreement with the Co-operative Group for the use of the land. The Oxford Flood Alleviation scheme would provide wider public benefits for the city of Oxford and therefore it would be important to ensure that this scheme is not prejudiced in any way. As such it has now been demonstrated that the alternative site discussed in the 1999 Appeal Decision is not available or would it meet the identified immediate need.

- 9.32. This leaves the area of land to the east of the park and ride which is subject to this application. It is in the ownership of the Council and so is deliverable without delay. It is also compatible with the current proposals for the Oxford Flood Alleviation Scheme and as confirmed by the Environment Agency would not prejudice delivery of that scheme. It would also provide a significant number of spaces to meet the need set out in the 'future demand' paragraph above.
- 9.33. In light of these factors, officers are satisfied that the current and future need for an extension to the park and ride has been identified and that the application site is required to meet that need given that there are no suitable alternative sites available that are not in a Green Belt location. As such the policy requirement in the NPPF to 'demonstrate a requirement for a green belt location' is met.

*Preservation of the openness of the Green Belt*

- 9.34. The Planning Statement Addendum sets out that the proposed design has been developed with a view to minimising its effect to preserve the openness of the Green Belt and its visual amenity.
- 9.35. The Inspector in the 1999 appeal decision (GOSE/103/004/OXFO/002) concluded that the proposed extension would reduce the openness of the Green Belt and did not share the view that the harm would be minimal or negligible. This is clearly a material consideration. However, it is important to bear in mind that this decision was taken 18 years ago and therefore the landscape around the site has changed and matured further over the years.

- 9.36. The Environmental Statement has included a Landscape and Visual Impact Analysis (LVIA) which assesses the impact of the development upon the surrounding area. The LVIA concludes that the impact on the openness of the proposed building is considered to be low, with no significant adverse visual amenity effects during the operation of the proposed extension. The provision of a grade level car park will certainly minimise any impact. The facilities building would be small scale and screened by existing and proposed hedges. The scheme includes a number of mitigation measures in order to reduce or improve the predicted effect on the surrounding area. These measures would include retaining existing vegetation surrounding the site in order to reduce the impact; there would be new areas of public open space and planting within the development; and light spillage from floodlighting would be minimised through the use of modern street lights and focussed lighting. The LVIA therefore considers that the proposed use whilst obviously resulting in a change to the function and use of the land, should not significantly compromise the openness of the Green Belt. Officers agree with the conclusions of the LVIA and the ES in this respect.
- 9.37. Officers acknowledge that the Planning Statement Addendum concludes that the scheme would not have an impact on the openness of the Green Belt, and this would be at odds with the conclusions of the Inspector in the 1999 appeal decision (GOSE/103/004/OXFO/002). However it is not clear from this decision whether the Inspector had the benefit of an LVIA or Environmental Statement in reaching his decision. Notwithstanding this however, the ES does consider that the impact of the development on the openness of the Green Belt would be low, which implies there would be some harm albeit limited. This in itself does not mean that the development should be refused but that in accordance with Paragraph 90, given that there is some harm to openness the proposed development would constitute inappropriate development. The NPPF then requires an assessment to be made as to whether any considerations exist that would outweigh clearly the harm caused to the Green Belt, and this is addressed further below.
- 9.38. In terms of the level of harm to the openness of the Green Belt, in identifying local transport infrastructure as a potential form of 'appropriate' development in the Green Belt, it must be assumed that the NPPF acknowledges that there will be some form of change to the character of the land as a result of said development given that most local transport infrastructure schemes will inevitably require some built form to deliver the infrastructure. Therefore the test must be whether the development would result in material harm to the openness of the Green Belt. The features of a car park that could reasonably be considered as contributing towards harm would be lighting columns, ancillary buildings, signage etc as opposed to its surfacing which would typically happen at grade and retain the open appearance of the land.
- 9.39. The proposed extension would include all of these features, but has been designed in such a manner to reduce so far as possible and to mitigate its impact on the surrounding area. Officers would support the conclusions in the Environmental Statement and LVIA and advise members that there would unavoidably be some harm to the openness of the Green Belt but the degree of

harm would be towards the lower end of the scale. As such, the development should be considered as inappropriate development and, in accordance with the NPPF paragraph 88, consideration must be given as to whether 'very special circumstances' exist to justify planning permission being granted. This is addressed further below.

*Conflict with the five purposes of including land in the Green Belt*

- 9.40. The Green Belt serves five purposes,:
- *To check the unrestricted sprawl of large built up areas;*
  - *To prevent neighbouring towns merging into one another;*
  - *To assist in safeguarding the countryside from encroachment;*
  - *To preserve the setting and special character of historic towns; and*
  - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 9.41. The Planning Statement Addendum concludes that the development would not conflict with these five purposes. In reaching this conclusion it takes the view that the area of land falls between the Oxford railway corridor running north from Oxford and the A34. It acknowledges that the extension to the Park and Ride would increase the built development within the Green Belt, but it would not extend the urban area beyond the northern boundary of the existing Park and Ride which is consistent with the existing hedgerows on the site.
- 9.42. With regards to assessing the development against the five purposes of the Green Belt it states the following
- 9.43. To check the unrestricted sprawl of large built up areas: The extension would not represent 'unrestricted sprawl' or negate the role of the Green Belt in checking that sprawl given the discrete and open nature of the car park extension set within clearly defined boundaries. The single storey facilities building and street furniture within the development is limited in nature and designed to be as unobtrusive as possible.
- 9.44. The Planning Statement Addendum also identifies that the Inspector for the South Oxfordshire Local Plan Inquiry concluded with respect to the Thornill Park and Ride which to the east of the city and also within the Green Belt that the 'Park and Ride facility retains an essentially open appearance at the rural margins of the city'.
- 9.45. The Inspector in the 1999 appeal decision (GOSE/103/004/OXFO/002) accepted that the extension in that case would be small in relation to the large expanse of Green Belt in the vicinity, but took the view that it would intrude eastwards into open countryside, surrounded on three sides by open fields, perceptibly tending to close the Green Belt gap between the urban areas of Oxford. In doing so he concluded that the development would extend the urban sprawl and thereby conflicting with this aim.
- 9.46. Having regards to all these matters, officers would support the view that the extension would not negate the role of the Green Belt in checking the urban

sprawl. It is not clear if the Inspector in the 1999 appeal decision had the benefit of a Landscape and Visual Impact Analysis to consider such an impact. In any event, in the case of this proposal, the extension would be set behind clearly defined boundaries and there are limited views from the public realm. By way of comparison, the proposal here would be far more discretely located than Thornhill for example, which itself is in a location that feels more rural than Seacourt. Therefore it considered that the proposed extension would also retain an open appearance at the rural margins of the city. The first purpose of the Green Belt would not be compromised, in officers' views.

- 9.47. To prevent neighbouring towns merging into one another: The addendum concludes that allowing this extension would not lead to the physical or visual merging of any towns or settlements. Officers would support that view.
- 9.48. To assist in safeguarding the countryside from encroachment: The addendum recognises that the site encroaches into the countryside but is largely within an urban context and would still preserve the openness of the site. The Inspector in the 1999 appeal decision (GOSE/103/004/OXFO/002) also took the view that the extension would encroach into the countryside and landscape on the edge of Oxford which would conflict with this purpose of the Green Belt.
- 9.49. Officers note that the addendum does not disagree with this view, but instead takes the view that this part of the countryside is within an urban context and the harm from this would be minimised by the fact that the design would still preserve the openness of the site. That said, it cannot be argued that the scheme would not encroach into the countryside as it would use available open land, notwithstanding the impact of any such encroachment. Therefore any reasonable assessment would identify conflict with this purpose of the Green Belt. However, in accordance with the NPPF it is necessary to consider whether the harm caused in relation to not meeting this purpose (together with any other element of harm) would be outweighed by other considerations so as to give rise to very special circumstances.
- 9.50. To preserve the setting and special character of historic towns: The addendum rightly points out that the setting and special character of Oxford would not be compromised by this development.
- 9.51. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land: The addendum takes the view that the development will not compromise this aim because it has been demonstrated that there is no alternative site available (including any site whose development would advance urban regeneration) and there is a requirement of for this local transport infrastructure
- 9.52. Officers are of the view that the scheme would seek to bring an area of open land that is not being used for agricultural purposes into use. This land is classified as of poor quality.
- 9.53. In reaching the above conclusions, officers acknowledge that they have, to an extent reached, a different judgment from the 1999 Inspector and the Secretary

of State in respect of extent of impact on openness and on some of the purposes of including land in the Green Belt, in particular, in respect of checking sprawl of the built up area into the countryside. The Inspector and the Secretary of State concluded the extent of harm to the Green Belt to be substantial. However, the impact of the current proposal has to be determined in light of its current context. Moreover, the extent of evidence as to impact which was before the Inspector and the Secretary of State are not clear. Officers do not consider that the extent of harm to openness and the extent to which the development constitutes urban sprawl are the same as these impacts were found to be in 1999, nor do officers consider that the impact on the Green Belt will be substantial. Officers views, which were reached having regard to the 1999 decision, are set out above. The proposal is however considered to be inappropriate development and to cause some harm to openness and to the purpose of including land in the Green Belt. The next section of this report therefore addresses whether there exist very special circumstances which nonetheless justify the grant of planning permission.

#### *Very Special Circumstances Balancing Exercise*

- 9.54. The development proposal is considered for the reasons set out above to be inappropriate development in the Green Belt. In working through the above-mentioned paragraphs of the NPPF, there is a need to determine whether there are very special circumstances which justify planning permission being granted for this development. In doing so Paragraph 88 does state that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.55. In undertaking this assessment, officers have been mindful of the approach set out within the NPPF and attached substantial weight to the harm caused to the Green Belt. In the case of the proposed extension there will be some harm to openness, but as identified by the Environmental Statement and LVIA, this will be limited and towards the lower end of the scale. Moreover it has been identified that the development would conflict with one of the five purposes of including land within the Green Belt, but that this harm is also limited. Therefore whilst substantial weight needs to be given to the harm caused by the development together with the harm inherent in inappropriateness, this needs to be balanced against other considerations and in particular the benefits of the scheme in accordance with the approach in Paragraph 88 of the Framework.
- 9.56. The 1999 appeal decision (GOSE/103/004/OXFO/002) acknowledged a need for Seacourt Park & Ride to be expanded to offset displacement of vehicles in the City centre. In addition it was accepted that the future of Park & Ride sites should not be prejudiced by the lack of additional capacity at the Seacourt Site. The Secretary of State was therefore satisfied that the need to extend the park and ride could constitute very special circumstances that would justify inappropriate development in the Green Belt, if the need could not be met other than on the application site (paragraph 9, **appendix 2**).



- 9.57. It is considered that there is a clear and compelling need to increase the capacity at the Park & Ride in order to address current and future growth in the city, and maintain the role of Park & Ride in encouraging city wide movement and to reduce traffic that would otherwise drive into the city centre in the short term (0-5 years). The need has not changed since the 1999 appeal decision. In fact having regards to the predicted level of growth for the city the need for additional capacity will have only increased for the reasons set out above. The Oxford Transport Strategy has confirmed this need and although the County Council has set out aspirations for remote / out of city park and ride locations, these are a long term aspirations that do not meet current demand and there is no assurance that these sites are deliverable within the long term timescale identified. For example the County Council's preferred location for a remote site to serve the west of Oxford at the A420 is also within the Green Belt and is not within the county's ownership. Therefore there is significant doubt that this could be delivered at all, let alone within their predicted timescale. The current proposal would be able to meet an identified and current need to support Oxford's Park and Ride system, with finance committed, and could be delivered within an immediate timetable, subject to planning. Moreover the strategy does recognise that there may be factors that will require the retention of the inner park and ride sites – such as higher levels of weekend retail and leisure trips (if Westgate exceeds expectations / forecasts) alongside further constraints on city centre parking from either Local Authorities or from key employers themselves. The Local Highways Authority has also acknowledged there is a need in the short term.
- 9.58. In terms of the case for very special circumstances, the proposed extension would accord with the aims of the NPPF to promote development that facilitates the use of sustainable modes of transport. It also accords with the policies of the development plan to maintain the role of Park & Rides in terms of improving city wide movement throughout the city and the principle of providing additional capacity at these sites. It has been established that there is a need to increase the capacity of the park and ride in order to support this as an essential component of Oxford's Transport Strategy and the current and future demand for additional park and ride capacity from growth within the city. It has also been demonstrated to officers' satisfaction that there are no alternative sites outside the Green Belt which are suitable and available to meet this need. Therefore having considered the matter carefully, officers are of the view that the very considerable public benefits that this development would bring in terms of meeting these aims clearly outweigh the harm through inappropriateness and the other harm to the openness of the green belt and the objective of the green belt to safeguard the countryside from encroachment. As such, it is considered that very special circumstances arise which justify planning permission being granted for development in the Green Belt.
- 9.59. It is recognised that whilst the 1999 appeal decision accepted that the need would constitute very special circumstances, the appeal was dismissed as the applicant had not investigated all of the alternative sites available and in particular a site to the west of the existing park and ride. For the reasons set out above, the alternative site considered by the Inspector has found not to be a suitable alternative.

9.60. Officers consider that development would constitute inappropriate development in the Green Belt, but that there would be very special circumstances that justify the grant of planning permission in accordance with the NPPF. Therefore the proposal would also accord with the Oxford Core Strategy Policies CS4.

#### Previously Developed Land

9.61. The NPPF encourages the effective use of reusing land that has been previously developed (brownfield land), provided that it is not of a high environmental value (paragraph 17).

9.62. Oxford Core Strategy Policy CS2 requires development to be focussed on previously developed land with development only permitted on Greenfield land if it is specifically allocated for that use in the Local Development Framework.

9.63. In so far as this application is concerned, officers would advise members that the existing Park & Ride would constitute previously developed land as defined by the NPPF. Therefore all works that relate to the existing car park would accord with the overall aims of this policy.

9.64. The area of open land subject to the extension would not constitute previously developed land and is not specifically allocated for any form of development. Therefore this part of the proposal would not accord with Oxford Core Strategy Policy CS2 and so any approval would represent a departure from this policy. The proposal would not accord with the encouragement that development be located on previously developed land as provided in the NPPF.

9.65. Notwithstanding this conflict, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan, unless material considerations state otherwise. The policies of the development plan therefore need to be considered as a whole in the determination of any application, and of course the development plan includes policy which supports retention and expansion of P&Rs. The statutory test also requires an assessment of any material considerations that may outweigh conflict with these development plan policies including those policies relating to the general principle of encouraging the retention and expansion of the Park & Rides as set out above. The overall planning balance is addressed below in the conclusions section of this report.

#### **ii. Site Layout and Built Form**

9.66. NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Oxford Core Strategy Policy CS18 require that development proposals incorporate high standards of design and respect local character.

- 9.67. The Design & Access Statement submitted with the application has indicated that the proposal has adopted a comprehensive approach to the layout, design, and landscape treatment for the facility. In doing so the development has sought to integrate the existing car park with the proposed extension in a manner that minimises the environmental impacts and maintains the openness of the Green Belt.
- 9.68. In terms of layout the development will maintain the existing vehicular access from the Botley Road (A420) but provide a new circulation and parking bay layout within the existing site in order to create a new central focal point around the terminal building. As a result the layout of the parking bays within the existing park and ride has been rationalised and improved to provide better circulation throughout. There would be new planting along this access road to maintain and enhance the natural appearance of the park and ride facility.
- 9.69. The proposed extension would be sited to the east of the existing park and ride and at a lower level to the existing. The parking spaces would be laid out primarily on a north/south orientation, with new planting throughout the parking roads in order to maintain the natural appearance of the site. A pedestrian and cycle access will be provided onto the Botley Road through the existing vehicular access to the open land that exists between the Car Showroom and 226 Botley Road. The area of the proposed extension has been chosen to sit within the existing mature hedge boundaries to the north and east. These boundaries would be retained and bolstered with new native species planting.
- 9.70. A new terminal building has been provided centrally within the scheme so as to be accessible from the existing and extended parts of the car park. The Terminal building will provide passenger facilities (i.e. waiting area / WCs) that currently do not exist on site bringing the facility in line with the other park and rides at Redbridge, Water Eaton, and Thornhill that all have such buildings. The front of the building will face onto the bus waiting area in order to provide a direct link for passengers to the waiting buses. The terminal building is small scale single storey building with an internal floor area of 150m<sup>2</sup>
- 9.71. There are limited public views of the site from the Botley Road. Any views from the open land to the north and east are restricted by the various hedgerows and mature boundary planting in the foreground with the Co-operative building and car showroom and Botley Road houses; existing lighting columns in the park and ride, and electricity pylons all visible in the background. The extension to the park and ride will be at grade and is at a lower level to the existing car park. The retention of the existing mature boundary hedges to the north and west where practicable and new landscape planting will ensure that the site maintains an open appearance in views from the surrounding area. The new Terminal building is single storey and sited close to the boundary with the existing car park, and would be modest in scale compared to other surrounding buildings. It would have a green sedum roof so as to blend in with the existing boundary vegetation. The extension would have a series of lighting columns which would be 8m in height. The number of columns has been kept to a minimum and in many views would be seen against a backdrop that includes the lighting in the existing car park, and the substantial electricity pylons that are visible.

9.72. Officers support the comprehensive design approach that has been adopted in the development of the scheme. The site layout has sought to maintain the open appearance of the land with the main built element (Terminal Building) of a modest scale when compared to other surrounding buildings and having a green roof in order to minimise any possible visual impact from public vantage points. The other associated street furniture (ticket machines, cycle parking etc) would all be low level so as to minimise visual impact. The new lighting columns would be of a lower height to the columns within the existing park and ride so as to minimise any visual impact and would also blend into the surrounding landscape which has a range of building types and other items such as street lighting, electricity pylons that dominate the setting. The landscaping treatment will also help integrate the new extension into the setting over the short and long term. As such officers consider that the development complies with the design policies set out in paragraph 9.65 of this report.

### **iii. Impact on Neighbouring Amenity**

9.73. National Planning Practice Guidance explains that in order to achieve good design consideration should be given to buildings and the spaces between them. The layout of developments whether existing or new should be considered in relation to adjoining buildings to ensure that new and existing buildings relate well to each other (Paragraph 24).

9.74. The Oxford Local Plan Policy seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. As a result Policy CP10 requires development to be sited in a manner which ensures that the amenities of the occupiers of properties surrounding any proposed development are safeguarded. The preamble text to this policy states that this is particularly important for existing residential property, as new development can block light, have an overbearing effect, and overlook adjoining properties. So the siting, size, and orientation of any proposed structures should not cause harm to the privacy, light, outlook or security of adjoining properties.

9.75. In addition to this, Oxford Local Plan Policies CP19, CP20, and CP21 require development proposals to ensure that they do not cause unacceptable nuisance, light pollution and light spillage, or noise alongside sensitive receptors like residential properties. They also recognise that any such impacts could be dealt with through appropriate mitigation measures and conditions.

9.76. Residential Amenity: It is the impact upon the residential properties to the rear of Botley Road in close proximity to the application site that needs to be considered. The properties that would most likely be impacted would be nos.210-226 as they all adjoin the southern boundary of the proposed eastern extension, and in the case of no.226 also the proposed pedestrian / cycle path to the Botley Road.

9.77. The area of land to the north of these properties is currently an open field, albeit with mature trees / vegetation of varying heights and density along the boundaries. The properties (210-226) are all modest semi-detached properties

which are separated from the application site by long north facing rear gardens of approx. 40m length. The Botley Road itself is a busy arterial route into the city which has significant activity, and a number of commercial units on the southern side of the road to these properties. To the west of 226 Botley Road lies the existing vehicular access to the open space subject to this application, and beyond that the car showroom / garage / and offices of New Barclay House. The existing park and ride surrounds this commercial use, and is visible from the rear gardens of these properties.

- 9.78. There is a considerable separation distance between the rear of these properties and the proposed extension. The rear gardens are approximately 40m long, and there would be an 11m planted buffer zone before the first parking spaces on the southern boundary of the extension. The fact that the car park extension would be at grade and have a significant separation distance of approximately 51m would limit the impact on these properties. There would certainly be no overbearing impact, loss of light, or privacy as a result of the development. The Terminal Building is also single storey and set further from these properties so as not to have an impact. There would be lighting columns in the car park, but these are approximately 8-9m in height and set some distance away from the properties. They would be viewed against the electricity pylons that dominate the horizon of this open space. It is clear that the outlook from the upper floors of these properties would be altered by the proposal however the loss of a private view is not a material planning consideration. Furthermore they would still be looking over open space of some form, and this would be limited to the upper floors of the building. There would be a pedestrian and cycle access to the facility created along the existing vehicular access to the open field which runs along the western boundary of 226 Botley Road. While this would bring a more activity to the existing vehicular access, it would be difficult to suggest that this would create any adverse privacy or amenity issues given it would only be lightly used by pedestrian / cycles accessing the extension and with vehicular access reserved for emergency vehicles only. There would be landscaping along the boundary to provide a defensible barrier to the boundary.
- 9.79. Officers do not therefore consider that any conflict with Policy CP10 and NPPF paragraph 24 would arise from the proposal.
- 9.80. Noise: The NPPF requires development to avoid significant adverse impacts on health and quality of life from noise and mitigate and reduce to a minimum other adverse impacts from noise through the use of conditions; recognise that development will often create noise and existing developments should not have unreasonable restrictions placed upon them; and identify and protect areas of tranquillity.
- 9.81. A Noise Impact Assessment has been submitted with the application which compares the development on a 'with' and 'without' the development basis. It concludes that the road traffic noise on the Botley Road would increase as a result of the development but this would be to a level that would have either a 'negligible' effect or below the lowest observed adverse effect level. In terms of operational noise impact on the Botley Road properties from the extension, this has been measured with windows open and closed. The assessment identifies

that the noise levels would be within the recommended criteria and within or below the lowest observed adverse effect level.

- 9.82. The assessment has also considered the impact on the existing tranquillity level of the site using data published by CPRE. It concludes that the nearest area of particular tranquillity is 4km to the north-east of the Seacourt Park & Ride which will be unaffected by the development.
- 9.83. Officers therefore consider that no conflict with Policy CP21 and NPPF paragraph 123 arise, on the understanding that the values shown in Table 5.1 of Appendix 7.1 can be achieved. These values have been considered by Environmental Health Officers and they have not indicated any reason why they could not be achieved. They should be secured by condition.
- 9.84. Lighting: A Lighting Assessment has been submitted with the application. The lighting has been designed to minimise light pollution on adjoining properties and wildlife, and also to provide a safe environment for the users of the car park.
- 9.85. The assessment has concluded that, provided the specified lighting design is implemented, the amount of light spillage in the proposed extension would be limited and contained within the site. The sky glow levels associated with the development will not have a significant effect on the surrounding dark sky. It would not have any significant impact on local residential properties, or wildlife (i.e. Bat activity).
- 9.86. Officers therefore consider that there is no conflict with Policy CP20 subject to the lighting scheme set out within the assessment being secured by condition.

#### **iv. Transport**

- 9.87. The NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement (paragraph 32). The Oxford Local Plan 2001-2016 also requires Transport Assessments from development that is likely to have significant transport implications. Importantly it also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 9.88. A Transport Assessment has been submitted with the application which considers the impact of the alterations and expansion of the Park and Ride upon the highway network.
- 9.89. Park & Ride Provision: The NPPF identifies that the transport system needs to be balanced in favour of sustainable modes of transport giving people a real choice about how they travel (paragraph 29); and that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34).
- 9.90. The overall aim of the Oxford Local Plan's transport policy is to reduce the need to travel particularly by private car, and to encourage travel by walking, cycling, and public transport. This is consistent with the NPPF as described above.

- 9.91. The Local Plan recognises that the Park & Ride is an integral part of this wider transport strategy for Oxford. It protects the sites within the city boundary (Peartree, Redbridge, and Seacourt) and allows for their expansion to provide additional capacity in Policy TR9. The Oxford Core Strategy supports this through Policy CS14 which makes clear that the council will improve the ease and quality of access to and between the city and district centres, and other key destinations, by a number of means, including improving the capacity and attractiveness of Park & Ride, particularly although not limited to the development of remote sites closer to county towns. In addition to these policies which support the protection of the existing Park & Ride sites, Local Plan Policy TR11 makes clear that the Council will not allow any significant increase in the overall number of parking spaces within the Transport Central Area.
- 9.92. The demand for the additional capacity at the Park & Ride is set out in full in paragraphs 9.21-9.28. The identified demand would also have to be balanced against the amount of car parking within the city centre which continues to be restricted and reduced. The redevelopment of the Westgate replaced the original multi-storey and surface level car park with a basement car park that had less spaces than the original centre. Although additional capacity was provided at Oxpens Car Park and in Osney Lane, this was only on a temporary basis and they will not be retained long term. Therefore in real terms there has been a reduction in parking within the city centre as a result of the Westgate development.
- 9.93. During the consultation process, representations have been made that the Westgate Transport Assessment concluded that there was no need for any more capacity to be developed at Seacourt or at the other Oxford Park & Ride sites. The conclusions of the Westgate Transport Assessment are acknowledged, however, they would not be material for the determination of this application. That assessment was completed in 2013, but the Transport Assessment submitted with this application has provided evidence that occupancy rates at Seacourt are now higher than in 2013 taking up much of the spare capacity identified within the Westgate Transport Assessment. Furthermore the Transport Assessment for this application has identified that car park occupancy should be no more than 85%, as defined by the Chartered Institution of Highways and Transportation. The Transport Assessment submitted with this application has therefore demonstrated that there is sufficient demand for an expansion of this facility. The Local Highways Authority have also acknowledged that there is little or no spare capacity at Seacourt.
- 9.94. As already set out within the report, officers consider that the Park & Ride expansion would maintain the attractiveness of Oxfords Park and Ride and is therefore consistent with this National and Local Development Plan Policy.
- 9.95. Notwithstanding the consistency, Oxfordshire County Council have objected to the expansion on grounds that their Local Transport Plan (Oxford Transport Strategy) does not support the long term expansion of the current city-edge Park and Ride sites or that they consider it would accord with Oxford Core Strategy CS14. It is the County Councils intention, as set out in their Local Transport Plan

(adopted July 2015) and specifically the Oxford Transport Strategy, to support the expansion of Park & Ride capacity through the development of remote Park & Ride sites rather than the city-edge sites. The strategy anticipates that these remote sites would be delivered by 2035 with consultation underway on proposals for a new Park & Ride on the A40 near Eynsham, which could be completed by 2020. In their view the expansion of the city-edge sites would substantially add to traffic levels on congested routes into the city and therefore it would be better to intercept this traffic in remote locations.

- 9.96. Officers would advise members that the conflict with the County Council's transport strategy would not constitute of itself a supportable reason to refuse planning permission for the proposal. Although the Oxford Transport Strategy is a material consideration for the determination of the application it is not an adopted development plan document and as such would have limited weight when viewed against the above-mentioned aims of the NPPF and current up-to-date development plan policies that seek to strengthen the promotion of sustainable modes of transport and the role of the city edge Park & Ride sites including additional capacity. Moreover, while the 'Oxford Park & Ride – Future Strategy Development' recommended the development of remote Park & Ride sites it also recognises that there may be circumstances where the inner Park & Ride sites need to be retained alongside their remote sites. The City Council broadly supports the principle of providing the remote Park & Ride sites, but not at the expense of the city-edge sites. This is made clear in Policy CS14. However it is clear that the remote sites are a long-term strategy for the County Council with a number of risks including land procurement, budget uncertainty, and planning constraints, which all mean there is no guarantee of deliverability in whole or in part. These factors all reduce the weight that could be given to this strategy when balanced against this current application.
- 9.97. The County Council does accept that the small scale expansion of some existing sites may be necessary on a temporary / interim basis as demand increases in the short term. Therefore they have suggested that the proposed expansion is limited to a maximum 15-year period (when all but one remote Park & Ride should be completed) at which point Oxford City Council could apply for an extension if insufficient progress has been made delivering remote sites, or decommission the extension if there has been sufficient progress. It is therefore difficult to reconcile the County's objection to this application on the basis of conflict with their strategy for remote sites with the acceptance that a small-scale expansion could be justified for at least a 15 year period which is not an insignificant period of time. On this basis, officers do not consider that the county councils basis for objecting to the proposal constitutes a reason for refusal of the application. The City Council broadly support the strategy for remote sites in the long term, but not at the expense of the city-edge sites such as Seacourt. It is for this reason that Oxford Core Strategy Policy CS14 makes reference to remote sites as part of the strategy for improving the attractiveness of park and rides, but is clear in its wording that such improvements are not limited to that approach.
- 9.98. During the consultation process, reference has been made to proposals to provide a new waste transfer facility at the Redbridge Park & Ride. The papers to the City Council Executive Board (15<sup>th</sup> December 2016) suggested that there



was excess capacity at Redbridge which would allow for the removal of 270 spaces to accommodate the new facility. It is alleged that the Redbridge proposal is using the expansion of Seacourt to justify closing parts of this facility, and this application is using the lack of an option to expand at Redbridge as a justification for the proposed expansion. Officers would make members aware that the proposed waste transfer station would be subject to a full planning application and any such application would need to give consideration to what impact it has on the existing Redbridge Park & Ride facility. It is understood that this is being developed in a manner that would not result in the loss of any parking spaces from the Park & Ride. The proposed expansion at Park & Ride is not intended to mitigate a loss of parking spaces at Redbridge but to address a clear demand for additional spaces and also a reduction in parking spaces within the city centre (as set out in paragraph 9.92). Therefore it is not a material consideration for the determination of this application.

- 9.99. Highways Impact: The Transport Assessment acknowledges that the highway network within the vicinity of the site, particularly the Botley Road, currently experiences congestion in the peak periods. It has provided forecasts for the expanded car park (1,452 spaces) using existing usage data and assumptions about how large car parks attract more users and used traffic modelling to undertake capacity assessments.
- 9.100. The assessment identifies that the existing car park reaches 84% occupancy on a typical weekday, and 91% on the busiest between May and June 2015. The Chartered Institution of Highways and Transportation 'parking strategies and management' states that car park occupancy should be at no more than 85% capacity.
- 9.101. The TS demonstrates that the existing car park generates 249 trips in the AM peak (0800-0900) and 237 in the PM peak (1700-1800) at 84% occupancy. The expanded car park would generate 460 (AM peak) and 448 (PM peak) at 84% occupancy, and 560 (AM Peak) and 533 (PM Peak) at 100% occupancy. It is therefore accepted that the development is expected to generate more traffic that will need to access the site from the Botley Road.
- 9.102. The capacity assessment identified that there would be limited impacts from the development at the Botley interchanges and West Way junctions and that there was little spare capacity to deliver improvements. The development therefore proposes improvements to the site access junction with the Botley Road to provide additional capacity. The new layout provides two right turn lanes from the Park and Ride site onto Botley Road, with the left hand lane also used by left-turning vehicles. There would be no changes to the lanes on the Botley Road, although the stop line for the right turn into the site from the westbound lane is set further back to allow space for the two right turn lanes. In addition to this, the traffic signals would be updated to use a MOVA system which is more responsive to traffic conditions as it is linked to the other signals in the area, rather than the current system which is vehicle activated.
- 9.103. The junction improvements have been modelled using the County Councils VISSIM micro-simulation model. The assessment has used the 100% occupancy

rates for the expanded car park in order to consider a worse-case scenario. The modelling shows that the junction improvements would have a minimal impact in the AM peak, with the majority of improvement coming from the efficiency of the signals when operating under the MOVA control. In the PM peak, the modelling shows that there would be increased delays at West Way / Botley Road junction due to the increase in demand on the westbound approach. This is due to additional vehicles being able to exit the Park and Ride site as a result of the revised layout. Accordingly, journey times on the southbound approach from Botley Interchange to the West Way / Botley Road junction and on the Botley Road westbound approach to the Park and Ride access junction also increase. In terms of leaving the site, the number of vehicles unable to exit the Park and Ride site following the implementation of the revised junction layout, these figures reduce to zero in the AM peak and only 2 in the PM.

- 9.104. The junction improvements have also considered two designs which included and excluded the pedestrian crossing at the junction. The removal of the pedestrian crossing and traffic signal stage would offer some potential benefits to junction capacity, although a replacement crossing would be required on the Botley Road. The retention of the pedestrian crossing in the worse-case scenario results in an extra 13 vehicles on the westbound lane of the Botley Road during the PM peak, but given the capacity of the other junctions it is likely that this will lead to a relocation of queues. The crossing is therefore retained.
- 9.105. The TS therefore concludes that the proposed junction design, with the worse-case scenario for the expanded Park & Ride traffic volumes would result in a junction capacity that is no worse than the existing layout is expected to be in the future, assuming the same level of growth occurs on the surrounding network.
- 9.106. The Local Highways Authority had originally raised concerns that the originally proposed junction arrangement for the development would result in additional traffic congestion on Botley Road. They considered that the Botley Road / West Way road network was already under significant pressure and therefore there were concerns that this could create more queuing towards the city and A34. In addition there was a concern this could impact on buses and bus passengers leaving the city as there was no outbound priority to protect services from congestion.
- 9.107. The revised junction arrangements have been prepared in conjunction with the Local Highways Authority in order to minimise the impact of the development on the Botley Road. This included relocating the pedestrian crossing elsewhere in order to help provide additional capacity thus minimising the impact on the Botley Road corridor. However the Local Highways Authority raised concerns about the option involving the relocated pedestrian crossing as the modelling had not followed the same form as the other assessments and an alternative location for the pedestrian crossing could not be identified. The Highways Authority therefore concluded that this alternative junction would only offer marginal benefits and that the most feasible option is the one with the pedestrian crossing retained.
- 9.108. The Local Highways Authority have acknowledged the NPPF requirement for development to only be prevented or refused on transport grounds where the

residual cumulative impacts are severe (paragraph 32). They have confirmed that although there would be adverse impacts these cannot be classed as 'severe' and recognise that the applicant has explored various options to address these impacts. Therefore they no longer maintain an objection to the proposal in terms of highway impact.

- 9.109. Layout and Access: The vehicular access to the Park & Ride will be taken from the Botley Road, but with junction improvements already discussed above. The access to the car park from this road will be relocated further into the site. The current passenger set down and waiting area will be moved to a new bus turnaround area alongside the current eastern boundary of the park and ride.
- 9.110. Internally the layout of the existing car park and circulation routes throughout will be changed in order to make this more efficient and link through to the proposed extension. The parking spaces will be laid out to existing standards of 5m x 2.5m with aisle widths of 5.5m. The Terminal building is located in a central location to ensure that walking distances for passengers are as short as possible.
- 9.111. The pedestrian and cycle routes to the site will come through the existing access road and footways from the Botley Road, or the new shared pedestrian and cycle path connecting with the Botley Road that would be between the car showroom and 226 Botley Road. This new path will utilise an existing access to the site of the proposed extension and would provide good access for people to walk into the city centre from the Park & Ride or cycle using the Park & Pedal scheme.
- 9.112. The existing vehicular access will be used for service and emergency vehicles, but the new pedestrian path from Botley Road could be used as an emergency access point if the main access road is blocked.
- 9.113. The layout has also been designed to ensure that it is accessible for people with disabilities and other mobility impairments. This includes ensuring that all footways and walkways provide for the requirements of all wheelchair users; flat or ramped access is provided in accordance with inclusive mobility guidelines; and that all signage is clear and legible to all users including those with visual impairments.
- 9.114. Having regards to all these matters, officers consider that the Transport Statement has demonstrated that the proposal satisfies the aims of Paragraph 32 of the NPPF, and also Oxford Local Plan Policy CP1 which states that development should be acceptable in terms of access, parking, highway safety, traffic generation, and pedestrian and cycle movements.

#### **v. Flood Risk & Drainage**

- 9.115. The NPPF states that when determining planning applications, Local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk where informed by a site specific flood risk assessment following the Sequential Test, and if required an Exception Test which aims to make the development safe without increasing flood risk elsewhere (paragraph 103).

- 9.116. At a local level, Oxford Core Strategy Policy CS11 states that permission will not be granted for development in the functional flood plain (Flood Zone 3b) except for water compatible uses and essential infrastructure. It requires Flood Risk Assessments from developments over 1ha and in any area of flood risk from rivers (Flood Zone 2 and above) and other sources, and that such assessments shall show how the proposed development will not increase flood risk. That mitigation measures must be implemented to mitigate risk and that schemes should incorporate sustainable urban drainage measures to limit run off, and preferably reduce the existing rate of run-off. Development will also not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding. In a similar vein, Policy CS2 provides that development of greenfield land will not be permitted where it is also within flood zone 3b.
- 9.117. A site specific Flood Risk and Drainage Assessment [FRA] has been submitted with the application in accordance with the NPPF and Core Strategy Policy CS11. The assessment confirms that parts of the existing park and ride site lie within Flood Zones 2, 3a, and 3b and the proposed extension entirely within Flood Zone 3b.
- 9.118. The National Planning Practice Guidance [NPPG] provides guidance on how the risks associated with flooding should be taken into account in the planning process. The starting point for any assessment would be to consider the flood risk vulnerability of the proposed land use.
- 9.119. The FRA identifies that the NPPG does not include a 'car park' within its table that categorises different uses according to their vulnerability to flood risk and as a result it is not possible to use the criteria to identify directly whether the development is 'appropriate' and whether or not it should be permitted. The Environment Agency acknowledges this within their consultation response. However, the EA consider that a car park would constitute a 'less vulnerable' development, as they have similar characteristics and impacts to other types of development within that category. Notwithstanding this the Environment Agency has confirmed that it is for the Local Planning Authority to determine the vulnerability classification that should be assigned to the development.
- 9.120. In assessing the flood risk vulnerability, the FRA has concluded that the flood vulnerability for a car park would be low due to the non-residential nature of the facility and because there is no overriding requirement for the facility to remain operational during exceptional flood events. Officers would support this view. However, the NPPG paragraph 67 Table 3 advises that "less vulnerable uses" are, in principle, not appropriate in flood zone 3b. However, that does not mean, that "less vulnerable development" cannot be approved in flood Zone 3b if the sequential and exceptions tests are met. Indeed, the Environment Agency have confirmed that the location of the proposed development within the floodplain should not preclude the development subject to a robust Sequential Test assessment being undertaken to ensure that no alternative locations are available that provide a more suitable development site, followed by the completion of an Exception Test to make the development safe. The EA's

response demonstrates that Table 3 does not preclude in all circumstances less vulnerable development in zone 3b.

9.121. However, in the Planning Statement Addendum, the Applicant has put forward that the development could be viewed as 'essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk'. This is on the basis that there is no clear definition of essential transport infrastructure within the guidance. The Park and Ride is not a mass evacuation route but would clearly constitute transport infrastructure that is essential to city wide movement and sustainable transport. Moreover, although it does not "cross the area at risk" (in the same way as would a road or a railway, for example), it seems reasonable to construe the "essential infrastructure" classification within table 2 of the NPPG as including essential transport infrastructure which is located within the risk area. Indeed, there is little logical basis to consider that essential transport infrastructure which crosses a flood risk area should be treated differently to essential infrastructure within such an area. The need case for the proposal is set out as part of the Green Belt balancing exercise and is addressed above. It has concluded that there is a clear and essential need for the development which justifies its proposed location. Therefore officers consider that the development may also be viewed as essential transport infrastructure both for the purposes of the NPPF and NPPG, and for the purposes of policy CS11 of the Core Strategy The NPPG therefore advises that essential transport infrastructure is appropriate in flood zone 3b but that the Exception Test should be applied.

9.122. Given the two potential classifications arising from para.67 table 3 of the PPG above, namely "essential infrastructure" and "less vulnerable" development, it is considered appropriate to assess the application against the more onerous set of tests, namely that the development is "less vulnerable" and therefore, in accordance with the approach to the application adopted by the EA, to be acceptable in NPPF terms, both the sequential test and the exceptions test should be applied. As such, in the following paragraphs, officers have applied first the sequential test followed by the exceptions test, in accordance with the NPPF and NPPG guidance. The conclusion reached by officers is that both tests are met. However, it should be noted that since, in officers, view, the development comprises "essential infrastructure", if the "exceptions test" is met as it applies to such infrastructure, this would mean that the NPPF and NPPG guidance is met, irrespective of the outcome of the sequential test.

#### *Sequential Test*

9.123. The NPPG states that the purpose of a sequential test is to steer new development to areas with the lowest probability of flooding but recognises that the suitability of sites in Flood Zone 3 can be considered subject to the flood risk vulnerability of the land use and applying the exception test (paragraph 19)

9.124. In so far as the sequential test for this site is concerned, the NPPG confirms that for individual planning applications where there has been no sequential testing in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test

across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. The guidance goes on to make clear that when applying the Sequential Test, a “pragmatic approach on the availability of alternatives should be taken”. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere (Paragraph 33)..

9.125. As already discussed in paragraphs 9.29 – 9.36 of this report a sequential test of potential alternative sites for a park and ride facility serving the western catchment area has been undertaken. The assessment identified 118 sites for consideration, but demonstrated that of these sites, only 61 were within Flood Zones 1 or 2 but these were either unavailable, had been developed, or were constrained in other ways such as access or incompatible uses. Therefore the only suitable and sustainable location was the application site. The Planning Statement addendum has identified 29 additional sites since the initial sequential test was undertaken, but again none were considered to be suitable within flood zones of lower risk. Officers therefore consider that a suitable sequential test has been carried out to demonstrate that this is the most appropriate site for the proposed extension. Moreover, the existing park and ride site is located within Flood Zone 2, 3a and 3b which are all of medium to high risk and therefore taking a pragmatic view as advised by the NPPG, there are wider sustainability benefits to improving the capacity of the existing park and ride which mean that it is more practical to consider this site over alternative sites (even if alternative sites in lower risk flood zones existed). Therefore on this basis, it is considered that the sequential test has been shown to be met to officers satisfaction and it is therefore appropriate for the assessment to proceed to consider if the development passes the Exceptions Test.

#### *Exception Test*

9.126. The NPPG states that purpose of the Exception Test is to ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available (paragraph 23).

9.127. NPPF Paragraph 102 confirms that there are two elements to the Exception Test. First it must be demonstrated that the development will provide wider sustainability benefits to the community that outweigh flood risk. Secondly, it must be demonstrated that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

9.128. In addition to this, NPPF Paragraph 103, states that development in areas at risk

of flooding and informed by a site-specific FRA, Sequential Test, and if required Exceptions Test, should only be considered if it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk in the absence of any overriding reasons otherwise, and the development is appropriately flood resilient and resistant, including safe access and escape routes where required with any residual risk being safely managed (including by emergency planning) and priority is given to SUDS.

9.129. The NPPG identifies that in Flood Zone 3b essential infrastructure that has to be there and has passed the Exception Test, should be designed and constructed to: remain operational in times of flood; result in no net loss of floodplain storage; and does not impede water flows or increase flood risk elsewhere (paragraph 67)

9.130. In so far as the wider sustainability benefits for the development are concerned, the Planning Statement Addendum has made clear that the requirement for the proposed extension is based upon the need for an immediate increase in park and ride capacity and to reduce traffic that would otherwise drive into the city centre. This justification has already been rehearsed in the Green Belt section of this report under 'existing and future demand' and the 'very special circumstances' case.

9.131. In addition to this the proposal would respond to adopted Local Plan Policies which seek to increase the capacity and attractiveness of the Park & Rides (Local Plan TR9, Core Strategy Policy CS14). Furthermore the NPPF also supports the promotion of sustainable travel and requires Authorities to protect and exploit opportunities for the use of sustainable transport modes (paragraphs 29, 34, and 35). The proposal would accord with these broad themes.

9.132. The Planning Statement Addendum makes clear that should permission be secured for the extension, the applicant can be certain of delivery within one year, which addresses the immediate need for more capacity. Moreover the extension will have other wider sustainability benefits such as

- reducing the impact of transport on the environment and help tackle climate change;
- minimising the need to travel by car into the city centre. It is identified within the Transport Assessment (2016), that forms part of the planning application, that a third of the workforce into the city comes from the surrounding districts and beyond. The proposed development further encourages the adoption of sustainable modes of transport;
- alongside the P&R the facility, promoting park and cycle;
- minimising the need for tourists to travel by car into the city centre which attracts seven million visitors per annum (Tourism South East); enhancing sustainable patterns of growth and addressing the worsening traffic congestion.

9.133. The extension will also support the regeneration plans for the West End by creating sustainable transport capacity on the edge of the western part of the city, and will also contribute towards future growth. This would support the role of the City centre as a Centre for Significant Change (Core Strategy Policy CS1).

- 9.134. Having regards to all of these points, officers consider that it has been demonstrated that the proposal would have wider sustainability benefits to the community that would outweigh the flood risk and thereby satisfying the first part of the Exceptions Test.
- 9.135. It is necessary then to consider the second element of the Exceptions test and in particular the need to ensure that the development is safe for the lifetime of the development taking account of the vulnerability of users and does not increase flood risk elsewhere and, were possible, reduce flood risk overall.
- 9.136. A site specific Flood Risk and Drainage Assessment has been prepared which sets out how the development would mitigate its impact on flood risk. The assessment has used the Environment Agency's 2016 hydraulic model and latest upper end climate change allowances for river flows and rainfall intensities (i.e. +70% for the Thames). It has been confirmed that this modelling data does not include any elements of the proposed Oxford Flood Alleviation Scheme.
- 9.137. The FRA acknowledges that the site is considered to be at high risk of flooding from fluvial sources and at low risk of flooding from pluvial, overland flow, and groundwater flooding. The site of the proposed extension currently sits at a lower level to the existing park and ride. The existing levels of the area subject to the proposed extension will be retained as much as possible with re-grading works only required to provide suitable levels for pedestrian and vehicle movements. It would also be below that of the existing Park and Ride site and is surrounded by higher ground on the other boundaries. The retention of the existing levels will ensure that current water flows are not impeded in times of flood.
- 9.138. It is accepted that the proposed extension will flood given it is located within the functional flood plain. However, the FRA has made clear that the finished ground level of the extension will be below that of the existing Park & Ride site and is surrounded on the other boundaries by higher ground. The assessment acknowledges that the extension would flood more regularly than 1 in 5 years, and, using the available historic flood data for the area, calculates this as being once in every 1.7 years. As the extension is bounded by higher ground such flooding would only occur when this higher ground is breached (56.4 AOD). In such events, the existing Park and Ride site would remain free from flooding until the flood levels rise a further 300mm. The Environment Agency has raised no objections to the modelling data within the Flood Risk Assessment.
- 9.139. The single storey terminal building has been designed to enable suitable access and egress for the building. The floor levels of the building have been raised as far above the flood levels as can practically be achieved given all the relevant constraints on the site. The proposed floor level would be 57.18AOD which is just above the 1:5yr flood level. The Environment Agency has acknowledged that this waiting area will be liable to frequent flooding, which could be in excess of 740mm of flood water. However they accept that it is not practicable to raise the finished floor level above the 1 in 100yr (+ climate change allowance) due to the need to provide suitable access and egress for the building. Therefore they have recommended that flood resilience / resistance measures up to the 1 in 100yr (+ climate change allowance) are incorporated into the building. These



could be secured by condition.

- 9.140. The Flood Risk Assessment considers the potential risk from Groundwater Flooding as a result of the proposal. The Oxford Strategic Flood Risk Assessment (SFRA) confirms that although groundwater flooding issues exist throughout the Thames Valley there have been no records of any groundwater flooding in the vicinity of the site. The FRA recognises that groundwater may cause some flooding on the site, but that it is likely to be linked to fluvial flooding because there is a direct link between ground water levels and river levels as the site is in close proximity to tributaries of the River Thames. The site is not located within the Environment Agency Ground Water Protection Zone. Therefore the FRA concludes that the risk from ground water flooding in isolation is low and that high groundwater levels are only likely when the river levels are high. The Ground Investigation Report identifies that groundwater will be constrained by the cohesive layer above the sand and gravels of the flood plain. The proposed extension will have a depth of 500mm and be located within this cohesive layer which extends to approximately 1m depth across the site. The Environmental Statement confirms that the flood depths used to calculate the flood compensation volumes include both fluvial and groundwater sources in combination, and demonstrates that the compensation as part of the development will accommodate both sources in combination. The Lead Local Flood Authority or Environment Agency has raised no objection to the development in terms of adverse impact on groundwater flooding.
- 9.141. The Oxford Flood Alleviation Scheme being developed for the city includes a number of flood mitigation measures within the surrounding area. It will include channel widening of the existing watercourses in the vicinity to alleviate flooding in the built up areas of Oxford. Whilst the proposals are still at pre-application stage, it is understood that this scheme will progress in the medium term. The Park and Ride extension site falls within 'Area 1' of the scheme and is likely to be affected by its implementation. The development of the OFAS scheme has considered the extension to the park and ride in its pre-planning stage and as such the proposal would not prejudice its delivery. The current OFAS proposals would include the provision of a bund around the Park and Ride extension site which will protect adjacent properties fronting Botley Road. The channel widening of Bulstake and Seacourt stream will increase flood storage volumes to compensate for this. Flood waters will therefore be contained within the Park and Ride site during more extreme flood events as a result of the bunding. The FRA states that it is unknown at this stage what effect this will have on flood levels within the site however it is anticipated that channel widening works would ensure that flood levels would remain the same or reduce within the proposed extension site.
- 9.142. The FRA has also provided floodplain compensation in order to mitigate for the floodplain storage that will be lost as a result of the provision of the terminal building and slight re-grading of land within the car park extension. The compensation is proposed on a volumetric basis using the volume of floodplain lost and gained within the 200mm depth bands. This ensures that any loss of floodplain volume resulting from the raising of levels within the site will be compensated by lowering levels in non-critical areas of the site. The

compensation will be provided on an area of land to the north of the proposed car park extension in the control of the Applicant, and has been designed to provide a net increase in available flood storage during flood events. The delivery of this floodplain compensation is to be secured through a condition as recommended by the Environment Agency. In addition to this permeable paving will be utilised within the entire car park area, with attenuation in the voids of the foundation layer sufficient to allow controlled discharge into these receptors at existing Greenfield run-off rates. The attenuation will also provide additional storage during flood events when the car park is under water, reducing flows into the river during flood events. The Environment Agency accepts that the development will result in no net loss of floodplain storage and that it will deliver an overall increase in floodplain storage of 75m<sup>3</sup>. Therefore in accordance with NPPF paragraph 67, the FRA has demonstrated that the development would not result in the loss of any floodplain storage, would impede water flows, or increase flood risk elsewhere.

9.143. It is acknowledged that the NPPG Paragraph 67 states that essential infrastructure within Flood Zone 3b should be designed and constructed to remain operational in times of flood. This is technical guidance, which goes further than the requirements in Paragraph 102 of the NPPF. It is important to bear in mind that a car park has different characteristics to other types of essential infrastructure that could fall into this category such as roads and railways and does not need to remain operational in times of flood. The FRA recognises that the proposed extension will flood more often than the existing car park, but that the existing car park could still be used during specific flood events when the extension be unusable. It would only be in exceptional events that the park and ride facility as a whole would not remain operational. In those events however it should be recognised that there would be no requirement for it to remain operational because there would be flooding on the Botley Road itself which would mean that it is closed to traffic, including public transport serving the facility. As such, although the extension would not remain “operational” in times of flood, during all but the most exceptional events, the existing park and ride would remain usable and although in technical terms there may be said to be some conflict with one element of the technical guidance at NPPG para.67, given the nature of the development, this does not amount to a matter of particular significance or weight. The EA has of course not objected either on this basis or otherwise.

9.144. In terms of managing the car park in times of flood and ensuring the safety of users, the Flood Risk assessment recognises that the new car park area would pose a potential hazard in the most extreme events, but that this can be managed across the site through the implementation of a robust emergency flood management plan. Officers would make members aware that a significant proportion of the existing Park & Ride site is already located within Flood Zone 3b and the Council already employ a flood management plan for this site. It is intended for this management plan to also cover the expanded site. The existing Park & Ride has been in operation since 1974 and no major incidents have been reported to date including injuries or fatalities that have been attributed to flooding. With respect to management, a car park is considered to be a less vulnerable land use, and the same applies to the users of the car park. The

emergency management plan will proactively monitor river levels and be informed by Flood Alerts and Flood Warnings by the Environment Agency. The historic flooding in the vicinity of the site has been characterised by the slow and steady rising of river levels which provides sufficient time for management protocols to be put in place in order to reduce risk. Even in severe flood events there is a delay of 24 hours between a flood alert being issued by the Environment Agency and flooding occurring. This allows the risk of flooding to be assessed by the Council with users of the Park & Ride kept up-to-date on perceived risk at any time. In these cases, measures will be implemented to close the respective parts of the site in the event that flooding is likely to occur and allow the site and its building to be evacuated safely.

9.145. The flood management plan has been developed to eliminate the chance of vehicles being caught in floods. The owners of vehicles already within the site will be contacted directly if they have registered their details or by social media of the Park & Ride website to inform them of the possibility of flood. The variable messaging signs around the city could be used to make potential users aware of potential flood risk and closures at the car park, and there could be a 24hour restriction on parking within the extended part of the car park. Any user will be allowed to drive away from the car park if it is safe for them to do so via the designated route. During the consultation process concerns have been raised about the potential for vehicles to be washed into nearby rivers obstructing vital drainage routes and whether perimeter post-and-rail fencing is an appropriate means to manage stranded vehicles being washed away. The Flood Risk Assessment envisages that the proactive employment of the flood management plan will prevent vehicles from being left within the car park in times of flood. However the provision of a boundary enclosure will provide a level of containment in order to prevent any stranded vehicles floating away in severe incidents. It is understood that concerns have been raised about the use of a 1.8m high post and rail fence. However, it is understood that the chosen fencing would comply with the statutory guidance on permitted fencing within a flood zone. A post-and-rail fence is considered to be the most appropriate in terms of impeding flood waters. The means of enclosure would be subject to a condition which could agree the type and design of this fencing, in order to ensure it meets the requirements with respect to the flood zone, and also in terms of its impact upon the openness of the Green Belt. Officers therefore consider that the flood management plan has been designed to meet the requirements of NPPG paragraph 67 and ensure that the facility remains operational so far as possible and safe for users in times of flood. These measures to secure safety of users would be secured by an appropriately worded condition.

9.146. Therefore, officers consider that the Flood Risk Assessment has demonstrated through an sequential and exceptions test that alternative sites are not available, and that the development is appropriately flood resilient and resistant, safe for its users for the development's lifetime and will not increase flood risk overall. The NPPF requirements are satisfactorily met such that planning permission need not be withheld on grounds of flood risk. Moreover, as essential infrastructure, the proposed development is considered to be appropriately located in accordance with policy CS11 of the Core Strategy and for the reasons set out above, the other elements of that policy are also met. It is acknowledged that the

development involves a greenfield site within flood zone 3b and thereby a conflict with CS2 arises, however that policy must be considered in the context of policy CS11, which acknowledges essential infrastructure may be appropriately located in flood zone 3b and other policies of the Plan which support expansion to P&R facilities. The Environment Agency as statutory consultee have not objected to the proposal on flood risk grounds, and are content that planning permission can be granted subject to the conditions they have recommended.

### *Surface Water Drainage*

- 9.147. The FRA includes a drainage strategy for the proposed extension. This strategy considered a number of options for the disposal of surface water run-off including the use of a soakaway or other infiltration system; a watercourse or tidal outfall; and a sewer. Having regards to the nature of the geology below the extension, it was considered that infiltration via a soakaway or discharge to a sewer would not be a suitable option. Therefore it is proposed to discharge any surface water to a water course, primarily, Seacourt Stream.
- 9.148. The drainage system has been developed in conjunction with the Oxfordshire County Council Lead Local Flood Authority and the Environment Agency. The drainage system would incorporate Sustainable Urban Drainage features. It would result in all runoff from the extension to the Park and Ride car park to be collected by permeable block paved areas and attenuated below ground (and on the car park surface at extreme events). A control chamber will be provided downstream of the porous paving to limit discharge to greenfield runoff rates and runoff will then be pumped into a downstream swale to provide two trains of treatment. The swale will outfall into Seacourt Stream. Roofwater from the Terminal building will also be conveyed into the porous paving. The scheme has been designed to accommodate a 1:100yr storm allowing for climate change.
- 9.149. During the consultation process, reference has been made to the suggestion within the Factual and Interpretive Ground Investigation Report that the proposed drainage strategy will require the use of lime stabilisation to avoid damage to the paving within the car park expansion from changes to the clay layer below ground and that this needs to be given further consideration as part of any drainage proposals for the site. The concerns raised are that lime treatment is likely to have an impact on the permeability of soils below the car park, and therefore needs to be appropriately considered. The applicant has confirmed that the surface water drainage strategy has been designed as a tanked system which assumes no infiltration below the attenuation layer, with all storm water discharge from the site via a controlled outfall into Seacourt Stream. An impermeable membrane is included within the construction to prevent water saturating the clay. The underlying clay is of a low permeability whether lime stabilisation is employed or not, and it is envisaged that the attenuation will operate effectively in either scenario.
- 9.150. The Drainage System will be maintained by Oxford City Council. The FRA includes a drainage maintenance schedule which sets out the responsibilities and recommended maintenance regimes for each of the drainage elements

incorporated into the scheme. This will be secured by condition. The Oxfordshire County Council Lead Local Flood Authority has raised no objections to the proposed drainage strategy subject to a condition requiring a detailed design of the scheme.

**vi. Biodiversity**

- 9.151. The NPPF states that development proposals should conserve and enhance biodiversity by applying the certain principles. These include, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, the permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged (paragraph 118)
- 9.152. Oxford Core Strategy Policy CS12 states that development will not be permitted that result in a net loss of sites or species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.
- 9.153. The Environmental Statement has assessed the likely potential significant effects of the proposed development on ecology. The baseline situation for this assessment has been informed by the completion of an Extended Phase 1 Habitat Survey, Reptile Presence / Absence Survey, Bat Activity Survey, Badger Survey, and Adonis Blue Butterfly Note.
- 9.154. The ES identified that there are 11 statutorily designated sites (Sites of Special Scientific Interest, Special Area of Conservation) within 5km of the application site and 13 non-designated sites (Local Wildlife Sites, Sites of Local Importance for Nature Conservation). However it concludes that given the separation distance to these sites, there will be no significant impact from the proposal on these sites during the construction and operational phase of the development. Natural England has also raised no objection to the proposal in terms of impact on statutorily protected sites.
- 9.155. During the consultation process it has been suggested that the applicant has failed to take into account that the site is designated within the Oxford Biodiversity Action Plan 2015-2020 as a Conservation Target Area, and a Habitat of Principal Importance. Having regards to this matter, officers would make clear that Conservation Target Areas are not statutorily protected sites. Their purpose is to identify connected areas of land where gains in biodiversity can be delivered. They are large areas of land which is considered to offer the best opportunities for establishing large habitat areas and/or networks of wildlife habitats. The status offers no protection of the land, and as such development proposals can be considered. With respect to it being a Habitat of Primary Importance, the table referred to in the Oxford Biodiversity Action Plan is based on aerial photo analysis by TVERC, which is not a reliable technique for determining habitat. This analysis will have been superseded by the on-ground ecological survey carried out in support of this application. Natural England have raised no objection to the application on this basis.

- 9.156. The Extended Phase 1 Habitat Survey found that the application site included improved grassland; tall ruderal vegetation; dense scrub; hedgerow; semi-improved grassland; scattered scrub; bare ground; building; and scattered trees. The ES acknowledges that Hedgerows are priority habitat however, those on site were of low biodiversity value. They do not meet the criteria for protection under the Hedgerow Regulations 1997. As a result their value for linking habitats as well as supporting animals is reduced. The other habitats within the site were of limited ecological importance, given they were common throughout the local landscape. The ES acknowledges that during the construction phase some sections of hedgerow around the site will need to be removed to allow access into the extended car park and the construction of the terminal building. As the hedgerow to be removed is young and of low diversity, it concludes that there will be no significant impact on the hedgerows. The same would be said for the operational phase of the development despite new lighting being proposed and additional traffic and people around the site.
- 9.157. In terms of protected species, consideration has been given to the potential impact upon Bats, Birds, Badgers and Adonis Blue Butterfly.
- 9.158. Bats: The survey identified that seven species of bats were found within 2km of the site but bat activity at the site was low. No structures or trees which could support roosting bats were identified in the Phase 1 Habitat Survey, and those that were, are not impacted by the development.
- 9.159. Having regards to the low activity it is considered that there will be no significant impact on foraging or commuting bats during the construction and operational phase of the development. Although the scheme will result in new sources of light, the impact on bats depends on the species involved. Some species (pipistrelles and serotines) will be drawn to the invertebrate supply around the lights, and others will actively avoid higher light levels. The lighting scheme has been developed with this in mind. The Bat Activity Survey did not identify any significant difference in bat activity between the existing car park, and the darkened field subject to this application.
- 9.160. Birds: The survey identified 99 species of birds within 2km of the site, with 29 of these species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The Phase 1 Habitat survey identified that the habitats on site are suitable for nesting birds, either as nesting sites, foraging areas, or both. The ES identified that the loss of some scrub and hedgerow during construction phase, along with disturbance from noise and dust could have a moderate adverse impact on breeding birds. However it goes on to recognise that the proposed attenuation ponds for the flood risk and drainage mitigation will create an environment which will be of value to birds which spend the winter in the local area. This will therefore have a minor beneficial impact on overwintering / breeding birds during the operational phase. Furthermore although the disturbance from the development will influence the location and distribution of breeding birds, the local population are likely to be accustomed to human disturbance as the site is on the edge of a relatively densely populated area, and therefore birds would be likely to adjust their breeding locations. As a result the ES concludes that there will be no significant impacts as a result of disturbance

during the operational phase of the development.

- 9.161. Badgers: The Badger Survey has been updated since the application was submitted in order to consider the survey date and information provided by the Oxfordshire Badger Group. The initial site walkover (11<sup>th</sup> September 2014) found an active outlier badger sett within the site boundary but it had been identified that this was inactive over a significant period of time. There was evidence of other outlier sett entrances in close proximity to the site. Further update surveys have been undertaken on the 30<sup>th</sup> November 2016, 5<sup>th</sup> May 2017, 1<sup>st</sup> June 2017, and 23<sup>rd</sup> October 2017 which have established that one of these entrances has been abandoned, but some activity in others close to the site.
- 9.162. The ES concludes that during the construction phase, the existing outlier sett would be lost, but this has been found to be inactive at the last survey (October 2017). There would also be a loss of some foraging habitat as a result of the development, but that similar habitat exists within the surrounding area that would not be impacted. With respect to the other outlier setts within the vicinity of the site, it is accepted that there will be increased disturbance from noise and other vibration from the construction phase. It is also recognised that there may be a need to excavate holes / trenches for the new structure or new services which could trap badgers if they access the construction site. As a result the ES recognises that there will be a minor adverse impact on badgers from the construction. In terms of the operational phases, the ES acknowledges that there is likely to be disturbance from vehicles and people in the proposed development which would be similar or less than experienced in the construction phase. There was no evidence of badgers using the hedgerows for foraging, so it is not expected that they will start foraging during the operational phase. As such no significant impact is anticipated during the operational phase of the development.
- 9.163. In order to mitigate any impact on badgers throughout the process, any works would ensure that a Disturbance Licence should be applied for from Natural England which will allow works to proceed on site, providing mitigation is undertaken to reduce the potential for disturbance; a pre-commencement of development survey will be undertaken to determine if the statuses of any setts on site have changed and if any additional licenses are required; and a method statement for proposed works will be prepared and implemented. Officers are satisfied that the ES has considered the impact upon badgers.
- 9.164. Adonis Blue Butterfly: The ES has also investigated the presence on site of the Adonis Blue Butterfly following representations made by the Oxfordshire Badger Group. It has established that there are no records of Adonis Blue butterfly or Horseshoe Vetch within 9km of the site boundary. Horseshoe Vetch on which the species is reliant is only found on calcareous, dry soils, whilst the site is clay based. It also requires short sward grassland, and the site has long sward. As such it is clear that the site is unsuitable for this species.
- 9.165. Biodiversity Mitigation: The ES sets out the scope of mitigation and enhancements that will be undertaken during the construction and operational phase of the development. These include

- The retention and enhancement of the borders around the site, including filling in the gaps in the existing hedgerows with native species in order to create new features where none is present.
- The protection of hedgerows in line with BS 5937:2012 'Trees in Relation to Design, Demolition, and Construction: Recommendations'
- The restriction of vehicular noise to reduce the overall disturbance on badgers and other wildlife within the vicinity of the site
- A pre-commencement badger survey, including the closure under licence in the event of re-occupation.
- The closure of holes and trenches where possible during the evening or the provision of a shallow ramp where closure not possible to avoid badgers being trapped.
- Dust suppression measures
- The avoidance of work within close proximity to active bird nests, and monitoring if any work is undertaken within the bird nesting season
- The provision of bat and bird nesting boxes surrounding the site
- The creation of attenuation ponds with the ability to support wading birds
- The careful use of lighting during construction to avoid lighting wildlife corridors
- The provision of a lighting scheme for the car park which considers the impacts on wildlife
- The management and maintenance of the hedgerows to support wildlife
- The timing of maintenance and management to avoid bird nesting seasons and other disturbance

9.166. The ES included a completed Biodiversity Impact Assessment that considers the net loss or gain of any biodiversity value to the site in order to support additional biodiversity mitigation. It is understood that the semi-improved grassland, scrub, and associated habitats now present within the area of the proposed expansion will be lost. The habitats to be retained will include all of the scrub and trees on the western side of the existing car park and field to the north, sections of the east boundary of the current car park, and belts of scrub / hedge to the south and east sides of the extension car park. The scheme will create new habitat in the form of wet grassland to the north. This will result in a small net gain in habitat, but it has been confirmed that further habitat creation can be undertaken to the east of the extension site. This would be on land that is within the ownership of the City Council and is therefore could be secured by condition. As such a condition should be imposed which seeks an ecological design strategy which addresses the mitigation and enhancements for the development and future management plans for this mitigation.

9.167. Officers would concur with the findings of the ES and its associated surveys and consider that the proposal would accord with the aims of Oxford Core Strategy Policy CS12 subject to conditions.

**vii. Landscaping and Impact on Trees**

9.168. The application includes an Arboricultural Report which surveys existing trees,



groups of trees and hedgerows in accordance with BS5837:2012, classifies them according to quality and value, and identifies the constraints that they impose on site layout. Also included is an Arboricultural Impact Assessment (AIA) which identifies the existing trees that will be removed, and those that are at risk from damage as a result of encroachment of construction within their Root Protection Areas. An Arboricultural Method Statement (AMS) recommends special precautions that are required to ensure that retained tree are not damaged by construction activities around them, and a Tree Protection Plan (TPP) recommends tree protective measures that should be put in place during the construction phase including barrier fencing and ground protection.

- 9.169. The proposals requires 23 existing trees (including a mature lime, T86; a London Plane, T2; an ash, T10; a silver birch, T25 and 19 other low quality and value trees of various species), 5 groups of trees (G1, a group of ash saplings; G2 a group of blackthorn; G5, 6 hawthorn; G6, 5 hawthorn; G8, group of young hawthorn) and several sections of 1 hawthorn hedgerow, H1, to be removed. In addition, 2 trees are dead (hawthorn, T20; and, aspen, T52) and these must be removed irrespective of any development.
- 9.170. Most significantly, it is proposed to remove a mature lime tree, T86, because of alterations to the existing vehicular access to the park and ride at its junction with Botley Road. This is a high quality and value tree (BS5837:2012 A2 category) that stands in a prominent roadside location and its removal will have a significant detrimental effect on public amenity in the area.
- 9.171. The proposals also seek to extend the existing park and ride by constructing new parking spaces to the east of the existing car park. This requires sections of the existing boundary hawthorn hedgerow, H1, to be removed. Several trees and groups of trees will also be removed but most of which are low quality and value.
- 9.172. Care will need to be taken to protect retained trees from damage during the construction phase and the submitted Tree Protection Plan is appropriate to ensure this. Among the retained trees 2 mature lime trees, T56 and T57 that stand in the highway verge along Botley Road will be vulnerable when the new pedestrian and emergency vehicle access is constructed within their Root Protection Areas. However, the submitted AMS recommends that a 'no-dig' cellular confinement system is used to construct new hard surfaces on the existing soft ground around the trees and this should minimise root damage. Details of underground utility services and drainage should be required for approval by condition if planning permission is required to ensure that retained trees are not harmed during their construction.
- 9.173. The proposed soft landscaping includes tree planting within the car park extension and new hedgerows and trees planted around the new eastern, southern and western boundaries. For biodiversity and landscape reasons species should be native and indigenous to the local area as far as possible; detailed planting plan and schedules should be required for approval by condition if planning permission is granted. This new planting can be expected to mitigate the visual impact that removal of existing trees, groups of trees and section of hedgerow will have in external public views towards the site and will eventually

provide valuable improved screening of the car park, except in the case of lime tree T86. Although new planting is proposed nearby, new trees will take many years to attain the stature and amenity value of the visually prominent tree that will be lost and consequently there will be a residual detrimental impact on visual amenity in public views along Botley Road.

9.174. However, officers consider that the overall benefits that the wider sustainability benefits the development will provide, would outweigh the harm caused by the removal of this tree from the junction and also its loss would be mitigated by the additional tree planting that would provide throughout the development as a whole.

### **viii. Archaeology**

9.175. Oxford Local Plan Policy HE2 states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford but in particular the city centre Archaeological Area, planning applications should incorporate sufficient information to define the character and extent of such deposits as far as reasonably practicable, including where appropriate: the results of an evaluation by fieldwork; and an assessment of the effect of the proposals on the deposits or their setting.

9.176. This site is considered to be of interest because of the potential for Neolithic-Bronze Age activity on the gravel islets located between the braided channels of the prehistoric river Thames. Previously a circular feature was seen on aerial photographs taken during the First World War 50-60m west of the extension footprint and has been interpreted as a possible Bronze Age barrow.

9.177. The proposed 500mm ground reduction across the site has the potential to impact on prehistoric features cut into the higher gravel. The footprint of the new single-storey building to the west of the site will also impact on the higher area of gravel, along with localised services. The alluvium located in the central, eastern and northern parts of the site is likely to have been deposited from the Middle Iron Age onwards and this has the potential to seal Neolithic through to Iron Age or Roman activity.

9.178. The geotechnical report submitted with the application demonstrates that the middle and northern parts of this site comprise shallow 200mm of topsoil over clay (presumed to be alluvium) that is 1.20-1.60m thick and that shallow topsoil is present over natural gravel (with some areas of possible made ground and other with thin layer of alluvium) in the southern part of the site.

9.179. A Field evaluation by John Moore Heritage Services targeted on the higher gravel recorded a single feature of possible prehistoric date containing degraded prehistoric pottery (interim report John Moore Heritage Services 2017). In this case, bearing in mind the results of the archaeological evaluation it would be reasonable to require, in line with the advice in the National Planning Policy Framework that any consent granted for this application should be subject to an archaeological condition which requires further archaeological investigation. The

archaeological investigation should consist of controlled strip to the top of the higher gravel followed by the mapping and excavation of any significant archaeological features and a watching brief during works within the alluvium (subject to confirmation of the final groundwork methodology). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves

**ix. Other**

- 9.180. Air Quality: The Air Quality Assessment considers potential impacts on air quality during both the construction and operational phases of the proposed development.
- 9.181. The Air Quality Assessment concluded that impacts on pollutant levels as a result of operational phase vehicle exhaust emissions were not predicted to be significant at any sensitive location in the vicinity of the site. The use of robust assumptions, where necessary, was considered to provide sufficient results confidence for an assessment of this nature.
- 9.182. Based on the assessment results, air quality issues are not considered a constraint to planning consent for the proposed development. However, a key theme of the National Planning Policy Framework is that development should enable future occupiers to make “green” vehicle choices and “incorporate facilities for charging plug-in and other ultra-low emissions vehicles” (paragraph 35). Oxford City Council’s Air Quality Action Plan 2013 commits to seeking to ensure that new developments make appropriate provision for walking, cycling, public transport and low emission vehicle infrastructure e.g. Electric Vehicle charging points.
- 9.183. The development proposes the introduction of 10 EV charging points. This is a significant improvement from the current 1 EV charging point. The Government’s ambition is for all new cars and vans to be zero emission by 2040. This will require significant capacity for EV charging infrastructure. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development. This should be secured by condition.
- 9.184. Land Quality: Having reviewed the Environmental Statement Chapters 5 ‘Water Quality and Drainage’ and 9 ‘Ground Conditions and Contamination’; Seacourt Park and Ride, Botley Road Desk Study, Seacourt Park and Ride Factual and Interpretative Ground Investigation Report.
- 9.185. The Environmental Statement does not identify any significant effects related to contaminated land. Shallow soil samples were tested in 6 locations, which did not reveal any exceedances of contaminants when compared to assessment criteria for a commercial end use. Gas monitoring found low levels of methane and carbon dioxide being produced albeit at negative flow rates, indicating that there is a low risk from ground gas, and that no gas protection measures are required. No leachate or groundwater testing was undertaken during the ground investigation. The risks to controlled waters were assessed to be minor during both the construction and operational phase. This was attributed to the

decreased infiltration that will result from this development and the implementation of mitigation measures during construction and operation, including retaining vegetation during construction and the provision of oil/silt interceptors as part of the Sustainable Urban Drainage scheme.

- 9.186. Only two of the eleven exploratory holes had made ground while the others were topsoil underlain with natural materials. Given the green field nature of this area and the limited made ground on site, I agree that there are minor risks to controlled waters, and that any impacts from the proposed development can be adequately mitigated by the measures proposed.

## **10. CONCLUSION**

- 10.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 14 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

### *Compliance with Development Plan Policies*

- 10.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 10.4. In summary, the expansion to the Park & Ride would maintain the role of the Park & Ride in terms of improving city wide movement throughout the city and support the principle of providing additional capacity at these sites (Local Plan Policies TR9, and Core Strategy Policy CS14). The proposed expansion would involve inappropriate development within the Green Belt. Although Core Strategy Policy CS4 has a presumption against allowing inappropriate development in the Green Belt, it makes clear that this should be in accordance with national planning policy. The NPPF makes clear that granting planning permission for inappropriate development on the basis of very special circumstances is not contrary to national planning policy, and therefore on this basis officers consider that the development could not reasonably be considered a departure from Oxford Core Strategy CS4.

- 10.5. The site layout and built form of the development has been designed in a comprehensive manner that has sought to minimise the visual impacts of the development and maintain the openness of the Green Belt, in accordance with Local Plan Policies CP1, CP6 and CP8, and Core Strategy Policy CS18. It has also been designed in a manner that would preserve the amenities of the adjoining residential properties in accordance with Local Plan Policy CP10, CP19, CP20, and CP21. In transport terms, it is considered that the proposal would be acceptable in terms of access, parking, highway safety, traffic generation, and pedestrian and cycle movements in accordance with Local Plan Policy CP1. While the proposed expansion would be located within Flood Zone 3b, officers consider that it would constitute essential transport infrastructure as supported by Core Strategy Policy CS11. The location has been established through an appropriate sequential test, and having regards to wider sustainability objectives. The site specific FRA has also demonstrated through the exception test, that the development would not increase flood risk and would be safe for its users over the lifetime of the development. The development would not have an adverse impact upon biodiversity and would secure appropriate mitigation measures in order to ensure that there is no net loss of biodiversity in accordance with Core Strategy Policy CS12. The proposed landscaping would accord with Local Plan Policies CP1, CP11, and NE15, and any adverse arboricultural impacts associated with a proposal from the loss of trees would be outweighed by the wider sustainability benefits of the development. The development would also be acceptable in terms of archaeology (Local Plan Policy HE2), Air Quality (Local Plan Policy CP23), Land Quality (Local Plan Policy CP22). Where there are any adverse impacts in relation to these matters, officers consider that these could be mitigated through appropriately worded conditions.
- 10.6. The main policy where there could be considered a departure from development plan policy would be with regard to Oxford Core Strategy Policy CS2 which requires development to be focussed on previously developed land and greenfield development should not take place in flood zone 3b. The latter element of the policy must be considered in the context of CS11 and the NPPF which does envisage essential infrastructure within flood zone 3b in particular circumstances, as addressed above. While it is accepted that the site does not constitute previously developed land and the proposal will involve a departure from this policy, the benefits of the proposal as an expansion to the existing Park & Ride and the absence of any alternative reduced considerably the weight to be attached to the conflict with this policy.
- 10.7. Therefore officers consider that the proposal would accord with the development plan as a whole.

#### *Material Considerations*

- 10.8. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 10.9. National Planning Policy: The NPPF has a presumption in favour of sustainable development which should be viewed as the golden-thread running through decision taking.

- 10.10. NPPF paragraph 14 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 10.11. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 14 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 10.12. Oxford Transport Strategy: It is recognised that Oxfordshire County Council in its role as the Strategic Transport Authority does not support the longer-term expansion of current edge of city Park & Ride car parks and has formally objected to the application on this basis.
- 10.13. The Oxford Transport Strategy is not an adopted development plan policy. Therefore while it is a material consideration it is considered that it has limited weight in the determination of the application. In addition to this, the 'Oxford Park & Ride – Future Strategy Development' report which set out this strategy does not rule out the need for inner Park & Ride sites such as Seacourt to be retained alongside the remote sites. The strategy is also a long-term one which has no guarantee of delivery.
- 10.14. As such officers consider that this long-term objective would not have sufficient weight to outweigh the proposals compliance with the development plan policies taken as a whole and the benefits which it would deliver.
- 10.15. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 10.16. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 11 of this report.

## 11. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, areas to be grassed or finished in a similar manner, and the means of enclosure around the perimeter of the site.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 5 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 6 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

- 7 The development shall be carried out in strict accordance with the approved tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016

- 8 The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016

- 9 A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents and neighbours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

- 10 A watching brief for the identification of unexpected contamination is undertaken throughout the course of the development by a suitably competent person. If unexpected contamination is found to be present on the site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. Details of the watching brief must be submitted to and approved by the Local Planning Authority prior to occupation of the development.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 11 Prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

- 10 charging points.
- Appropriate cable provision to prepare for increased demand in future years.

The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first occupied and shall remain in place thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing facilities for alternative modes of transport and improving air quality in accordance with Local Plan Policy CP23



- 12 The development permitted by this planning permission shall be carried out in accordance with the Revised Flood Risk and Drainage Assessment ref RT81175-28-001 rev 8, WYG, November 2017, and the following mitigation measures detailed within it

- Compensatory floodplain storage as shown in Table 4.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, unless otherwise agreed in writing by the Local Planning Authority

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided up to the 1 in 100 with an appropriate allowance for climate change flood level.

- 13 Finished floor levels of the new waiting area building are to be set no lower than 57.18 metres above Ordnance Datum.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 14 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric remains (Local Plan Policy HE2).

- 15 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones" including off-site receptors.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with policy CS12 of the Oxford Core Strategy 2026

- 16 No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In order to mitigate any harm to biodiversity in accordance with Oxford Core Strategy Policy CS12

- 17 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: In order to provide suitable management and maintenance of the mitigation measures in accordance with Oxford Core Strategy Policy CS12

18 Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: The prevention of disturbance to species within the site during operation in accordance with policy CS12 of the Oxford Core Strategy 2026

19 Prior to the commencement of the development, details of biodiversity enhancement measures including at least 4 x bird nesting and 2 x bat roosting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the building and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

20 If the development hereby approved does not commence or, having commenced, is suspended for more than 12 months within 1 year from the date of the planning consent, the approved ecological measures secured through the Ecological Design Strategy approved as part of this permission shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

i) establish if there have been any changes in the presence and/or abundance of badgers.

ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement or re-commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with policy CS12 of the Oxford Core Strategy 2026

21 The development shall be carried out in accordance with the Noise Impact Assessment, and noise values set out within Table 5.1 of Appendix 7.1 of the Environmental Statement.

Reasons: In the interests of the amenities of nearby occupiers in accordance with policy CP21 of the adopted Oxford Local Plan 2001-2016

- 22 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall also include:
- Discharge Rates,
  - Discharge Volumes,
  - Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement) ,
  - Sizing of features – attenuation volume,
  - Infiltration in accordance with BRE365,
  - Detailed drainage layout ,
  - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy),
  - Network drainage calculations ; and,
  - Phasing.
  - Details and soakage test results are to be provided.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding affecting the highway in accordance with Oxford Core Strategy Policy CS11.

- 23 That prior to the development hereby permitted being brought into use an Emergency Flood Management Plan and Flood Hazard Map shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved flood management plan at all time.

Reason: In order to ensure that the risk from flooding is appropriately managed in accordance with Oxford Core Strategy Policy CS11.

### Informatives

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 2 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance

will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

## **1. APPENDICES**

**Appendix 1** – Site Location Plan

**Appendix 2** - 1999 Appeal Decision (GOSE/103/004/OXFO/002)

**Appendix 3** – Oxford Flood Alleviation Scheme

## **1. HUMAN RIGHTS ACT 1998**

- 11.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve the application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 11.2. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

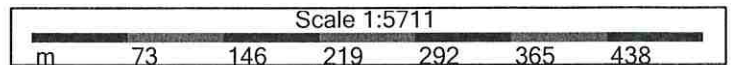
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# Appendix 1

## 16/02745/CT3 Seacourt Park & Ride



1:5711



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	04 December 2017
<b>SLA Number</b>	100019348

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GOVERNMENT OFFICE  
FOR THE SOUTH EAST

The Director of Environmental Services,  
Oxford City Council,  
Clarendon House,  
52 Cornmarket Street,  
Oxford  
OX1 3HD

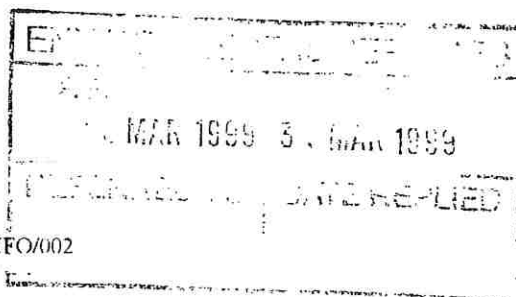
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15 March 1999



Our Ref: GOSE/103/004/OXFO/002  
Your Ref: RM/97/1876/GFY

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77  
APPLICATION BY OXFORD CITY COUNCIL: PROPOSED EXTENSION TO  
SEACOURT PARK AND RIDE, OXFORD  
APPLICATION NO. 97/01876/GFY**

1. I am directed by the Secretary of State for the Environment, Transport and the Regions to say that consideration has been given to the report of the Inspector Mr B H Mundy BSc(Hons) CEng, MICE, MIHT, who held a public inquiry into your Council's application for planning permission for the change of use of existing land from agricultural use to form an extension to park and ride to provide 354 additional spaces at Seacourt Park and Ride, Botley Road, Oxford. The Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990 that the application be referred to him.
2. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that planning permission be refused. A copy of his report is enclosed.
3. After the inquiry representations were received concerning further flooding at the application site. These representations were copied to your Council, who do not accept that development of the site as a car park will seriously worsen problems in the locality, because of the small area of land involved. The Council point out that there is no undeveloped land in the vicinity of Botley Road which is not in the floodplain and that the proposed extension is an essential component of the City and County Councils' transport policies for Oxford. These late representations have been taken into account, but are not considered to affect the decision on the application.



4. In deciding the application, the Secretary of State has had regard to section 54A of the Town and Country Planning Act 1990 which requires him to determine the application in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Oxfordshire Structure Plan 2011 and the Oxford Local Plan, adopted in 1997. The most relevant policies to the proposed development are summarised in section 5 of the Inspector's Report. In particular, Policy TR17 provides for an increase in the capacity of Seacourt Park and Ride, but is not site specific.

5. The Secretary of State agrees with the Inspector (IR 13.1) that the main issues in this case relate to the effect of the development on the Green Belt and countryside, traffic impact and the effect on flooding. On the first issue he agrees with the Inspector (IR 13.2) that the proposed extension to the park and ride is inappropriate development in the Green Belt. Park and Ride is not one of the categories of development specified in PPG2 which may be acceptable in the Green Belt. Paragraph 3.12 of the PPG states that the making of material changes of use is inappropriate development unless openness is maintained and the use does not conflict with the purposes of including land in the Green Belt. In this respect, therefore, the proposal is contrary to the development plan.

6. Inappropriate development is, by definition, harmful to the Green Belt, and the Secretary of State has proceeded to consider whether the harm caused in this case and the other planning issues are outweighed by very special circumstances that would justify granting permission for the proposed development, despite the inappropriateness.

7. The Secretary of State agrees with the Inspector (IR 13.3) that the development would conflict with the purposes of the Green Belt set out in PPG2 by reducing openness, extending urban sprawl and encroaching into the countryside. The use would also fail to retain and enhance the landscape where people live. He notes, additionally, that the site lies within an area designated as being of High Landscape Value, and he shares the Inspector's opinion that, from certain viewpoints, the development would appear as an unnatural extension into the wider landscape, and would be difficult to screen, especially at night. The Secretary of State considers, therefore, that the harm to the Green Belt would be substantial.

8. The Secretary of State considers, for the reasons given by the Inspector in paragraphs 13.6-13.10 and 13.11-13.13 of his report, that there are no over-riding objections to the proposal in terms of traffic or flooding.

9. As to whether there are very special circumstances, the Secretary of State accepts that there is a need for the Seacourt Park and Ride to be extended, to offset the forthcoming displacement of some 400 vehicles in the City Centre. He agrees with the Inspector (IR 13.15) that park and ride is an effective and successful component in the Oxford Transport Strategy, and he accepts that its continuing success should not be prejudiced by the lack of additional capacity at the Seacourt site. He is satisfied, therefore, that the need to extend the Park and Ride could constitute very special circumstances that would justify inappropriate development in the Green Belt, if the need could not be met other than on the application site.



10. However, in this case, there is evidence of a potential alternative site for an extension to the Park and Ride outside the Green Belt. The Secretary of State cannot consider the comparative merits of the alternative site, since there is no proposal before him for extending the Park and Ride onto the Co-op site to the west of the existing Park and Ride. He does not, therefore, propose to form a view on the Inspector's conclusions in IR.13.19-13.26. Nevertheless, in the light of *Edwards v SSE and Roadside Development Ltd*, he accepts that evidence of a possible alternative site where the development could have less harmful effects than on the application site, is a material consideration. The Secretary of State considers that the harm to the Green Belt resulting from the development proposed would be significant. Since it has not been demonstrated that the application site is the only site available to meet the acknowledged need for an extension to the Park and Ride, he does not agree with the Inspector (IR 13.27) that there are very special circumstances which clearly outweigh the harm.

11. The Secretary of State strongly supports the principle of Park and Ride and accepts the need for the Seacourt site to be extended in line with the Oxford Transport Strategy and the Local Plan. However, he has concluded that there are not very special circumstances that would justify allowing inappropriate development in the Green Belt or would constitute material considerations that would indicate that he should determine the application other than in accordance with the development plan.

12. Accordingly, for the reasons given above, the Secretary of State accepts the Inspector's recommendation, and hereby refuses planning permission for the change of use of existing land from agricultural use to form an extension to park and ride to provide 354 additional spaces at Seacourt Park and Ride, Botley Road, Oxford.

Yours faithfully,



NIGEL WELBOURN

Authorised by the Secretary of State for  
the Environment, Transport and the Regions  
to sign in that behalf



## 13.0 Conclusions

*References in brackets are to earlier paragraphs relevant to my conclusions.*

13.1 The main considerations in this case relate to the effect of the development on the Green Belt and countryside, its traffic impact and the effect on flooding, having regard to national policy guidance and the development plan.

### Green Belt and Countryside

13.2 There is no dispute that the development of the application site for car parking would constitute inappropriate development in the Green Belt. It would reduce openness, extend urban sprawl and encroach into the countryside and landscape on the edge of Oxford, contrary to main purposes of Green Belts and contrary to development plan policy [6.1-6.3, 9.1].

13.3 Although the area for the extension of the car park is small in relation to the large expanse of Green Belt land in the vicinity, I do not share the Council's view that it would be minimal or negligible. The impact of development of open land close to the urban area can have a disproportionately large effect on the openness, as it figures in the foreground of views into the open area. In this case, the site lies fairly close to dwellings where, for the most part, there are wide views of the landscape to the north; these would be curtailed [6.2, 6.3, 6.7, 9.1, 11.1].

13.4 The effect on the landscape here is more relevant given the designation of the land as an Area of High Landscape Value. It would also conflict with one of the uses of Green Belt land defined in PPG2; it would not retain and enhance the landscape near to where people live. I do not consider that the mounding and planting proposed along the south boundary would effectively screen the site, particularly at night. Although from many points of view, the extension would be seen either against a backdrop of the existing car park or with that development as a foreground, mitigating the visual impact, that would not be the case in views from the south. From higher land to the west it would also appear as an unnatural extension into the wider landscape [6.4, 6.5, 9.2].

13.5 I attach little importance to the argument that there would be no extension of the parking area north of the existing park and ride. It would intrude eastward into open countryside, surrounded on three sides by open fields, perceptibly tending to close the Green Belt gap between the urban areas of Oxford [6.2, 9.4].

### Traffic

13.6 I am satisfied that the assessment of the effect of traffic generated by the development has been undertaken on realistic bases. This shows that, at the evening peak, there would be no significant detrimental effect on traffic flows on local roads. In the worst case the increase in queue length would be small [6.9-6.11, 9.6].

13.7 The criticism of the assumption for the capacity of Botley Road is unfounded. The effective width of 10 metres used is realistic and in accord with the nature of the all purpose category C road. To discount the presence of the right turn lanes and assign an effective width of 7.3 metres, as the CO-OP suggests, results in a gross underestimate of its

capacity. In essence this ignores the fact that such lanes allow for right turning traffic to depart from the east/west flow lanes and wait to turn, without delaying the flowing lanes [6.10, 9.6].

13.8 Due to the presence of the dedicated park and ride/ bus lanes on the approach to the park and ride, along the A34 link road and Botley Road, I agree with the approach that the extension traffic would have minimal effect on the morning flows into the city. It is possible that there would be some reduction, as traffic previously bound for the city might be encouraged to divert into the park and ride [6.12, 6.13, 9.6].

13.9 I heard arguments that the new dedicated lanes are not operating as intended. From my site visit I noted that the bus lane along Botley Road is not marked on the surface with markings identifying that it is available for use by park and ride traffic, although high level signs indicate this. This is likely have caused some confusion during the early period since the recent completion of the A34 slip road lane works and, in my opinion, merits further consideration. But, in principle, there is no serious basis on which to conclude that improved flow into the park and ride would not be achieved [6.12, 9.6, 10.1].

13.10 Both the expert traffic witnesses at the inquiry agreed that time would be required to monitor the effect of the new works, which would be the same in respect of either the application site or the site promoted by the Oxford, Swindon and Gloucester Co-operative Society Limited (CO-OP). Dependant upon the outcome of that monitoring, and any other proposals for improving flow, the justification for the direct link from the A34 slip road, referred to in Local Plan Policies TR16 and TR28, but not identified as a firm commitment, might be established. However, I agree with the Council that at present that is not the case [9.6, 6.12, 10.1].

### Flooding

13.11 Extension to increase the capacity of Seacourt is a firm proposal in Local Plan Policy TR17. Land required for that purpose is excluded by Policy CS27 from the provisions of Policy CS26 relating to development in the flood plain. There is no evidence to lead me to conclude that in the Local Plan process the procedures required by Circular 30/92 were not followed, nor that the objections now raised by the Environment Agency were not fully considered. It is clear that in the vicinity of Seacourt, all undeveloped land north of Botley Road is contained within the flood plain. There could have been no doubt, therefore, when Policy CS27 was formulated, that any extension of Seacourt would be within the flood plain. There are no material considerations which justify setting aside this policy in the development plan [6.14].

13.12 The construction method proposed for the extension would reduce the loss of flood storage volume [4.1].

13.13 The raising of ground levels for the extension would enable utilisation of the existing drainage and interception systems of the existing car park. There is no evidence that these have been ineffective in preventing pollution of watercourse [4.2, 8.1, 11.3].

### Residential Amenity

13.14 The extension would be located well away from the nearest dwellings, sufficiently far in my view to ensure that the noise and fumes from vehicles would not give rise to harmful effects on residential amenity. Nor should the lighting be intrusive in a manner disturbing to amenity, subject to good design which conditions could ensure. Save, therefore, for the visual effects in respect of landscape referred to above, I do not consider that the development would be objectionable to residents' amenity [6.15, 9.4].

### Very Special Circumstances

13.15 Park and ride is an effective and successful component in the Oxford Transport Strategy. It has contributed to a considerable reduction in the use of private cars in Oxford and encouraged greater use of public transport. The concept is in accord with the principles of PPG13 and fully endorsed in the development plan. I have no reason to doubt that there is a continuing rôle for park and ride in the future in the Oxford Transport Strategy. Indeed it is heralded in the impending further measures to control parking in the city centre [6.16, 8.2, 9.10, 11.2].

13.16 These will result in the displacement of some 400 vehicles. The extension of park and rides, to ensure that these can be accommodated at an attractive alternative, is a key component in the continuing Strategy. Provision in advance of such measures is clearly desirable and such an approach is intended by Policy TR17 of the Local Plan. Notwithstanding that there is at present some spare capacity at Seacourt, the success of this element of the Strategy may be prejudiced without the extension of this park and ride [6.17].

13.17 Given the thrust of national and local policy in reducing the dependency on private car use and encouraging greater use of public transport, I consider that the need for the development at Seacourt constitutes very special circumstances which clearly outweigh the harm to the Green Belt, landscape and countryside which it would cause, notwithstanding the conflict with the development plan [6.17].

### CO-OP Proposed Alternative Site

13.18 The development would, by virtue of its importance in the Oxford Transport Strategy, result in a clear public convenience or advantage. It is a proposal for which only one permission is likely to be granted, given the demand indicated in the evidence. I have, however, identified adverse effects which would arise. It is therefore necessary to consider, in the light of *Edwards v SSE and Roadside Development Ltd [1994]* whether the alternative site promoted by the CO-OP would not give rise to those effects.

13.19 The CO-OP site does not lie within the Green Belt nor the Area of High Landscape Value. It does not therefore offend when considered against the development plan or national policy. It would be visible from the Green Belt, but would be seen against a background of an illuminated high level road and its embankment, in an area where pylon routes also figure prominently in the appearance. On its long east boundary, it would abut the existing car park. The site is also well screened by existing mature vegetation along the Seacourt Stream and to the south. I do not consider that its visual impact on the Green Belt would be great. For similar reasons, it would not appear as such an intrusive encroachment into the countryside landscape as would the application proposal, even in views from higher

land to the west. Given the remoteness of the site from dwellings there would be no visual impact for residents [9.3]

13.20 The alternative site has been put forward on the basis that land on the Botley Road frontage would be removed from park and ride use. I accept that this would result in the facility being less visible from Botley Road and may render it less obvious to some potential users of the park and ride. However, that visibility is already limited as a consequence of the dense vegetation to the south west and I noted on my site visit that views are not available west of Seacourt Bridge, close to the service road entrance to Seacourt. Even from points where the parked vehicles can be seen it is not obvious that they are parked in the park and ride, given the proximity of New Barclay House which houses motor dealers. I therefore conclude that the effect in this regard would be limited and could be rectified by improved signing, which, in any event, is likely to be the means by which strangers to the area would locate the facility. Users from more local areas would be aware of its location, in all probability [6.21, 9.5].

13.21 With regard to the direct link from the A34 slip road, that does not form part of the alternative proposal and I do not consider that its availability, if it was found necessary to construct it, would result in any significant difference in advantage between the two sites. They are both equally visible from the A34 slip road. Dependant upon the location of such a link, the internal circulation of the park and ride could be adjusted to suit requirements [6.20, 9.6, 10.1, 10.2].

13.22 With regard to the potential parking capacity of the site, different conclusions were presented at the inquiry. Even so, the worst shortfall predicted was only just in double figures. Given the approximation made in respect of the precise number of spaces which would be lost on the frontage and the uncertainty regarding the implication of the Environment Agency's maintenance strip, I consider there to be little of material significance between the parties. With regard to the Environment Agency's requirement, I find no reason to conclude that parking would be precluded from maintenance strips. It is clear from inspection of the watercourse that the frequency with which vehicular access is necessary is very low. Mature trees along the banks are clearly accepted in the maintenance regime, notwithstanding that they would impeded access. Use of some land in the vicinity of some sections of the banks for parking would not prevent access, although simple management arrangements may be necessary [6.23, 7.5, 9.7].

13.23 Turning to the other Environment Agency objections to the CO-OP site, the loss of flood storage capacity would be of a similar nature as the application site, although I noted on my site visit that the difference in level between the CO-OP site and the existing car park is markedly less than on the east side, indicating that less ground raising might be necessary. I place little weight on the claims that compensation flood land might be available. That would depend on other considerations and is not part of the CO-OP proposal. Furthermore, the benefits of such compensatory land could be used in respect of any area of land within the flood plain, including the application site [6.22, 7.1, 8.2, 9.8].

13.24 There is no evidence to suggest that use of the land for car parking would materially affect flow routes. No new boundary fences would be required as the site is enclosed by the Seacourt Stream and the existing park and ride. Given the sophisticated advance warning systems now available in relation to fluvial flood events, it is unlikely that

the car park would contain cars which might impede flow, if its imminent flooding was predicted [6.23, 7.2, 7.3].

13.25 I am satisfied that, with proper design, use for car parking need not lead to extensive or unacceptable loss of habitat along the banks of Seacourt Stream. Much of that which is present is on or close to the banks, where it is unlikely that parking of vehicles would be allowed. The Environment Agency's maintenance strip could also provide habitat, as is the case at present [6.23, 9.7].

13.26 The development of the CO-OP site would result in the loss of the football pitch. Although it is disused there is no evidence to show that this is a consequence of lack of demand, nor has the assessment to establish need, required by Policy RE8 of the Local Plan, been undertaken. There is, however, no right of public access to the land and its use would therefore be limited. Furthermore, there would appear to be potential for location of a replacement in the vicinity of the application site, if necessary, where it would not be likely to be objectionable in local policy terms [6.24, 9.9].

#### Overall Conclusions

13.27 The development of the application site would lead to harmful effects to the Green Belt, the landscape and the countryside and conflict with the development plan. There are very special circumstances which clearly outweigh the harm.

13.28 The development of the alternative site might conflict with the development plan in respect of the loss of open air sports facilities, the subject of Local Plan Policy RE8. There would be some harm to the landscape and the countryside. Even if conflict with Policy RE8 is established, I do not consider that the total harm resulting from the development of the alternative site would be so adverse as that which would be a consequence of the application proposal.

#### Conditions

13.29 The conditions suggested by the Council, amended as reported in 12.1 above, satisfy the tests of Circular 11/95 and should be imposed if planning permission is granted.

13.30 The Environment Agency's conditions 10a) and 10b) requiring no raising of ground levels would be unreasonable and nullify the benefit of a permission. The matters covered by condition 10c) would be dealt with in the procedures which would be required for compliance with model condition 30 of Circular 11/95.

#### 14.0 **Recommendation**

14.1 I recommend that planning permission be refused.

I have the honour to be, Sir

Your obedient Servant

  
B H MUNDY





# The Planning Inspectorate

*An Executive Agency in the Department of the Environment,  
Transport and the Regions, and the Welsh Office*

REPORT ON

A CALLED IN

APPLICATION

BY

OXFORD CITY COUNCIL

FOR

**THE CHANGE OF USE OF EXISTING LAND FROM AGRICULTURAL USE TO  
FORM AN EXTENSION TO PARK AND RIDE TO PROVIDE 354 ADDITIONAL  
SPACES AT SEACOURT PARK AND RIDE, BOTLEY ROAD, OXFORD.**

Inspector : B H Mundy BSc(Hons) CEng MICE MIHT

Inquiry Dates : 24 and 25 November 1998

Reference : GOSE/103/004/OXFO/002

Tollgate House  
Houlton Street  
Bristol  
BS2 9DJ

1999

To the Right Honourable John Prescott MP  
Secretary of State for the Environment, Transport and the Regions

Sir

## 1.0 Preamble

1.1 I have the honour to report that on 24 and 25 November 1998 I held an inquiry at The Town Hall, St Aldate's, Oxford, into an application made by Oxford City Council for planning permission for the change of use of existing land from agricultural use to form an extension to park and ride to provide 354 additional spaces at Seacourt Park and Ride, Botley Road, Oxford. I conducted an accompanied visit to the site, the surrounding area and the alternative site promoted by the Oxford, Swindon and Gloucester Co-operative Society Limited, on 26 November 1998.

1.2 The application was called in for decision by a direction made on 21 April 1998 under Section 77 of the Town and Country Planning Act 1990, because of the impact of the proposed development on the Green Belt, and its possible implications for national policy set out in Planning Policy Guidance Notes, particularly PPG2 (Green Belts) and for regional, structural and local planning. On the information available at that time the following points appeared to be relevant:

- i the relationship of the proposed development to the adopted Oxford Local Plan and the (then) emerging Oxfordshire Structure Plan;
- ii the relationship of the proposals to Government policy advice in Planning Policy Guidance Note PPG2 (Green Belts), notably the likely effect and impact of the proposal on the Green Belt in Oxfordshire;
- iii the relationship of the proposal to Government policy advice in Planning Policy Guidance Note PPG13 (Transport) and the Oxford Transport Strategy;
- iv the impact on the roads and amenities in the area of the local traffic likely to be generated by the proposed development;
- v whether any permission should be subject to any conditions and, if so, the form these should take.

1.3 This report includes descriptions of the application site and surroundings, the proposal, and the alternative site promoted by the Oxford, Swindon and Gloucester Co-operative Society Limited (CO-OP), details of the relevant development plan policies, the gist

of the representations made at the inquiry, suggested planning conditions, and my conclusions and recommendation. Lists of appearances, documents, plans and photographs are attached.

1.4 *In the report references are made in brackets to documents as listed at the end of the report.*

1.5 Subsequent to the submission of the application, an amended plan C0135/00/05A [PLAN B], amending and replacing plan C0135/00/05 [PLAN A4], was submitted, which incorporated mounding on some boundaries of the proposed extension.

1.6 At the inquiry I was informed that the marking on both those drawings, showing two right turn lanes at the exit from the road serving the park and ride is erroneous. There is only one right turn lane, there is no intention to form a second and the Council's calculations relating to traffic flows allow for only one right turn lane.

## 2.0 **Background**

2.1 Seacourt Park and Ride forms part of the implementation of the Oxford Transport Strategy, fulfilling the park and ride function on the west side of the city and is located a kilometre or so from the city centre. Three other park and rides are located around the city. Seacourt is a surface car park, illuminated at night, designed and laid out to accommodate 805 cars; the extension would provide a further 354 spaces [OCC2]. Access and egress are from a service road off Botley Road, where the junction is controlled by traffic lights. The service road also accommodates the park and ride's bus loading area, and serves the commercial development at New Barclay House.

2.2 Seacourt was opened in 1974 with 250 spaces and extended twice, its present capacity being achieved in 1994 [OCC1].

## 3.0 **Site and Surroundings**

3.1 The site is a rectangular area of just under a hectare of approximately level grazing land, to the east of the existing park and ride. It forms part of the River Thames flood plain, which extends widely to the north and east. It lies within the Oxford Green Belt and is also located in an Area of High Landscape Value designated in the Oxford Local Plan.

3.2 The western edge of the site is the fenced and hedged boundary of the existing park and ride. The eastern site boundary comprises the sparse and intermittent remnants of a field boundary hedge. The north and south boundaries are undefined by natural features, the former comprising a utilitarian barbed wire fence [PHOTOS 1].

3.3 The Oxford Bypass (A34) passes some 500 metres to the west of the site. From the high level Botley Roundabout on the bypass, a road, referred to as the A34 slip road, connects with Botley Road at its junction with Westway. A recently completed improvement on the east side of the A34 slip road has introduced a dedicated lane for buses, park and ride traffic and cycles. Along the north side of Westway and Botley Road a bus lane extends to the city centre [OCC2, PHOTOS 1].

3.4 The CO-OP alternative site lies to the west of and abuts the existing park and ride. The north and west boundaries are formed by the Seacourt Stream. Along the banks

of that lowland stream is mixed vegetation, with interspersed pollarded willows, typical of such locations. The bulk of the basically flat site is occupied by a football pitch, disused for some time, and two Portakabin types structures, formerly used for changing, which are also disused and vandalised [PHOTOS 1, PHOTO 2].

#### 4.0 The Proposal

4.1 The development would require the raising of flood plain ground levels by some 0.5-0.75 metres. A construction technique utilising a permeable sub-grade, adopted at the time of the last extension, would be used to provide a degree of absorbency to compensate partially for the loss of flood storage capacity [OCC1].

4.2 The new car parking spaces would be laid out to integrate with the existing internal circulation and drained to connect with the interception and drainage system of the existing park and ride [PLANS A5,A6,B].

4.3 Low, planted mounds would be formed on the north and south boundaries. The eastern boundary hedge of the existing parking area adjoining the extension would be removed. The new eastern boundary would be formed with new planting [PLAN B].

4.4 The extension would be illuminated at night but no details have been finalised on the type of lighting installation [PLAN A6].

#### 5.0 The Development Plan

5.1 The development plan is provided by the Oxfordshire Structure Plan 2011, approved in 1998, and the Oxford Local Plan, adopted in 1997. There are a range of policies in those up-to-date plans which are relevant to the proposed development and to the alternative site promoted. These are set out in extracts from the plans in OCC3 and COOP3.

##### 5.2 Oxfordshire Structure Plan

Policies T1 and T2 are aimed at reducing dependence on private vehicles whilst encouraging the use of other modes of transport.

Policies T5 and T6 promote measures which would give distinct advantage to users of public transport, including infrastructure provisions.

Policy T7 encourages measures including the provision and management of parking spaces to give effect to the aims of other policies.

Policy T11 gives encouragement to highway proposals which would, among other things, benefit public transport services and improve the local environment.

Policy G1 sets down the general policy in relation to the location of development and favours locations which, among other things, reduces the need to travel by private car and encourages the use of public transport; aims also featured in Policy G2.

Policy G4 sets down the purposes of the Oxford Green Belt, in terms similar to those identified in PPG2, including the aim of protecting the special character of Oxford and its

landscape setting. The Green Belt is to be kept permanently open and development severely restricted.

Policies EN1 and EN2 seek to ensure that development would not have unacceptable environmental effects, minimise adverse effects and maintain and enhance the landscape.

Policy EN12 identifies that development in the flood plain will not be permitted unless appropriate flood protection and compensation measures can be provided.

### 5.3 Oxford Local Plan

Policies TR3, TR4, TR5 and TR6 set down the measures to bring about reductions in the amount of long term parking in the city centre whilst encouraging greater use of other modes of transport, including park and ride.

Policy TR16 signals the intention to improve facilities at park and rides. In the case of Seacourt, the provision of a direct link from the A34 slip road will be sought, if necessary. In explanation it is identified that such a direct link may be unnecessary if other highway improvements to provide better access to Seacourt are successful. Policy TR28 also makes reference to the direct link, in similarly qualified terms.

Policy TR17 states the intention to increase the capacity of Seacourt, and other park and rides. The explanation highlights the intention to implement such expansion ahead of demand to ensure that city centre parkers displaced as a result of other measures can be accommodated at the park and rides.

Policy EN1 sets down the purposes of the Oxford Green Belt, including the aim of protecting the special character of Oxford and its landscape setting. The policy makes no reference to assisting in safeguarding the countryside from encroachment, which features in both PPG2 and Structure Plan Policy G4. However in the explanation of Green Belt policy, at para 2.8, reference is made to the purposes detailed in the 1992 Structure Plan, now replaced.

Policy EN2 establishes the general presumption against inappropriate development in the Green Belt in terms similar to those identified in PPG2.

Policy EN4 identifies Areas of High Landscape Value, within which the aim will be to conserve and enhance the landscape quality and to protect it from development which is likely to have an adverse effect on its character and appearance. Development will be resisted which would result in a material adverse change in landscape character.

Policy EN17 relates to the effect of development on wildlife corridors, including watercourses.

Policy RE8 establishes the protection of open air sports facilities. They will not normally be developed, but development will be considered in the light of the need and availability of replacement facilities.

Policy CS26 Expands in detail on the provisions of Structure Plan Policy EN12 and establishes that no raising of floodable land in the flood plain will normally be permitted

other than in exceptional circumstances. However, Policy CS27 specifically disappplies this policy to development in relation to proposals for Seacourt park and ride in the Local Plan.

## 6.0 The Case for the Council

The material points are:-

### Green Belt and Countryside

6.1 It is accepted that the development of the site for car parking would detract from the openness of the Green Belt. It would therefore be in conflict with Green Belt purposes as set down in PPG2 and be inappropriate in Green Belt terms. However, the harm by reason of inappropriateness, and any other harm, is outweighed by very special circumstances and benefits which appertain in this case [OCC3].

6.2 In relation to the harm to the Green Belt purposes set down in PPG2, the development would result in only a small extension of the urban area. It would not extend any further north into the rural area than the extent of the existing car park. The land forms part of a pocket of Green Belt land between other areas of land to the east and west comprising part of the urbanised area of Oxford [OCC3].

6.3 Encroachment into the countryside would be negligible, as the area involved is small and all but surrounded by the urban area of Oxford, whilst to the north there is a wide expanse of unbroken countryside which would be unaffected [OCC3].

6.4 The site does not lie in a landscape which is important to the setting of Oxford and there would be minimal effect on its special character. Although the site is within an Area of High Landscape Value, its contribution to that value is negligible given its location [OCC3].

6.5 Visually the development would be seen against a backdrop of the existing car park, in views from the east. Seen from the west the extension would feature only minimally in relation to the existing car park in the foreground [OCC3]. From residential properties to the south, the landscape screening and mounding proposed would mitigate the visual impact of the parked cars [OCC1].

6.6 At night the illumination of the existing car park causes some visual intrusion. The effect of lighting which would result from the extension could be satisfactorily mitigated by good design and could be controlled by planning conditions [OCC1].

6.7 Policy TR17 of the Local Plan allows the expansion of Seacourt. It is not site specific and does not exclude Green Belt land from consideration of the location. Overall the harm to the Green Belt and countryside resulting from the proposal would be minimal [OCC3].

### Traffic

6.8 As part of the continuing implementation of the Oxford Transport Strategy, the principles of which are incorporated in the development plan, further controls are intended to be imposed in the city centre. These will result in the displacement of some 400 illegally

parked vehicles. The extension of park and rides, to ensure that these can be accommodated at an attractive alternative, is a key component to the continuing the success of the Strategy. Such an approach is intended by Policy TR17 of the Local Plan [OCC3].

6.9. The assessment of the impact of traffic has been based on surveys undertaken in 1996 in connection with a proposed development off Lamarsh Road, since granted planning permission, but not yet implemented. The assessment includes the effect of those future flows. Traffic flows into the park and ride have the benefit of use of the bus lane on Botley Road, east of the A34 slip road, and the recently completed park and ride lane on the slip road. The impact on existing traffic resulting from additional traffic bound for the proposed extension during the morning peak would therefore be minimal. By agreement with the highway authority, the traffic impact has been assessed by reference to the predominant flows out of the park and ride, which occur in the evening peak and their effect on the service road junction with Botley Road, and the A34 slip road junction [OCC2].

6.10 In the assessment, the capacity of Botley Road has been based on TD20/85, using an effective width of 10 metres for a category C road. That is entirely justified, as the ghost island right turn lanes are clearly part of the effective width [OCC2, OCC4].

6.11 The assessment shows that the junctions would continue to function within capacity and that queues would increase by about three vehicles in the worst case. The clear conclusion is that traffic associated with the development would have no significant adverse impact on the flow of traffic on the local highway network [OCC2].

6.12 The references to the direct link from the A34 slip road to the park and ride, referred to in Policies TR17 and TR28 of the Local Plan, and in the reasoned justification of those policies, clearly identify that the link would only be provided if necessary and that alternative access arrangements or measures may include such a provision. It is not a firm commitment. The park and ride lane on the A34 slip road, an alternative access arrangement, has only recently been completed. It is not yet possible to assess its effectiveness or conclude whether the direct link will be necessary. Such assessment would also need to take into account the effects of other Oxford Transport Strategy measures not yet implemented. The planning application for the link, which has not been determined, is therefore premature [OCC2, OCC3].

6.13 The development would increase the number of vehicles using the park and ride and taken off Botley Road and city centre roads [OCC2].

#### Flooding

6.14 Land required to give effect to Local Plan proposals in relation to the Seacourt Park and Ride is excluded by Policy CS27 from the provisions of Policy CS26, the arguments in relation to that exclusion having been considered at the Local Plan Inquiry. Extension to increase the capacity of Seacourt is proposed in Policy TR17. The implications in respect of flooding are therefore acceptable in the development plan context [OCC2].

#### Residential Amenity

6.15 The proposals for mounding and landscape planting would satisfactorily ameliorate the visual effects of the development for residents along Botley Road. Given the

nature of the operation and low intensity of the vehicular activity associated with park and ride, vehicle noise and fumes would be unlikely to give rise to significant impact on residents. Moreover the separation which would remain between dwellings and the extension would ensure that the effects of vehicle noise and fumes would not be unacceptable. The spaces which would be provided in the extension would be likely to be among the least used. Existing spaces nearer to dwellings would continue to have greater use [OCC1, OCC3].

#### Very Special Circumstances

6.16 Park and ride has been an effective and successful tool and one of five key elements in the Oxford Transport Strategy in reducing the use of private cars in Oxford and encouraging greater use of public transport. The results are fully in accord with the intentions of PPG13. The Council's initiative in developing and implementing the strategy has been used as a model elsewhere and its success noted in the 1998 Government Transport White Paper [OCC3].

6.17 The continuing success of the Oxford Transport Strategy will depend to an important degree on the effectiveness and availability of good park and ride facilities. The need for the development at Seacourt constitutes very special circumstances which are sufficient to outweigh the harm which it might cause [OCC3].

#### CO-OP Proposed Alternative Site

6.18 An extension to the west, as proposed by the CO-OP, was considered in the appraisal of options, but was discounted. It is considered that such an extension would result in a greater intrusion into the landscape than an extension to the east.

6.19 The CO-OP has produced no comparative landscape assessment of the two schemes. The full assessment undertaken for the eastward extension identifies only limited harmful effects [OCC1, OCC3].

6.20 The claim that the western extension would be more accessible or attractive is without foundation. Even if the direct link to the A34 slip road was constructed, and there is no evidence that it is needed, nor is it part of the alternative proposal, accessibility for park and ride users depends also on the proximity of bus stops, pedestrian desire lines and visibility of the facility, which are provided equally satisfactorily or better at the application site.

6.21 The CO-OP proposal includes the requirement that some 0.4 hectares of the existing park and ride, on the Botley Road frontage, would revert to the CO-OP. It would not be available for park and ride use but development would be proposed on it [COOP1]. That would result in the visibility of the park and ride from Botley Road being obscured. Potential customers might not be aware of the facility as a result, and its rôle as a successful element of the Oxford Transport Strategy might be diminished.

6.22 There is also some doubt as to whether the CO-OP site, with the restraints along the Seacourt Stream which would be imposed by the Environment Agency, would be of sufficient size to accommodate the requisite new spaces and the approximately 110 spaces which would be displaced from the frontage land [INQ4, PLAN D].



6.23 The CO-OP site has attracted the same objection from the Environment Agency as the application site. But in addition, there are objections relating to flow route obstruction and loss of wildlife habitat. The claim that land would be available for replacement flood storage is irrelevant. It is not land controlled by the CO-OP and not linked to the alternative proposal. The loss of habitat on this watercourse would be contrary to Policy EN17 [INQ4, COOP1].

6.24 Development of the CO-OP land would result in the loss of recreation land, contrary to Policy RE8. There is no evidence to suggest that the land is not needed for that purpose, nor any assessment to establish the suitability of alternatives [COOP2].

## 7.0 The Case for the Environment Agency

The material points are:-

7.1 The application site lies within the River Thames flood plain and, from the available information on ground levels, would be subject to flooding at a 1 in 5 year statistical return frequency. The development would involve the raising of ground levels, removing the land from the volume available to provide storage at times of flood. That would add to the risks of flooding elsewhere. Although the added risk would be in itself small, the cumulative effect could lead to areas, not presently at risk, being subject to flooding in the future [INQ2].

7.2 Boundary fences or walls would impede the flow of flood water [INQ2].

7.3 If the development is permitted, ground levels should not be raised and fencing should be of a type which provides the minimum impedance to the passage of floodwater [INQ2].

7.4 The alternative site promoted by the CO-OP would give rise to similar concerns as the application site. In addition, the proximity to Seacourt Stream would be likely to result in concerns regarding flood flow routes. Works within 8 metres of the stream would need formal consent given its main river status [INQ4].

7.5 The alternative site would involve development alongside the stream banks, which would result in the loss of existing riverside habitat, contrary to Policy EN21 [INQ4].

## 8.0 The Case for the North Hinksey Parish Council and the Oxford Green Belt Network

The material points are:-

8.1 The concern over the risk of flooding raised by the Environment Agency is shared. Such development in the flood plain would be contrary to Policy EN12 of the Structure Plan. There would be a risk of oil pollution [INQ2].

8.2 The capacity of the existing park and ride is not fully utilised and there is no justification for a very significant increase in its size. The loss of Green Belt land for this purpose is not warranted.

## 9.0 The Case for the Oxford, Swindon and Gloucester Co-operative Society Limited

The material points are:-

9.1 The development would be contrary to the up-to-date development plan. The inappropriate development would be in conflict with Green Belt policies, little more than a year after the Green Belt boundaries were established. Those boundaries are intended to be permanent. The development would extend urban sprawl and intrude into the countryside [COOP2].

9.2 There is also a clear conflict with local policy in relation to the Area of High Landscape Value. Critical consideration must have been given to the extent of the land which should be included within its boundary and that led to the inclusion of the application site within it. Even though the Landscape and Assessment Report [OCC1] does not acknowledge the Area of High Landscape Value designation, it refers to the land as having an open rural character, which will be adversely changed as a result of the development [OCC1, COOP2].

9.3 The CO-OP site would not offend Green Belt or Area of High Landscape Value policies, being outwith their boundaries. It is closer to high level roads and pylon routes which are prominent in the landscape and would not be seen as intruding to the extent which the application site would [COOP2, PHOTO 2].

9.4 There would also be no conflict with amenity interests, as the CO-OP site is well away from dwellings. On the other hand, development of the application site would intrude into views from dwellings in Botley Road, Bulstake Court and from Binsey Lane to the east. The parked vehicles, mounding and car park lighting, which could not be effectively screened, would be clearly visible, enclosed by open fields on three sides and would close off views into the Area of High Landscape Value. That is accepted in the Landscape and Assessment Report [OCC1], whereas the CO-OP site is sandwiched between the existing car park and the illuminated A34 slip road and would not be intrusive [COOP2].

9.5 The loss of the frontage land to park and ride would have no significant impact on the attractiveness of Seacourt. It is only visible from nearby sections of Botley Road and its existence is well advertised by signing. Clear views of the park and ride are available from the A34 slip road. They would be even more obvious if the CO-OP site was used for the extension [COOP2].

9.6 The recently completed park and ride lane on the A34 slip road has obvious shortcomings, which the direct link, proposed in the Local Plan, would overcome. That link, for which there is an undetermined planning application, would provide not only an improved access into the existing park and ride, but would allow a more rational circulation within it if the CO-OP site was used for the extension. In its assessment of the traffic impact, the Council has over estimated the capacity of Botley Road, ignoring the reduction in capacity which the right turn lanes on it causes, effectively reducing the width to 7.3 metres. The additional traffic generated by the development would result in over saturation of the service road junction, increasing the attraction of the direct link from the A34, which would overcome the problem. The omission of any assessment of the impact on the morning flows, when congestion for city-bound traffic is greatest, is a serious shortcoming [COOP1, COOP2].

9.7 There is adequate CO-OP land to accommodate all the car spaces which would be required. The Environment Agency's restriction in relation to a maintenance strip for access to the Seacourt Stream banks need not preclude the use of the land for parking areas. With detailed consideration of the layout, retention of bank habitat would be possible [COOP1, COOP4]

9.8 The construction of the link to the A34 slip would also enable higher land in the vicinity to be used for compensation to replace flood storage space [COOP1].

9.9 Although development of the CO-OP land would result in the loss of recreation land, it is disused, there is no public access to it, and there is no evidence of demand. If required, a replacement facility could be provided on the application site, where it would not offend Green Belt policies, being appropriate development and retaining openness [COOP2].

9.10 The continued promotion of the Oxford Transport Strategy is supported. However, whilst the need for an extension to Seacourt is accepted, it should not take place on a site which conflicts so clearly with the development plan and national policy, when an alternative which does not offend is available [COOP2].

#### 10.0 **The Case for the Oxford Car Users' Forum**

The material points are:-

10.1 The access to the park and ride should be improved by the provision of a link from the A34 slip road, as proposed in the Local Plan. It should preferably leave sufficient space to allow an egress to be added at a later date. The recent road widening on the slip road, and the changes to the provision of bus lanes and park and ride traffic lanes are not properly supported by the Traffic Regulation Orders. They are ineffective and do not allow exclusive use for park and ride or public transport. There is already undesirable use and dangerous switching of lanes by drivers trying to avoid the queues on the A34 slip road. Enforcement is unlikely to be effective, particularly as taxis, which are easily confused with private cars, are entitled to use bus lanes [JH1].

10.2 The CO-OP site would be more remote from dwellings than the application site. It would be more readily seen by potential users using the A34 slip road and encourage its use. The direct access would give further encouragement and also provide easy access to the CO-OP extension. There would be consequently less conflict with traffic on Botley Road, and greater safety [JH1].

#### 11.0 **The Written Case made by other Interested Persons and Bodies**

The material points are:-

11.1 The Oxford Preservation Trust considers that there is no justification for the encroachment on to visually important open fields in the Green Belt. The visual effects, including the intrusive lighting, would be unacceptable. The poor management of the eastern boundary of the existing car park has resulted in hedge loss. High priority would need to be given to landscaping and management to ameliorate the effects [INQ3].

11.2 Park and ride is an out-of-date idea for reducing city centre traffic. Other methods should be sought to avoid the intensification of grey surfaced areas around the city, in place of green fields. Improving long distance public transport should be the aim [INQ2, INQ3].

11.3 The concerns over the risk of flooding raised by the Environment Agency are shared by the Trust and Mr A Webber. There would be a risk of oil pollution downstream along Seacourt Stream [INQ2, INQ3].

## 12.0 **Conditions**

12.1 The Council suggests draft planning conditions which might be imposed with a planning permission [OCC8]. These were discussed at the inquiry and amendments were suggested as follows:-

Conditions 1 and 3 should be combined and the provisos added that the landscaping shown on plan no CO135/00/05A is not permitted and that the two right turn arrows shown at the exit from the service road at its junction with Botley Road are deleted and replaced by one right turn arrow.

Conditions 6, 7 and 8 should be amended to follow the form of relevant elements of model conditions 25 to 32 of Circular 11/95. The content of condition 8 can be included in the revised conditions, with the requirement that no park and ride parking on the site is to commence until the mounding is completed. In model condition, the appropriate period to be inserted would be 10 years.

Condition 9 should include reference to the work being carried out to the approved details.

Condition 10 should be replaced by model condition 40 and should include reference to the need to ensure that the effectiveness of interception installations is retained.

Condition 11 should include reference to the work being carried out to the approved details.

Condition 12 should omit "in the Green Belt".

12.2 The Environment Agency suggested three conditions [INQ1]

## 13.0 Conclusions

*References in brackets are to earlier paragraphs relevant to my conclusions.*

13.1 The main considerations in this case relate to the effect of the development on the Green Belt and countryside, its traffic impact and the effect on flooding, having regard to national policy guidance and the development plan.

### Green Belt and Countryside

13.2 There is no dispute that the development of the application site for car parking would constitute inappropriate development in the Green Belt. It would reduce openness, extend urban sprawl and encroach into the countryside and landscape on the edge of Oxford, contrary to main purposes of Green Belts and contrary to development plan policy [6.1-6.3, 9.1].

13.3 Although the area for the extension of the car park is small in relation to the large expanse of Green Belt land in the vicinity, I do not share the Council's view that it would be minimal or negligible. The impact of development of open land close to the urban area can have a disproportionately large effect on the openness, as it figures in the foreground of views into the open area. In this case, the site lies fairly close to dwellings where, for the most part, there are wide views of the landscape to the north; these would be curtailed [6.2, 6.3, 6.7, 9.1, 11.1].

13.4 The effect on the landscape here is more relevant given the designation of the land as an Area of High Landscape Value. It would also conflict with one of the uses of Green Belt land defined in PPG2; it would not retain and enhance the landscape near to where people live. I do not consider that the mounding and planting proposed along the south boundary would effectively screen the site, particularly at night. Although from many points of view, the extension would be seen either against a backdrop of the existing car park or with that development as a foreground, mitigating the visual impact, that would not be the case in views from the south. From higher land to the west it would also appear as an unnatural extension into the wider landscape [6.4, 6.5, 9.2].

13.5 I attach little importance to the argument that there would be no extension of the parking area north of the existing park and ride. It would intrude eastward into open countryside, surrounded on three sides by open fields, perceptibly tending to close the Green Belt gap between the urban areas of Oxford [6.2, 9.4].

### Traffic

13.6 I am satisfied that the assessment of the effect of traffic generated by the development has been undertaken on realistic bases. This shows that, at the evening peak, there would be no significant detrimental effect on traffic flows on local roads. In the worst case the increase in queue length would be small [6.9-6.11, 9.6].

13.7 The criticism of the assumption for the capacity of Botley Road is unfounded. The effective width of 10 metres used is realistic and in accord with the nature of the all purpose category C road. To discount the presence of the right turn lanes and assign an effective width of 7.3 metres, as the CO-OP suggests, results in a gross underestimate of its

capacity. In essence this ignores the fact that such lanes allow for right turning traffic to depart from the east/west flow lanes and wait to turn, without delaying the flowing lanes [6.10, 9.6].

13.8 Due to the presence of the dedicated park and ride/ bus lanes on the approach to the park and ride, along the A34 link road and Botley Road, I agree with the approach that the extension traffic would have minimal effect on the morning flows into the city. It is possible that there would be some reduction, as traffic previously bound for the city might be encouraged to divert into the park and ride [6.12, 6.13, 9.6].

13.9 I heard arguments that the new dedicated lanes are not operating as intended. From my site visit I noted that the bus lane along Botley Road is not marked on the surface with markings identifying that it is available for use by park and ride traffic, although high level signs indicate this. This is likely have caused some confusion during the early period since the recent completion of the A34 slip road lane works and, in my opinion, merits further consideration. But, in principle, there is no serious basis on which to conclude that improved flow into the park and ride would not be achieved [6.12, 9.6, 10.1].

13.10 Both the expert traffic witnesses at the inquiry agreed that time would be required to monitor the effect of the new works, which would be the same in respect of either the application site or the site promoted by the Oxford, Swindon and Gloucester Co-operative Society Limited (CO-OP). Dependant upon the outcome of that monitoring, and any other proposals for improving flow, the justification for the direct link from the A34 slip road, referred to in Local Plan Policies TR16 and TR28, but not identified as a firm commitment, might be established. However, I agree with the Council that at present that is not the case [9.6, 6.12, 10.1].

### Flooding

13.11 Extension to increase the capacity of Seacourt is a firm proposal in Local Plan Policy TR17. Land required for that purpose is excluded by Policy CS27 from the provisions of Policy CS26 relating to development in the flood plain. There is no evidence to lead me to conclude that in the Local Plan process the procedures required by Circular 30/92 were not followed, nor that the objections now raised by the Environment Agency were not fully considered. It is clear that in the vicinity of Seacourt, all undeveloped land north of Botley Road is contained within the flood plain. There could have been no doubt, therefore, when Policy CS27 was formulated, that any extension of Seacourt would be within the flood plain. There are no material considerations which justify setting aside this policy in the development plan [6.14].

13.12 The construction method proposed for the extension would reduce the loss of flood storage volume [4.1].

13.13 The raising of ground levels for the extension would enable utilisation of the existing drainage and interception systems of the existing car park. There is no evidence that these have been ineffective in preventing pollution of watercourse [4.2, 8.1, 11.3].

### Residential Amenity

13.14 The extension would be located well away from the nearest dwellings, sufficiently far in my view to ensure that the noise and fumes from vehicles would not give rise to harmful effects on residential amenity. Nor should the lighting be intrusive in a manner disturbing to amenity, subject to good design which conditions could ensure. Save, therefore, for the visual effects in respect of landscape referred to above, I do not consider that the development would be objectionable to residents' amenity [6.15, 9.4].

### Very Special Circumstances

13.15 Park and ride is an effective and successful component in the Oxford Transport Strategy. It has contributed to a considerable reduction in the use of private cars in Oxford and encouraged greater use of public transport. The concept is in accord with the principles of PPG13 and fully endorsed in the development plan. I have no reason to doubt that there is a continuing rôle for park and ride in the future in the Oxford Transport Strategy. Indeed it is heralded in the impending further measures to control parking in the city centre [6.16, 8.2, 9.10, 11.2].

13.16 These will result in the displacement of some 400 vehicles. The extension of park and rides, to ensure that these can be accommodated at an attractive alternative, is a key component in the continuing Strategy. Provision in advance of such measures is clearly desirable and such an approach is intended by Policy TR17 of the Local Plan. Notwithstanding that there is at present some spare capacity at Seacourt, the success of this element of the Strategy may be prejudiced without the extension of this park and ride [6.17].

13.17 Given the thrust of national and local policy in reducing the dependency on private car use and encouraging greater use of public transport, I consider that the need for the development at Seacourt constitutes very special circumstances which clearly outweigh the harm to the Green Belt, landscape and countryside which it would cause, notwithstanding the conflict with the development plan [6.17].

### CO-OP Proposed Alternative Site

13.18 The development would, by virtue of its importance in the Oxford Transport Strategy, result in a clear public convenience or advantage. It is a proposal for which only one permission is likely to be granted, given the demand indicated in the evidence. I have, however, identified adverse effects which would arise. It is therefore necessary to consider, in the light of *Edwards v SSE and Roadside Development Ltd [1994]* whether the alternative site promoted by the CO-OP would not give rise to those effects.

13.19 The CO-OP site does not lie within the Green Belt nor the Area of High Landscape Value. It does not therefore offend when considered against the development plan or national policy. It would be visible from the Green Belt, but would be seen against a background of an illuminated high level road and its embankment, in an area where pylon routes also figure prominently in the appearance. On its long east boundary, it would abut the existing car park. The site is also well screened by existing mature vegetation along the Seacourt Stream and to the south. I do not consider that its visual impact on the Green Belt would be great. For similar reasons, it would not appear as such an intrusive encroachment into the countryside landscape as would the application proposal, even in views from higher

land to the west. Given the remoteness of the site from dwellings there would be no visual impact for residents [9.3]

13.20 The alternative site has been put forward on the basis that land on the Botley Road frontage would be removed from park and ride use. I accept that this would result in the facility being less visible from Botley Road and may render it less obvious to some potential users of the park and ride. However, that visibility is already limited as a consequence of the dense vegetation to the south west and I noted on my site visit that views are not available west of Seacourt Bridge, close to the service road entrance to Seacourt. Even from points where the parked vehicles can be seen it is not obvious that they are parked in the park and ride, given the proximity of New Barclay House which houses motor dealers. I therefore conclude that the effect in this regard would be limited and could be rectified by improved signing, which, in any event, is likely to be the means by which strangers to the area would locate the facility. Users from more local areas would be aware of its location, in all probability [6.21, 9.5].

13.21 With regard to the direct link from the A34 slip road, that does not form part of the alternative proposal and I do not consider that its availability, if it was found necessary to construct it, would result in any significant difference in advantage between the two sites. They are both equally visible from the A34 slip road. Dependant upon the location of such a link, the internal circulation of the park and ride could be adjusted to suit requirements [6.20, 9.6, 10.1, 10.2].

13.22 With regard to the potential parking capacity of the site, different conclusions were presented at the inquiry. Even so, the worst shortfall predicted was only just in double figures. Given the approximation made in respect of the precise number of spaces which would be lost on the frontage and the uncertainty regarding the implication of the Environment Agency's maintenance strip, I consider there to be little of material significance between the parties. With regard to the Environment Agency's requirement, I find no reason to conclude that parking would be precluded from maintenance strips. It is clear from inspection of the watercourse that the frequency with which vehicular access is necessary is very low. Mature trees along the banks are clearly accepted in the maintenance regime, notwithstanding that they would impeded access. Use of some land in the vicinity of some sections of the banks for parking would not prevent access, although simple management arrangements may be necessary [6.23, 7.5, 9.7].

13.23 Turning to the other Environment Agency objections to the CO-OP site, the loss of flood storage capacity would be of a similar nature as the application site, although I noted on my site visit that the difference in level between the CO-OP site and the existing car park is markedly less than on the east side, indicating that less ground raising might be necessary. I place little weight on the claims that compensation flood land might be available. That would depend on other considerations and is not part of the CO-OP proposal. Furthermore, the benefits of such compensatory land could be used in respect of any area of land within the flood plain, including the application site [6.22, 7.1, 8.2, 9.8].

13.24 There is no evidence to suggest that use of the land for car parking would materially affect flow routes. No new boundary fences would be required as the site is enclosed by the Seacourt Stream and the existing park and ride. Given the sophisticated advance warning systems now available in relation to fluvial flood events, it is unlikely that



the car park would contain cars which might impede flow, if its imminent flooding was predicted [6.23, 7.2, 7.3].

13.25 I am satisfied that, with proper design, use for car parking need not lead to extensive or unacceptable loss of habitat along the banks of Seacourt Stream. Much of that which is present is on or close to the banks, where it is unlikely that parking of vehicles would be allowed. The Environment Agency's maintenance strip could also provide habitat, as is the case at present [6.23, 9.7].

13.26 The development of the CO-OP site would result in the loss of the football pitch. Although it is disused there is no evidence to show that this is a consequence of lack of demand, nor has the assessment to establish need, required by Policy RE8 of the Local Plan, been undertaken. There is, however, no right of public access to the land and its use would therefore be limited. Furthermore, there would appear to be potential for location of a replacement in the vicinity of the application site, if necessary, where it would not be likely to be objectionable in local policy terms [6.24, 9.9].

### Overall Conclusions

13.27 The development of the application site would lead to harmful effects to the Green Belt, the landscape and the countryside and conflict with the development plan. There are very special circumstances which clearly outweigh the harm.

13.28 The development of the alternative site might conflict with the development plan in respect of the loss of open air sports facilities, the subject of Local Plan Policy RE8. There would be some harm to the landscape and the countryside. Even if conflict with Policy RE8 is established, I do not consider that the total harm resulting from the development of the alternative site would be so adverse as that which would be a consequence of the application proposal.

### Conditions

13.29 The conditions suggested by the Council, amended as reported in 12.1 above, satisfy the tests of Circular 11/95 and should be imposed if planning permission is granted.

13.30 The Environment Agency's conditions 10a) and 10b) requiring no raising of ground levels would be unreasonable and nullify the benefit of a permission. The matters covered by condition 10c) would be dealt with in the procedures which would be required for compliance with model condition 30 of Circular 11/95.

### 14.0 **Recommendation**

14.1 I recommend that planning permission be refused.

I have the honour to be, Sir

Your obedient Servant

  
B H MUNDY

**APPEARANCES**

**FOR THE COUNCIL**

Mr M Druce - Of Counsel, instructed by Mr J C Irwin, the Council's Head of Legal and Committee Services.

He called

Mr P Mann - BA(Hons), DipTP, MRTPI, AMIHT, a Principal Planner with the Council.

Mr S Grundy - BEng, CEng, MICE, of W S Atkins Consultants Limited, the Council's consultant.

**INTERESTED PERSONS AND BODIES**

Mr R Price Lewis - Of Counsel, on behalf of the Oxford, Swindon and Gloucester Co-operative Society Limited, instructed by Kemp & Kemp, Property Consultants, Elms Court, Botley, Oxford, OX2 9LP.

He called

Mr S Sensecall - BA(Hons), DipTP, MRTPI, of Kemp & Kemp.

Mr J Easdon - BSc, CEng, MICE, MIHT, MBIM, Director of Cole Easdon bmp, Highways and Civil Engineering Consultants.

Mr G Griffiths - Chairman and representative of the North Hinksey Parish Council and representative of the Oxford Green Belt Network, 192 Westminster Way, North Hinksey, Oxford, OX2 0LR.

Mr J Hannigan - Chairman and representative of the Oxford Car Users Forum, 22 Western Road, Grandpont, Oxford, OX1 4LG.

## INQUIRY DOCUMENTS

### General Documents

- INQ1 - Lists of persons present at the inquiry.
- INQ2 - Written representations from interested persons and bodies.
- INQ3 - Letter dated 22 December 1997 from the Oxford Preservation Trust.
- INQ4 - Fax from the Environment Agency dated 23 November relating to the alternative site promoted by the Oxford, Swindon and Gloucester Co-operative Society Limited.

### Council Documents

- OCC1 - Copy of the application for the development, dated 18 November 1997, and accompanying *Landscape and Environment Assessment Report*.
- OCC2 - Proof of evidence of Mr Grundy and appendices.
- OCC3 - Proof of evidence of Mr Mann and appendices.
- OCC4 - Extract from *Transport in the Urban Environment, 1997*.
- OCC5 - Extract from *English Historic Towns Forum - Bus Based Park and Ride - Good Practice Guide, 1993*.
- OCC6 - Extract from the report on the inquiry into the Oxford Local Plan.
- OCC7 - The Oxfordshire County Council (West Way, Botley) (Reserved Bus Lanes, Clearway and Prohibited Turns) Order 1997.
- OCC8 - Draft Planning Conditions.

### Oxford, Swindon and Gloucester Co-operative Society Limited Documents

- COOP1 - Proof of evidence of Mr Easdon with errata and appendices.
- COOP2 - Proof of evidence of Mr Sensecall and appendices.
- COOP3 - Appendices to Mr Sensecall's proof.
- COOP4 - Calculation of parking capacity at the alternative site.

### Documents Produced by Mr Hannigan

- JH1 - Written statement and supporting documents.

## PLANS

- PLANS A1-A6 - The application plans C0135/00/01, 02, 03, 05, 07 and 08.
- PLAN B - Plan. C0135/00/05A, amending and replacing plan C0135/00/05, considered by the local planning authority.
- PLAN C - Extract from the Oxford Local Plan Proposals Map showing the extent of Green Belt in the area.
- PLAN D - Plan produced by Mr Mann showing notional layout of parking spaces on the alternative site.

## PHOTOGRAPHS

- PHOTOS 1 - Photos produced by Mr Sensecall.
- PHOTO 2 - Aerial photo of the locality.



REGISTER SERIAL No

NOTES:  
Based upon the Ordnance Survey map with exception of the controller of H.L. stationery office.

Appendix 1

**CITY DESIGN**

A Division of the Department of Property & Leisure  
 OXFORD CITY COUNCIL  
 THE TOWN HALL  
 ST ALDERTS  
 OXFORD  
 OX1 1BX

TEL : 01865 249811  
 FAX : 01865 252029

Client  
**ENVIRONMENT SERVICES.**

Project Site  
**SEACOURT PARK & RIDE  
 EASTERN EXTENSION.**

Drawing Title  
**LOCATION PLAN**

Drawn by AOC-1	Scale 1:2500	Checked by MH	Approved by
Drawing number CD135/01/02	Date 30.10.97	Rev	Date

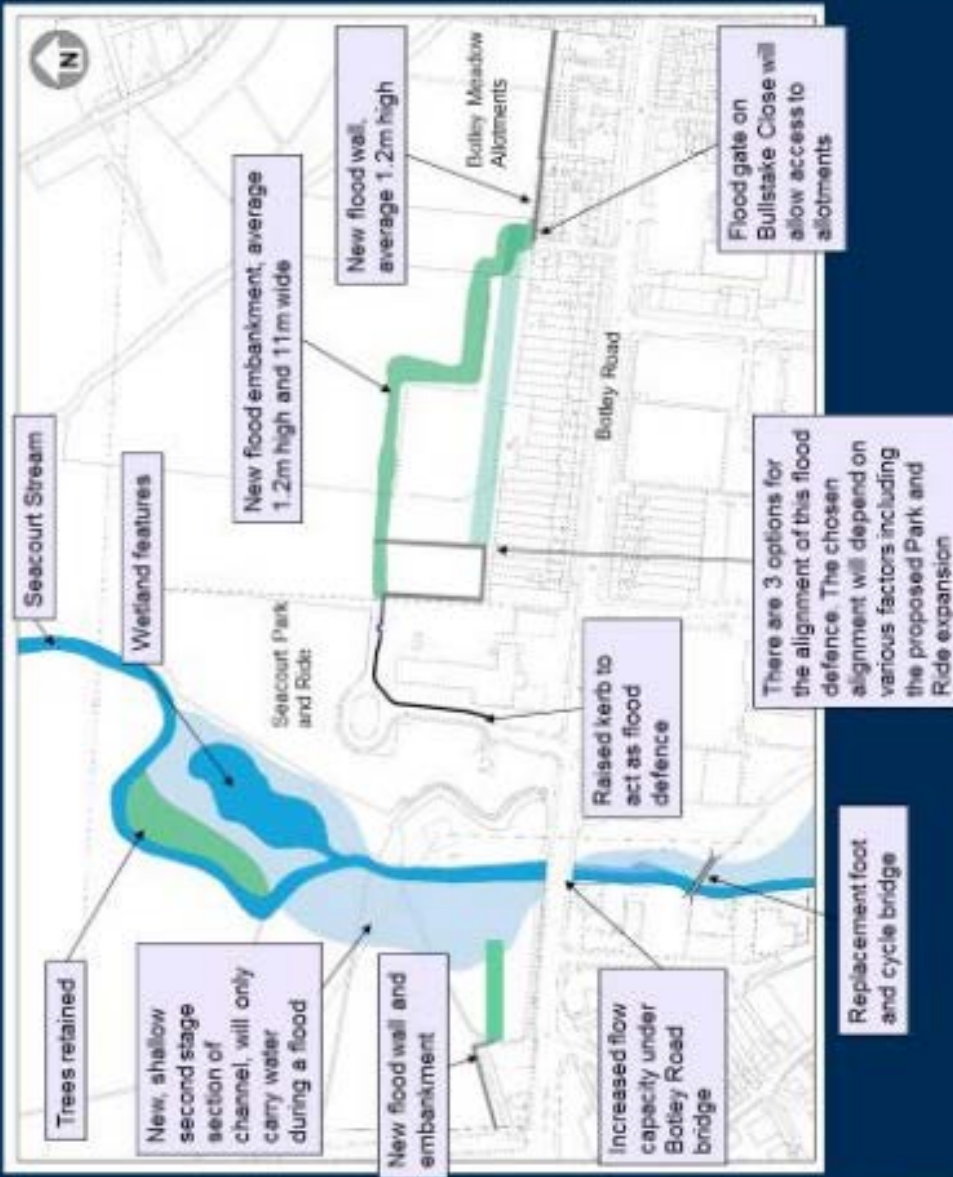


Oxford Flood Alleviation Scheme

Above Botley Road

The map to the right shows the overall design of the scheme.

The image below shows what the new flood embankment might look like, looking from the fields to the north of Botley Road towards the back of the houses (see arrow on map below). The fence will protect the embankment from damage by grazing animals.



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## WEST AREA PLANNING COMMITTEE

12 December 2017

**Application Number:** 17/00860/FUL

**Decision Due by:** 4th July 2017

**Extension of Time:** 29th December 2017

**Proposal:** Demolition of existing building. Erection of a part 3, part 5 and part 6 storey hotel, with landscaping works in Paradise Square.

**Site Address:** Greyfriars Court, Paradise Square

**Ward:** Carfax Ward

**Agent:** Mr Stephen Brooker                      **Applicant:** Premier Inn Hotels Ltd

**Reason at Committee:** Major application

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### 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) approve the application for the reasons given in the report and subject to the required planning conditions set out in section 13 of this report and grant planning permission subject to:**

1. The satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

**(b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. Finalise the recommended legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and

3. Complete the Section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers a proposal for the demolition of the existing office building on site and the erection of a hotel over three, five and six storeys with publicly-accessible restaurant at ground floor. Re-landscaping of Paradise Gardens is also proposed as part of the application.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development
- Design, impact on setting of listed buildings, impact on conservation area
- Archaeology
- Trees and landscaping
- Transport
- Neighbouring amenity
- Flood risk and drainage
- Energy and sustainability
- Community safety
- Other matters

## **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to secure £1,240 towards travel plan monitoring, the Paradise Gardens landscaping, and £38,800 towards maintenance of Paradise Gardens by Oxford City Council.

3.2. The applicant is required to enter into a Section 278 Agreement to deliver public realm improvements to Paradise Square. As part of the Section 278 Agreement, the applicant is required to submit drawings for technical approval from the County Council. The works are to be carried out at the developer's cost.

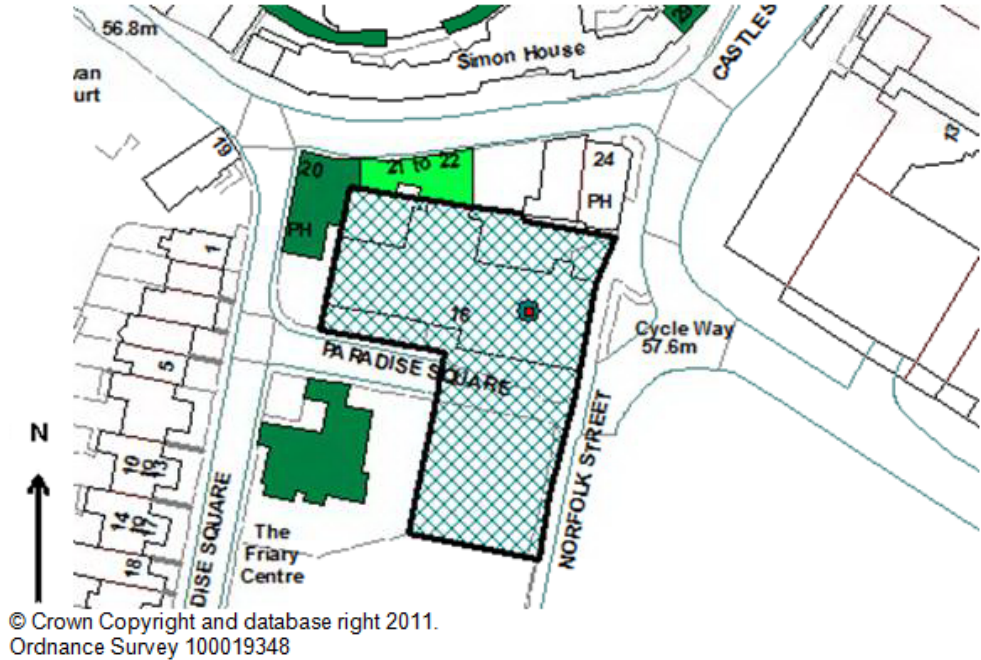
## **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for the community infrastructure levy (CIL) with £36,805.09 due.

## **5. SITE AND SURROUNDINGS**

5.1. The red line of the development encompasses Paradise Gardens on the south side of Paradise Square, and the site on the north side of Paradise Square which is currently occupied by an office building. The site has an eastern frontage to the junction of Castle Street, Norfolk Street and Old Greyfriars Street, with the new Westgate development beyond. It is bounded to the north by properties in Paradise Street and to the west by the rear garden of the Jolly Farmers pub and residential properties in Paradise Square.

- 5.2. The existing building on site dates from the early 1980s and is an undistinguished brick-built office block. Paradise Gardens, owned by Oxford City Council, is a small enclosed park with pedestrian access points from Norfolk Street and Paradise Square.
- 5.3. The site is within the Central Conservation Area and is bounded by important listed buildings. In Paradise Street, the Jolly Farmers pub is Grade II listed and both parts of Greyfriars House (east and west) are Grade II\* listed. The Victorian Rectory now known as the Friary Centre is also listed Grade II and abuts Paradise Gardens on its eastern side. The Castle Tavern is not listed but is an important characterful 20<sup>th</sup> century building within the conservation area.
- 5.4. See site location plan below:



**6. PROPOSAL**

6.1. The application proposes the demolition of the existing two, three and four storey office building which was, until recently, occupied by an accountancy firm, and the erection of a 90-bedroom Premier Inn hotel over three, five and six floors. A ground floor restaurant, serving both the public and hotel guests, is proposed, opening out onto Paradise Square and Norfolk Street with outdoor seating on Paradise Square. The building will sit directly opposite the western entrance to the new Westgate Centre with the main entrance to the hotel from a courtyard area in Norfolk Street.

**7. RELEVANT PLANNING HISTORY**

7.1. The table below sets out the relevant planning history for the application site:

Application reference	Description of development	Decision
82/00174/NFH	Three storey office block, with associated landscaping and operational car parking.	Approved 1st July 1982

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	Paras 56–68	CP.1 CP.8 CP.9	CS18		
Conservation/Heritage	Paras 126–141	HE.2 HE.3 HE.7 HE.9 HE.10			
Housing	Para 17	CP.5 CP.6 CP.10		HP14	
Commercial	Paras 18–27	EC.1 RC.12 TA.4	CS1 CS5 CS27 CS28 CS32		West End AAP
Natural Environment	Paras 109–125, 142–149	CP.11 CP.17 CP.18 NE.15 NE.16	CS2 CS9 CS11 CS12		Natural Resource Impact Analysis SPD
Social and community	Paras 69–78	CP.14 SR.5	CS19 CS21		
Transport	Paras 29–41	TR.2 TR.3 TR.4 TR.11 TR.14			Parking Standards SPD
Environmental	Paras 93–108	CP.20 CP.21 CP.22 CP.23	CS10		Energy Statement TAN

Misc	Paras 42–46	CP.13		MP1	
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## 9. PRE-APPLICATION CONSULTATION

- 9.1. The project has had a number of iterations and has been the subject of pre-application advice from officers over a period from early 2014. There have been two design workshops with the Oxford Design Review Panel and the notes from these are appended to this report in **Appendix 2**.
- 9.2. In this time, the scheme has evolved away from a standard hotel typology, towards a design that seeks to respond to the specifics of the site. This includes a stepped design intended to give space to the surrounding listed buildings and make a transition from a lower building height on the more historic western side of the site, to the six storeys where the site is closest to the Westgate shopping centre. The scheme originally did not include Paradise Gardens, but the red line has been extended to allow much wider public realm improvements.

## 10. CONSULTATION RESPONSES

- 10.1. Site notices were displayed around the application site on 25 April 2017 and an advertisement was published in the Oxford Times newspaper on 25 April 2017.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Transport)

- 10.2. No objection subject to conditions.
- 10.3. The proposed development is to be ‘car-free’ in line with the Oxford Transport Strategy. The development site is very well located for use of sustainable transport modes.
- 10.4. The proposed public realm works on Paradise Square are welcomed. A Section 278 Agreement with the Highway Authority is required in order to carry out the alterations to the public highway.
- 10.5. Conditions are requested to require a revised Travel Plan, a Construction Traffic Management Plan, details of staff cycle parking, and a Delivery and Servicing Management Plan to ensure safe access and egress of the servicing area.

#### Oxfordshire County Council (Drainage)

- 10.6. No objection subject to conditions.
- 10.7. Further details requested by condition to cover:

- Confirmation and location of existing outfall to Thames Water's surface water sewer,
- A SuDS Maintenance Plan for the green roof,
- A Health and Safety Plan for maintaining the green roof.

#### Historic England

- 10.8. Historic England has concerns regarding the application on heritage grounds.
- 10.9. The sight of the hotel would be an incongruous feature in views along Paradise Street of the listed buildings adjacent to the site, causing a degree of harm to the significance of the listed buildings through harm to their aesthetic qualities. The increased scale of the building means that it would also feature strongly in views south down Castle Street. This would cause some harm to an understanding that the former Castle Tavern public house was carefully designed as a focal point which addressed both Castle Street and Paradise Street. Overall we assess the level of harm to both the listed buildings and the conservation area to be low to moderate.
- 10.10. We think impacts to the grade II Rectory would be minor as the western end of the hotel, which is closest to the Rectory, is similar in scale to the existing building. The long views of the proposed hotel from the nearby Castle Motte and St Georges Tower have also been assessed. We are content that while visible, the increased scale of the hotel would not materially affect an understanding of the way these sites historically functioned as it would not have a strong presence in the views.
- 10.11. Paragraph 132 of the NPPF requires clear and convincing justification for any harm to the significance of a designated heritage asset (in this case the listed buildings on Paradise Street and Square and the Central (University and City) conservation area). The key question is whether the number of bedrooms proposed is necessary to make the hotel viable. Historic England is not in a position to assess this and it falls to your Council to scrutinise the viability argument put forward by the applicant as part of this proposal. If you conclude that the proposed number of bedrooms is needed to make the scheme viable, you will need to weigh the public benefits of the proposal against the harm identified to the significance of nearby heritage assets, as required by Paragraph 134 of the NPPF. As the harm is material the hotel use would need to provide genuine public benefits to the local community.

#### Oxford Preservation Trust

- 10.12. Objection due to scale and impact on setting of listed buildings and the wider area.
- 10.13. This six storey building; rather than blending in, will tower over Paradise Square and dwarf the Jolly Farmers Pub, St Ebbe's Rectory and Greyfriars Oxford Health Department which is Grade II\*. It will even outsize Simon's House on the corner of Paradise Street and Castle D Wing flats. From St George's, the building will appear much closer than the Westgate, somehow

being pulled forward and playing a visual trick which only a site visit can ascertain.

### **Public representations**

10.14. Eleven comments were received from local addresses in Tennyson Lodge and Paradise Square, and from Trewint Street London, High Street West Wycombe and Leader Road Newquay.

10.15. In summary, the main points of objection were:

- Construction disturbance and the cumulative impact with the Westgate development
- Housing should be prioritised on the site over tourist accommodation
- Threat to LGBTQ character of the area and its safety for LGBTQ people
- Loss of light and privacy for properties in and garden at Tennyson Lodge
- Loss of open space
- Excessive height of the building at six storeys
- Harmful impact on historic townscape character of the area
- Nuisance resulting from change to a 24-hour facility
- Increased air pollution

## **11. PLANNING MATERIAL CONSIDERATIONS**

11.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design, impact on setting of listed buildings, impact on conservation area
- iii. Archaeology
- iv. Trees and landscaping
- v. Transport
- vi. Neighbouring amenity
- vii. Flood risk and drainage
- viii. Energy and sustainability
- ix. Community safety
- x. Other matters

### **i. Principle of development**

11.2. The proposal is an appropriate city centre use and would use previously developed land. As such it would comply with policies CS1 and CS2 of the Core Strategy.

11.3. The principle of a hotel in the city centre, where demand for visitor accommodation is strong, is consistent with the aims of policy TA4 of the Oxford Local Plan and with policy WE26 of the West End Area Action Plan. It would also accord with policy CS32 of the Core Strategy which seeks to achieve sustainable tourism by encouraging longer stays and greater spend in Oxford.

- 11.4. The office building on the site is currently occupied by Critchleys accountants and provides 98 full-time equivalent jobs. The loss of this existing employment site therefore triggers policy CS28 of the Core Strategy. This policy states that the loss of employment sites needs to demonstrate marketing for alternative employment-generating uses, and that the loss of jobs would not reduce the diversity and availability of job opportunities. Critchleys has moved within the city centre to new offices in Hythe Bridge Street and there is therefore no net loss of jobs for the city. The proposal would provide an alternative employment-generating use, albeit with only 24 full-time equivalent jobs. Strictly speaking, the requirements of policy CS28 are therefore not fully met.
- 11.5. In balancing the objectives of policies relating to the protection of employment uses and those promoting sustainable tourism growth, officers recognise the scheme's overall contribution to sustainable economic development and the city's tourism economy through the provision of short-stay accommodation. As such, the proposal, would accord with policy CS27 which seeks to maintain, strengthen, modernise or diversify Oxford's economy. The principle of development is therefore considered acceptable.
- 11.6. The Affordable Housing and Planning Obligations SPD states that developments with a net additional floor space under 2,000 square metres, as is the case with this proposal, would not normally be required to make a contribution for affordable housing. A commercial development under this threshold is to be assessed on a case-by-case basis as to whether it would generate a significant need for affordable housing. In this case, there is a net decrease in jobs on site and so, in accordance with policy CS24 of the Core Strategy, no affordable housing contribution is required.
- 11.7. Paradise Gardens are to be retained as a publicly-accessible space and so there is no conflict with policy SR5 which resists the loss of public open space.

**ii. Design, impact on setting of listed buildings, impact on conservation area**

- 11.8. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the sites capacity and surrounding area. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
- 11.9. The new building has been designed to occupy a similar footprint to the existing office building but to have a more broken massing with varied height up to six storeys at the western end of the site, opposite the new Westgate development. The staggered roof form is appropriately articulated, avoiding



large areas of flat roof and incorporating green wildflower roofs to minimise bulk in long views. It is also proposed to step the new building away from the southern (rear) façade of the Greyfriars Health Centre building in contrast to the current building relationship which is one of tight juxtaposition. The new building would be entered from Castle Street, through a small landscaped courtyard that would enable retention of an existing tree that currently makes an important contribution to the streetscape of Castle Street.

- 11.10. The existing building lies on an important site on the southern edge of the Central Conservation Area. This building does not make a strong or important contribution to either the character or the appearance of the area and therefore its loss is not contested. In proposing to replace the existing building the applicant has sought to design a new building that responds to the site's context, both its historic context, the significance of the open space immediately to the south of the site with its reference to the historic Paradise Gardens and the 18th and 19th century survivals (pub and health centre) that bound the site to the north and west, as well as its most recent neighbours, particularly the new Westgate Centre.
- 11.11. It is recognised that the existing building is sited uncomfortably close to the south façade of the Greyfriars Health Centre building and the new building is designed, as far as possible whilst making efficient use of the site, to sit further away from this important building elevation and to provide a very simple backdrop to the listed buildings in important views eastward along Paradise Street from the bottom of the Castle walls.
- 11.12. However, the additional height of the new building over and above that of the existing building will have a harmful impact on the setting of the listed buildings. The harm is less than substantial, no work is proposed to the listed buildings and the slight easing of the gap between them and the new building with small but purposeful courtyard spaces separated by a single-storey entrance building in the space between helps to provide a more comfortable relationship between old and new.
- 11.13. The height of the proposed building is 75.25 metres AOD, and so the development is below the maximum height set out in policy HE9 of the Oxford Local Plan of 79.3 metres AOD. The massing and form of the building sits comfortably with the scale of surrounding development and is appropriate to its location, stepping down from six storeys at the east of the site closest to the Westgate Centre down to three storeys to the west, reflecting the more domestic scale of the Friary Centre, Paradise Square and properties fronting Paradise Street. The design review panel encouraged the applicants to increase the height on the Norfolk Street end of the building when they first reviewed the scheme, subject to high design quality. It then stated after the presentation of a revised iteration showing six storeys on the eastern end, dropping to three to the west, that, "We welcome the proposed building scale which successfully relates to the Westgate Centre to the east and existing buildings to the west."
- 11.14. Immediately to the north of the site, on Castle Street sits the Castle public

house, an early twentieth century building with decorative timber framing to its façade and steeply pitched tiled roofs. Of local significance, this building sits distinctively in views down Castle Street from the north. Elements of the important, east façade of the new building which faces directly onto Castle Street have been designed to pick up the key markers of the pub's massing, in particular its eaves line as it takes the viewer's eye down the street. Although the new building is clearly taller than the public house, the design has considered this and respected, through breaking up the building's façade with simple glazed elements that reduce the overall perception of the building's scale and allowing horizontal lines of reference within the building's façade.

11.15. Visual impact studies were undertaken by the applicant to assess views of the new development from the Raleigh Park view point and from St Georges Tower. The results, within the submitted Design and Access Statement demonstrate that the new building will preserve, and not detract from, these views. Despite its larger mass, the building's stepped arrangement prevents it from detracting from the significant views from Raleigh Park. Officers concur with Historic England in being content with the relationship between the new building and the Friary and in views from the Castle Motte and St Georges Tower.

11.16. In respect of public realm, the positioning of ground floor uses and layout of hotel rooms has enabled frontages onto Paradise Square and Norfolk Street to be 'activated'. The proposed glazed fenestration at ground floor level and the outdoor seating area adjacent to Paradise Square will contribute positively to the public realm. Thought has been given to the layout of rooms and the rhythm and articulation of window reveals on upper storeys to ensure that fenestration provides surveillance over the street.

11.17. Historic England identifies less than substantial harm (low to moderate) to the listed buildings on Paradise Street and Square and to the Central Conservation Area. Historic England comments that,

"The key question is whether the number of bedrooms proposed is necessary to make the hotel viable. Historic England is not in a position to assess this and it falls to your Council to scrutinise the viability argument put forward by the applicant as part of this proposal. If you conclude that the proposed number of bedrooms is needed to make the scheme viable, you will need to weigh the public benefits of the proposal against the harm identified to the significance of nearby heritage assets, as required by Paragraph 134 of the NPPF. As the harm is material the hotel use would need to provide genuine public benefits to the local community."

11.18. The applicant argues that a 90-bedroom hotel is viable on the site, but that the removal of one or two floors (resulting in an 80-bedroom and 63-bedroom hotel, respectively) to reduce the height of the building would not result in viable schemes.

11.19. In order to scrutinise this viability argument, the consultancy firm JLL was instructed by the Council. JLL's approach uses a standard development appraisal approach which is recognised by the RICS Guidance 'Financial

Viability in Planning' (2012). Whilst this approach is recognised by the RICS Guidance, the approach is less well known in the hotels sector. This was considered the correct approach given the commercial sensitivity of releasing the Premier Inn in-house bespoke viability testing model. Notwithstanding this shortcoming, the approach does provide a useful guide on the relative viability of the options that the applicant has considered.

- 11.20. JLL concludes that a 63-bedroom hotel would not be viable and would result in a negative profit on cost. A 90-bedroom hotel would generate a typical level of developer's return in the market of approximately 13.59%, while the 80-bedroom option would only generate a developer's return of 1.89%. This indicates that the 90-bedroom option is viable but the 80-bedroom option does not generate a sufficient level of developer's return. This would support the applicant's assertion with regards to the unviability of an 80-bedroom scheme.
- 11.21. However, whilst the development viability appraisal analysis is useful for guiding the relative viability of the options, the approach has its limitations, as this is not how the budget hotel's sector typically operates. In reality, the applicant will own and develop the site themselves, and hence benchmarking against typical levels of developer's return could be argued to be a theoretical exercise. The applicant may take the view that no developer's return is required, as they will be holding the site and are interested in the long term profit generated by the hotel business. This may mean that they may still progress with an option for a lower number of bedrooms.
- 11.22. With this in mind, it is necessary to consider the possibility that the developer may proceed with an 80-bedroom scheme. The question therefore arises of whether the reduction of one storey would lessen the level of harm to the significance of the designated heritage assets. The impact of the proposal in four key views is therefore discussed below:

Viewed from crossing bridge in Westgate, to the east of the site

- 11.23. The existing office building sits up tight against the back of the group of former domestic, listed buildings that run along the southern side of Paradise Street. The new building will sit back from the listed buildings allowing them to be read as a separate building group and not merged into the more anonymous building group. Any reduction in overall height would not be of benefit in terms of harm to the setting of the listed buildings.

Viewed from the southern corner of Castle Street, looking up the street

- 11.24. The existing building appears as an amorphous, indistinct block and whilst the new building will have a distinctly greater height with a consequent stronger presence in the street. The architectural language of its facades will present a more articulated mass that will act to visually reduce the overall impact of the increased size. Elements within the new buildings' facades will allow lines of perspective to follow along and connect the various and varying sized buildings on this west side of Castle Street. From this viewpoint a reduction in the overall height of the proposed building would not on balance create a

more comfortable relationship with existing buildings on this west side of Castle Street.

Viewed from Paradise Street, at the base of the Castle Quarter looking east along the street

- 11.25. From here the new building will have an indisputable greater visual presence than the existing building, however this is not a negative change in that the existing building presents a fairly bland, amorphous mass from here whereas the new building will have a more purposeful presence with strong vertical elements within its facades that will serve to break up its overall massing and provide an element of visual interest in the background to the listed buildings. The listed buildings, being distinctly different in scale, materials and form will appear distinct against the changed backdrop and their architectural significance together. Their clear expression as surviving elements of the historic St Ebbe's quarter will be clearly evident from this viewpoint. Any reduction in the overall height of the proposed building would not result in a significant reduction in harm to the setting of the group of listed buildings.

Viewed looking south from the corner of Castle Street and Queen Street

- 11.26. From this view the concern that the Castle pub will become lost in the larger massing of the new building is in fact a fallacy. The current view presents an indistinct backdrop; the new view will present a backdrop of increased mass but also increased articulation which will in fact throw the Castle into more evidence in the foreground of the new building. In turn this changed relationship will place a stronger emphasis on the entrance to Paradise Street. As seen from here, in the context of the buildings that form the western frontage of Castle Street, any reduction in the overall height of the proposed building would have a negligible impact on the setting of the existing buildings or the contribution that is made to the building group.
- 11.27. It is therefore concluded that the reduction of a single storey would not reduce the harm to the setting of the listed buildings and the conservation area. Having scrutinised the applicants' viability argument, and considered the impact that a reduction of one storey would have, the proposed number of bedrooms and the development's resulting scale, massing and form is considered appropriate.
- 11.28. The development would still result in less than substantial harm to the setting of the listed buildings and the conservation area. Paragraph 134 of the NPPF states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." The next consideration, therefore, is the weighing of public benefits against the harm, as required by paragraph 134 of the NPPF.
- 11.29. There are a number of significant public benefits to the scheme:

- A key consideration is making the best and most efficient use of this city centre site to meet an identified need for short-stay tourist accommodation. The provision of such accommodation in a city centre location would contribute to the Council's objective to achieve sustainable tourism by encouraging longer stays and greater spend in Oxford. There is an acknowledged need for such short-stay accommodation in the city.
- The scheme would bring environmental improvements to the public realm through the re-landscaping of Paradise Gardens, Paradise Square and increased activity and passive surveillance from the more active ground floor uses on three sides of the building.
- The scheme would bring the economic benefits of a hotel in terms of employment and sustainability of Oxford as a tourist destination.
- The removal of the existing low quality building and its uncomfortably tight relationship with adjacent listed buildings. The replacement building is considered to make a positive contribution to the area in design terms.

11.30. The combination of these environmental, economic and social benefits to the public is considered to outweigh the low to moderate harm caused by the development.

11.31. The proposal is therefore compliant with the NPPF and is appropriate in design terms and accords with local plan policies in respect of design.

### **iii. Archaeology**

11.32. This site is of interest because it is the likely location of a 12th century parish church and subsequently a short-lived friary occupied by the order of The Friars of the Sack. The English Heritage Monument Class Description for Friaries note that only 17 friaries were established by this order and that a house belonging to it can be considered as rare and important. Following the suppression of this order the friary was subsumed by the adjacent Franciscan friary and *Studium Generale* and became part of its managed gardens (perhaps incorporating a cemetery and subsequently obtaining the name of 'Paradise'). The Franciscan *Studium Generale* as a whole can be assessed as a nationally significant heritage asset.

11.33. The application site is currently poorly understood in terms of the extent and character of surviving remains. In accordance with the NPPF and policy HE2 of the Oxford Local Plan, officers recommend three conditions relating to archaeology.

### **iv. Trees and landscaping**

11.34. The footprint of the proposed development requires the removal of an Ash (T1), False Acacia (T2), Holly (T3) and Rowan (T4) tree (as labelled in the submitted Arboricultural Implications Assessment). Trees T1, T3 and T4 are relatively small specimens whose loss would not have a major impact on the street scene. Tree T2 is a large false acacia standing to the south of the building. It is an attractive feature and acts as a foil to the current building; it is a landscape feature probably contemporaneous to the development of the site

in the early 1980s building. Removal of the tree would be a practical necessity of any significant redevelopment of the site. Its loss would be mitigated to a degree by the presence of the nearby trees in Paradise Gardens; in this context its loss is considered acceptable. The proposals show the retention of the remaining false acacia (T5) located to the north of Greyfriars Court. This is a significant landscape feature in views along Norfolk Street and Castle Street and its retention will provide some landscape maturity to the scheme.

- 11.35. For the Greyfriars Court section of the site, a new tree is proposed (either into the ground or within a planter) for Paradise Square at the junction with Norfolk Street. This is a welcome feature; it would be preferable for the tree be planted into the ground in order to maximise its chances of achieving longevity in the landscape; this will require ground investigations to check for possible conflicts, e.g. utilities, and possibly soil amelioration measures.
- 11.36. Paradise Gardens is currently a rather dark and unwelcoming space and its hard landscaping is tired and defective in parts. The applicant's landscape analysis of the opportunities and constraints in this public space is considered to be a valuable contribution. Proposals to remove the modern brick walls around the park to the north and east in order to make the space more open and accessible, and less intimidating, have merit. The principle of raising the canopies of the trees to increase light and surveillance is appropriate. Arguably the park is overstocked with mature trees along the eastern side, some of which are of low quality and advanced age such that planned replacement would be appropriate.
- 11.37. The landscape proposals involve removal of 9 of the existing trees inside the boundary wall of the garden square, leaving only 1 early-mature Lime and 1 mature Lime (T7 and T8) in the north east corner. The large Robinia (T6) at the Paradise Square entrance to the gardens is a significant tree but in poor structural condition, such that its removal should not be considered as an implication of the proposals. The remaining trees proposed to be removed are mostly of low quality. The key landscape trees are actually just outside the existing boundary wall (Limes T11, T12 and T13); these are retained.
- 11.38. Proposals include the replacement planting of 1 Pin Oak (*Quercus palustris*) at the junction of Paradise Square and Norfolk Street; 3 Japanese Cherries (*Prunus 'Amanogawa'*) in the centre of the garden; 2 *Robinia pseudoacacia* Frisia along the western boundary; and a pocket handkerchief tree (*Davidia involucrata*) on the southern boundary. The positions of these trees are appropriate, but the selection of the robinia cultivar is not considered suitable, mainly due to the disease issues that make the tree extremely prone to failure. However, an alternative species can be agreed under a landscape condition.
- 11.39. The existing hard surface of the park is already distorted in a few locations; associated with the activity of tree root growth. The proposal involves changing the existing tree/shrub soft beds into a bonded gravel hard surface. The proposals address the requirements of the Root Protection Areas (RPAs) of a number of trees by grading the paving up to the edge of an area to be constructed using a cellweb 'No-Dig' design.

- 11.40. The implications of the application on existing trees is significant, but given the practical difficulties in retaining the trees on the frontage (south) and the mitigating factors of proposed replacement tree planting and landscape improvements in Paradise Square and Gardens, the losses are considered to be acceptable.
- 11.41. The character of Paradise Gardens will change significantly with the opening of Westgate and improvements to Castle Street and Norfolk Street. The location of bus stops adjacent to this area will mean that its prominence within the city and footfall will increase. It is an opportunity for an exciting piece of new public realm. The revised landscape proposal put forward by the applicants addressed many of officers' concerns regarding the quality of the scheme. Some further detail is needed to secure high-quality design for this now prominent piece of public realm. A revised landscape plan and its implementation are therefore recommended to be secured by condition, as well as arboricultural conditions. The applicant is to make a financial contribution to the Council to support the ongoing management of the space.
- 11.42. The proposal complies with policies CP11, NE15 and NE16 of the Oxford Local Plan and with policy CS18 of the Core Strategy in respect of trees and landscaping.

#### **v. Transport**

- 11.43. The site is in a sustainable city centre location with excellent access to public transport, including the rail station. Many attractions likely to be of interest to guests are within walking distance. A car-free development is therefore appropriate in accordance with policy TR3 of the Oxford Local Plan; there is no on-site car parking proposed.
- 11.44. Due to Norfolk Street becoming a bus-only route following the redevelopment of the Westgate shopping centre, taxis will collect and drop off from Paradise Square. The Highways Authority considers that, taking into account the scale of the development and the low traffic volumes on Paradise Square, which is not a through route, it is not likely that occasional *ad hoc* taxi collections or drop offs from Paradise Square would have a significant traffic impact.
- 11.45. The Highways Authority further comments that it is not considered likely that the proposed hotel, which is in a highly accessible location within the city, would generate a significant number of vehicle trips when compared to the current use of the site. Furthermore it is likely that the proposed development would generate fewer peak hour trips when compared to the existing office use.
- 11.46. The site will be serviced from the cul-de-sac section of Paradise Square. However the service vehicle proposed would not be able to manoeuvre within the site constraints. The County Council therefore requests a condition for a Delivery and Service Management Plan setting out the type of vehicles to be used for servicing, taking account of the site constraints.

- 11.47. Cycle parking is proposed in the submitted travel plan, though not marked on the site plan. Details of covered, secure cycle parking for at least seven cycles are recommended to be secured by condition in compliance with policy TR4 of the Oxford Local Plan. Staff shower and changing facilities are provided on the ground floor.
- 11.48. A revised travel plan and associated monitoring fee has been requested by the County as Highways Authority; these are recommended to be applied to any permission.
- 11.49. The site is clearly in a sensitive city centre location when considering construction traffic. The applicants have acknowledged that a thorough and bespoke management plan will be required for the development and have referred to a similar detailed plan created for a confined central London site to demonstrate this intention. A construction traffic management plan (CTMP) has been requested by the County Council. The travel plan and CTMP are recommended to be secured by condition, with the travel plan monitoring fee via legal agreement.

#### **vi. Neighbouring amenity**

- 11.50. Policy HP14 of the Sites and Housing Plan states that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings. This is supported by Oxford Local Plan Policy CP10.
- 11.51. A daylight and sunlight report has been submitted with the application which concludes that there would be a negligible impact on the daylight and sunlight amenity received to the existing surrounding properties when assessed in accordance with the guidelines set out in BRE Report 209, "Site layout planning for daylight and sunlight: a guide to good practice".
- 11.52. The proposal creates greater separation for south-facing windows to residential accommodation within the listed buildings on Paradise Street. Although the building proposed is taller than existing, officers consider that the stepped nature of the new building and increased separation will sufficiently protect the light to these properties. The proposal complies with the 45-degree guidance with respect to the residential windows to the rear of the Castle Tavern. Windows in the north elevation of the new building are staggered to minimise direct outlook onto existing residential windows, and their deep reveals will reduce the sense of overlooking. The windows serve hotel bedrooms and therefore sit more comfortably with the nearby residential windows than the existing office windows. It is therefore considered that the proposal would safeguard existing residential privacy for properties to the north of the site.
- 11.53. The building steps down to three storeys at the western end towards properties in Paradise Square and the Friary, which prevents the building from being overbearing on these properties or causing a loss of light. The set-back of the upper floors, where bedroom windows are located, safeguards the



privacy of the nearby residential properties.

11.54. Tennyson Lodge is located to the south of the application site and is a 2, 3 and 4 storey block of flats, with communal gardens to the north. The closest point between the proposed building and the Tennyson Lodge building is 47 metres. This distance and the orientation of the two buildings mean that officers do not consider there to be any loss of privacy, light or overbearing impact for these units. With a minimum of 31 metres between the proposed building and the communal gardens, there are no concerns regarding overlooking or loss of privacy for the outdoor amenity areas for Tennyson Lodge.

#### **vii. Flood risk and drainage**

11.55. The site lies in Environment Agency Flood Zone 1 and therefore has a low probability of flooding. In accordance with national guidance for developments in Flood Zone 1, no flood risk assessment is required.

11.56. A proposed drainage scheme has been submitted which states that it will be possible to dispose of both foul and surface water runoff from the development without increasing the level of flood risk to the site or neighbouring properties. A green roof covering just under half of the proposed roof area is proposed to minimise the rate of surface water runoff from the development. Surface water flows from the green roof and all impermeable areas will drain to the existing surface water sewer within Paradise Square. It is proposed that foul water will be discharged, as at present, into the foul water sewer in Paradise Square.

11.57. The County Drainage Engineers have requested further details regarding the existing outfall to Thames Water's surface water sewer and maintenance of the green roof. These are recommended to be secured by condition to ensure the proposal complies with policy CS11 of the Core Strategy.

#### **viii. Energy and sustainability**

11.58. An energy statement and supporting calculations were submitted which conclude that the proposed development exceeds the 20 per cent on-site renewables target of policy CS9 of the Core Strategy and would generate 40 per cent of the predicted energy usage from renewable low carbon technologies, using a combination of air-source heat pump (ASHP) space heating and a dedicated air-to-water ASHP to provide pre-heat for the hot water services.

11.59. However not all of this energy should be counted as "renewable" as it needs fossil-based electrical energy use for the heat pumps to harvest the energy in the outside air. So, a proportion of this amount should be classed as renewable energy, allowing for the electricity use required.

11.60. While the claim of 40 per cent renewables is not justified, officer analysis of the calculations and the Seasonal Coefficient of Performance – looking at a

likely and worst-case scenario seasonal average – shows that, at worst, the renewable contribution would be 24 per cent. This would comply with policy and a condition is recommended to secure the energy strategy.

#### **ix. Community safety**

- 11.61. The improvements to Paradise Gardens, by opening up the enclosed square, increasing passive surveillance and through appropriate lighting, are considered likely to reduce the opportunity for crime and the fear of crime. This would accord with the objectives of policy CS19 of the Core Strategy.
- 11.62. It has been suggested that the introduction of the hotel may erode the LGBTQ character of the area and make LGBTQ people feel less safe in the area. Officers understand these concerns but do not consider that there is evidence that the built form or use of the building will harm community safety. Matters relating to any anti-social or discriminatory behaviour would be dealt with by law enforcement. It is therefore not considered reasonable to object to the application on these grounds.

#### **x. Other matters**

- 11.63. Biodiversity: Enhancement measures for bird nesting boxes and pollinator houses are recommended to be secured by condition.
- 11.64. Land quality: The submitted Environmental Report satisfies the requirement for a phase 1 desk study. The report does not identify any potentially significant risks from contamination at the site. An intrusive site investigation will be undertaken for geotechnical reasons and for waste classification purposes in any case once the existing building has been demolished. The report recommends that chemical analysis to determine soil quality will also be recovered to identify any soil contamination. Officers agree with the findings of the report and recommend conditions to secure the intrusive site investigation works and any necessary remediation.
- 11.65. Noise and nuisance: The application has identified a number of potential environmental impacts and means of addressing them. Great care is needed during the demolition and construction phases in order to minimise environmental impacts on nearby domestic and commercial occupiers. A Construction Environmental Management Plan is recommended to be secured by condition.
- 11.66. The submitted Noise Impact Assessment contains details of the expected fixed ventilation plant emission sources from the hotel, setting these against measured current background noise levels. The design targets used are in line with the Council's expected noise limits for new fixed plant. Using suitably conservative assumptions the report concludes that noise at the nearest residential façade will be 10 decibels below background at night. Officers are content with this prediction and recommend a noise scheme condition to safeguard residential amenity.

11.67. Due to the proposed bin stores facing residential accommodation in Paradise Square, a condition limiting delivery and collection times is recommended to preserve residential amenity. For the same reason, a condition requiring approval of details of any food preparation extraction equipment is recommended.

## **12. CONCLUSION**

12.1. The proposal would meet the need for additional hotel accommodation within the city centre in a sustainable location. The design has evolved and responded to the specifics of the site and wider context is considered to be high quality. The applicant's viability argument has been appropriately interrogated in response to the comments of Historic England as statutory consultee. The low to moderate harm caused to the listed buildings and the conservation area is outweighed by the public benefits of the proposal in the form of hotel accommodation, public realm improvements and quality replacement building. There would be no harm to the highway or neighbouring residential amenity. The proposal would therefore comply with local plan policies and the NPPF and is considered sustainable development.

12.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions.

## **13. CONDITIONS**

1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3 Notwithstanding the provisions of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the ground floor restaurant shall only be used within use class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purposes.

Reason: To ensure that the local planning authority can properly consider any alternative use of the unit and its impact on local residential amenity in accordance with the relevant policies of the Adopted Oxford Local Plan 2001-2016.

4 Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), samples of the exterior materials and sample panels of brickwork and brick course to be used shall be submitted to, and approved in writing by, the local planning authority and only the approved materials and details shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

5 Details of the following elements shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), and the works shall be carried out in accordance with the approved details:

- all openings in facades, i.e. windows, entrances and ground floor openings;
- parapet edge to top of building
- rainwater goods; and
- junctions between buildings and ground adjacent.

Reason: To ensure a satisfactory quality of design, for the avoidance of doubt and so that the local planning authority can agree these details in accordance with policies CP1, and HE3 and HE7, of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

6 Details of all external signage and illumination for the development shall be submitted to and approved in writing by the local planning authority prior to its installation. Only the approved details shall be implemented unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026.

7 Prior to the commencement of construction works above ground level, details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

Reason: In the interests of community safety in accordance with Policy CS19 of the Core Strategy.

8 Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), details of secure, covered cycle parking for a minimum of 7 cycles, including means of enclosure shall be submitted to, and approved in writing by, the Local

Planning Authority. The development shall not be brought into use until the cycle parking has been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy TR4 of the Oxford Local Plan 2001-2016.

9 The submitted travel plan shall be revised in accordance with comments made by Oxfordshire County Council as Highways Authority in its consultation response dated 10 May 2017, and resubmitted to and approved by the local planning authority before first occupation. The accommodation shall be operated in accordance with the approved details.

Reason: In order to encourage the use of sustainable modes of transport, in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

10 A Construction Traffic Management Plan (CTMP) shall be submitted to the local planning authority and agreed prior to commencement of demolition and construction and should follow Oxfordshire County Council's template if possible. This should identify:

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

11 Prior to first occupation of the development a Delivery and Servicing Management Plan, including contact details for staff responsible for delivery management and details of the servicing and delivery vehicles to be used, shall be submitted and agreed in writing by the Local Planning Authority and provided to the Highway Authority.

Reason: In the interests of highway safety and to mitigate the impact of delivery and service vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with

policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

12 An updated Drainage Statement must be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works on site. This must include the following details:

- Confirmation and location of existing outfall to Thames Water's surface water sewer
- A SuDS Maintenance Plan for the green roof
- A Health and Safety Plan for maintaining the green roof

Reason: To prevent an increase in flood risk in accordance with policy CS11 of the Oxford Core Strategy.

13 No demolition works shall take place until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The demolition hereby approved shall only take place in accordance with the scheme agreed pursuant to this condition"

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains, in compliance with policy HE2 of the Oxford Local Plan 2001-2016.

14 No development shall take place until a detailed foundation design has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the scheme agreed pursuant to this condition.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains, in compliance with policy HE2 of the Oxford Local Plan 2001-2016.

15 No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation (including archaeological trial trenching and subsequent archaeological recording) and the nomination of a competent person(s) or organisation to undertake the agreed works.

- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Scope of recording:

The archaeological investigation should consist of 1) post demolition trial trenching 2) further mitigation (including open area excavation if appropriate). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains, in compliance with policy HE2 of the Oxford Local Plan 2001-2016.

16 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

17 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

18 Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees, in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

19 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1,CP11 and NE15.

20 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction, in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

21 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction, in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

22 Site works or development shall not begin until details of an arboricultural watching brief have been submitted to and approved in writing by the LPA. The brief will include details of a monitoring programme for tree protection measures and supervision of all aspects of demolition and construction that require an Arboricultural Method Statement (AMS) as approved by the LPA. An arboriculturalist shall conduct monitoring at scheduled time intervals and supervision of AMS works as required. The arboriculturalist shall prepare a monthly report of their work, including a photographic record, to be submitted to the Council's Tree Officer for inspection. The arboricultural watching brief shall be carried out during development in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.



23 The development shall be carried out in accordance with the final energy statement produced by Thornley & Lumb Partnership Ltd, dated March 2017 and the additional information provided in email dated 22 August 2017 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable energy use in accordance with policy CS9 of the Core Strategy 2026.

24 Prior to the commencement of the development, details of biodiversity enhancement measures including at least 10 x bird nesting boxes, 2 x pollinator houses (bee bricks or wall-mounted) and planting scheme to include sources of nectar shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

25 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

A Phase 1 desk study and site walkover have already been undertaken. The report "Phase 1 Environmental Report" (ref: CRM.413.339.GE.R.001.A) dated February 2017 produced by Enzygo Ltd recommends a Phase 2 investigation is required.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

26 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in

accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

27 In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this, the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'.

Reason: In order to maintain the existing noise climate and prevent ambient noise creep in the interests of the residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

28 No deliveries to or collections from the site shall take place before 07.00 AM nor after the hour of 20.00 PM on any week day or before the hour of 08.00 AM nor after the hour of 16.00 PM on a Saturday or at all on Sundays and recognised public holidays unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with policies CP1, CP19, CP21 and CP9 of the Oxford Local Plan 2001-2016.

29 No occupation of the development shall take place until a scheme for treating cooking fumes and odours so as to render them innocuous has been submitted to and approved in writing beforehand by the Local Planning Authority and implemented on site. The scheme shall include the use of a grease filter and deodorising equipment that shall be serviced in perpetuity according to the manufacturer's instructions. There shall be no variation to the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policies CP1, CP9, CP19 and RC12 of the Oxford Local Plan 2001-2016.

30 Before the construction phase of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan will refer, inter alia, to the following matters:

- signage for construction traffic, pedestrians and other users of the site;
- controls on arrival and departure times for construction vehicles;
- piling methods (if employed);
- earthworks;
- hoardings to the site, including to future adjacent development plots;
- noise limits;
- hours of working;
- vibration;

- control of emissions including dust odours and dirt;
- waste management and disposal, and material re use;
- prevention of mud / debris being deposited on public highway;
- materials storage; and
- hazardous material storage and removal

The approved Construction Environmental Management Plan shall be implemented accordingly throughout the demolition and construction phases of development.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policies CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016.

#### **14. APPENDICES**

**Appendix 1** – Site location plan

**Appendix 2** – Oxford Design Review panel letters

#### **15. HUMAN RIGHTS ACT 1998**

- 15.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.
- 15.2. Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

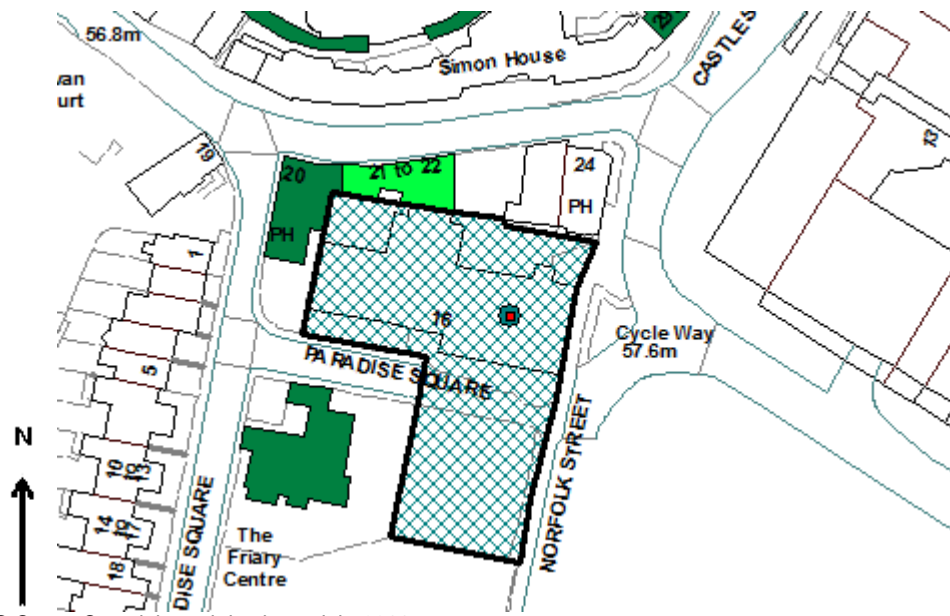
#### **16. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 16.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

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# Appendix 1

## 17/00860/FUL - Greyfriars Court



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## Appendix 2 17/00860/FUL – Greyfriars Court

### Oxford Design Review Panel letters



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#### Paradise Square, Oxford

##### Design Workshop

Notes from 6 November 2014

Thank you for attending Cabe's Design Workshop on 6 November 2014. We welcome the opportunity to offer our advice and look forward to engaging in future dialogue as the proposal develops. Paradise Square is an attractive location at the centre of Oxford and we support the principle of a hotel on this site. The proposed quantum of hotel rooms and building height seem appropriate in this location. The initial approach to the courtyard has potential but the overall building design is disappointing and further work is required to develop a captivating design narrative, underpinned by a strong understanding of the urban context. We suggest a fresh start is needed to design a building that embraces the rich, local heritage. We highly recommend commissioning additional design support and a follow-up review to assess the design progress. We offer the following suggestions in taking the design principles forward.

#### Design approach

- Define and develop a captivating narrative for a hotel building in Oxford, appropriate for this prominent site. The narrative should inform the look and feel of the building, both internally and externally, and how it is used by guests and staff.
- Analyse the urban fabric of the immediate and surrounding context, paying close attention to the character of the adjacent listed buildings and Westgate Centre proposals. A three-dimensional model of the proposal and its urban context will help the design team to creatively look at how the building responds to its surroundings.
- A 'green' narrative would help relate to sustainable initiatives across the city and make the scheme more appealing and efficient in the long-term. For example, we commend the car free development as it encourages visitors to explore and discover Oxford on foot. We suggest collaborating with a sustainability consultant at this stage to make the scheme more sustainable and develop ingenious, 'green' design approaches for the building, for example, using green walls and roofs.

#### Trees and landscaping

- Develop the landscape design strategy once a clear narrative has been established. We welcome the retention of the existing tree to the north-east of the site. However, the existing tree to the south is in a poor condition and likely to be a health and safety risk in future, and we recommend that it should be removed prior to development on this site. Removing this tree provides more room for the building and better views over Paradise Square and contributes towards eliminating the need for a basement.
- Paradise Square is currently an underwhelming but valuable green asset to the site and the local area. Collaborate with Oxford City Council to look at ways of improving the green character of this space and making it feel more attractive and safer, for example, by



opening up its north-facing aspect towards the hotel, and by investing in trees, planting, streetscape and lighting. This will be particularly important as there is little or no space for additional trees and planting on the site.

**Height and massing**

- Look at ways to make the building more elegant in its height and massing. Taller building elements on the site will be acceptable provided that they are of high design quality and positively contribute to the overall character of the local area. In particular, we feel that the proposed building could be taller at the eastern edge facing Norfolk Street, and remain low to the west facing the existing residential housing.
- To assess the visual impact of the proposal on long distance views, cameras of no less than 50mm should be used following the Landscape Institute guidance.
- Basement rooms are acceptable provided that the ground floor excavation does not affect the archaeology of the site. At this stage, however, a more detailed analysis of the archaeology of the site, in collaboration with the city council, is needed. Should the archaeology restrict the scope of basement floors, the building height and massing can be redistributed, for example, proportionally increasing the building height in key areas.

**Elevations**

- Explore how the elevations could be more contextual and less corporate, in terms of the proportion and placement of windows. In Oxford there are numerous examples of architecturally successful student housing, which, like hotels, have repeated cellular spaces served by single windows. Explore also the use of materials in relation to surrounding buildings, particularly those to the north.
- Investigate how the eastern elevation can respond to the active frontages of the future Westgate Centre. Consider as well how this façade will appear at night given the luminous street lighting and signage, and high activity levels from the new cinema and shops in the Westgate Centre.
- As the eastern elevation will be the first point of contact for most guests, look at how the elevation could maximise on key viewpoints from the city. For example, the eastern façade could be angled to the north to provide better views of the city centre from the hotel rooms and help attract pedestrians from New Road and Bonn Square to the hotel.
- Look at ways to embrace and protect the green, tranquil character of Paradise Square on the south façade and encourage guests to view the square. Integrating the service area, currently facing onto this square, will be crucial to this façade and streetscape.
- On both eastern and southern elevations, moving the staircases further into the building and replacing them with hotel rooms will help maximise views for guests and improve the façades. Think about how blank walls, such as the western elevation, can be more attractive with green walls, for example.



- Consider how Premier Inn's signage will work on the proposed elevations, in particular to the east and south, ensuring that it successfully marries with the materials and detailing, and does not dominate the façades.

**Ground floor and internal layout**

- The tight, economical approach to the internal layout and the effort to keep the plant hidden in the internal floorplate of the building are to be commended.
- The initial approach to the proposed courtyard to the north is to be commended as it seems to draw on the charming character and references of historical inns in Oxford. Continue to develop this narrative of the courtyard in the building design and uses surrounding it. A more direct, inviting sightline and path into the courtyard can help to accentuate this space as a feature of the scheme.
- Continue to test the impact of the northern part of the block, which currently separates the courtyard from the north-westerly open space. Incorporating communal uses in this block, such as hotel lobby or café, will help to enliven both outdoor spaces. Alternatively, consider if it will be more beneficial to elongate the courtyard by moving or removing this element.
- Explore the role of the hotel restaurant in more detail to clarify its layout and placement on the site. For example, if the restaurant is likely to be used by the residents at limited times of the day, it could be placed in a more intimate part of the building where it can relate to the courtyard and still be seen by those approaching from the north.

**Attendees**

Design Workshop Panel

Joanna van Heyningen (chair)  
Claire Wright  
Jessica Byrne-Daniel  
Mark Swenarton

Scheme presenters

Stephen Brooker	Walsingham Planning
Aidan Lewis	Fletcher McNeill
Chris Gill	Allison Pike Architects
Sam Baird	Allison Pike Architects
Julian Munby	Oxford Archaeology

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11 March 2015

Stephen Brooker  
Walsingham Planning  
Bourne House/Cores End Road  
Bourne End  
SL8 5AR

Our reference: DCC/0651

**Oxford City Council: Paradise Square Hotel**

Dear Stephen Brooker,

Thank you for coming to Cabe's follow-up review meeting on 26 February 2015. We are pleased to continue collaborating on this significant proposal. Since the previous workshop on 6 November 2014, the scheme has significantly improved and the collaboration between the design teams has proven to be fruitful. The project has the potential to act as an active link between the train station, Castle quarter and the new Westgate Centre. However, the current scheme appears constrained by the struggle to reconcile a standard hotel typology with the complex requirement of this prominent site. The site calls for a bespoke architectural solution that makes the most of the location overlooking a public space and responds sensitively to the adjacent listed buildings and the conservation area. We strongly urge the client and design teams continue looking for opportunities to improve the quality of the public realm and to readdress the internal configuration of the ground floor and the elevational treatment, particularly the top floor and tower, to design a compelling building that capitalises on the site and offers a unique experience for all users with individuality and character that standard hotel typologies cannot achieve.

**Site and wider context**

Given the site's proximity to the Westgate Centre, the south facing aspect onto Paradise Square and the location in a conservation area, this scheme can build upon a rich mix of historic urban assets, that if unlocked, would provide a unique opportunity to attract people. We suggest the client explores new ways to use the hotel more intensively throughout the day and night, for example, by expanding the commercial offer and incorporating space for permanent or temporary facilities on the ground floor, such as a bar/grill or pop-up shops respectively, that will be used by visitors and local residents.

We welcome the proposed building scale which successfully relates to the Westgate Centre to the east and existing buildings to the west. Developing a distinctive roofscape that works well in short and long distance views from Paradise Street and Castle Motte respectively, will be helpful in ensuring this building is contextual and appealing when viewed from above and from street level. We note that the north and western elevations are yet to be



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provided to fully determine the impact of the glazed block to the west and the relationship of the hotel to the listed buildings.

### Public realm

Since the previous workshop, the public space along the southern frontage of the hotel appears much livelier and more integrated with Paradise Square as a result of the changes to the ground floor configuration and improvements to the landscape design. We encourage Oxford City Council to continue exploring how Paradise Square could be revitalised through collaborations with respective clients and design teams on surrounding development schemes.

On-going support of a landscape architect will help to ensure that the landscape design – which is limited to Paradise Square and the entrance and rear courtyards – is captivating. The colonnade and location of the reception in the entrance courtyard creates a formal character which could be reflected by the planting. Removing the existing steps, which seems to currently serve no particular purpose, will help to make the courtyard feel larger. To avoid the Japanese Garden in the rear courtyard feeling overshadowed and dispiriting, suitable planting and views from reception and the upper floors would help to make this space special and inviting.

### Building design

The façade design has improved since we last saw the scheme. Calm, refined elevations will work on this prominent site, but the current design requires further work. A calm and confident façade could be achieved by readdressing the play between solid and void in the fenestration, particularly on the east elevation, the arrangement or texture of the brickwork and the treatment of the top floor. Currently the top floor treatment with the minimal setback and change of material from brick to metal is gratuitous and should be reconsidered. We question the tower concept at the south-eastern corner of the building. If the tower is to remain, it needs to be stronger. Currently the base is cut away, undermining its impact, and further work is required to adjust its height in relation to the building attic. Hotel signage that is in keeping with the character of the conservation area and the calm building design is important to the overall success of the scheme and needs to be developed at this stage of the planning process. Size, colour and placement must be clearly demonstrated in the drawings.

We suggest continuing to address the internal layout of the ground floor to maximize the opportunities that the south facing aspect and adjacency of the public space offer. We urge the design teams to open up the ground floor as much as possible to allow direct access and views to the square via openable doors and/or windows on the southern façade. It is unfortunate that a large part of this key elevation is given to servicing - the bin store and plant to the south-west, and the WCs in the tower. The WCs in the tower should be relocated, and whilst servicing in the south-west corner of the building works well, the arrangement of the plant room and bin store would benefit from further refinement, including alternative locations for example on the roof or at basement level if later archaeological investigations show that this part of the site is suitable for construction. We recommend relocating the guest rooms





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on the ground floor as they are crammed between the plant and bin store and the rear courtyard with potentially low light levels due to their single aspect north facing orientation.

The high ambition to achieve 9+ NRIA ratings and incorporate Passivhaus design principles is highly commendable. In developing detailed proposals for the planning application, more evidence on how the building meets those criteria will be required.

Thank you for consulting us and please keep us informed of the progress of the scheme. If there is any point that requires clarification, please telephone us.

Yours sincerely



Victoria Lee  
Design Council Cabe Advisor  
Email [Victoria.lee@designcouncil.org.uk](mailto:Victoria.lee@designcouncil.org.uk)  
Tel +44(0)20 7420 5244

cc (by email only)

Chris Gill	Allison Pike Architects
Sam Baird	Allison Pike Architects
Stuart Cade	Rick Mather Architects
Fiona Bartholomew	Oxford City Council

### Review process

Following a site visit, discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 26 February 2015 by Joanna van Heyningen (chair), Alan Berman, Jessica Byrne-Daniel, Mark Swenarton, Paul Appleby, and Tom Holbrook. These comments supersede any views we may have expressed previously.

### Confidentiality

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We may share confidential letters with our affiliated panels only in cases where an affiliated panel is taking on a scheme that we have previously reviewed. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [designreview@designcouncil.org.uk](mailto:designreview@designcouncil.org.uk).



**Paradise Street Hotel, Oxford City Council**  
**Design Workshop**  
**Notes from 12 February 2015**

Thank you for coming to Cabe's review meeting on 12 February 2015. We are delighted to provide our feedback at this early stage of the design and planning process, and look forward to engaging as the scheme progresses. A new boutique hotel could work well on this prominent site, responding to the rich physical and historic site characteristics. However, the narrative for the scheme could be more defined to make the most of the existing site assets, the waterways on either side of the site, St. George's Tower and the Castle Motte. We encourage the client and design teams to continue developing the hotel design in order to achieve a bespoke solution for Oxford that capitalizes on the site specifics and offers a unique experience for all users with individuality and character that standard hotel typologies cannot achieve. In this way, the benefits of a hotel on this site can outweigh the potential negative impacts of the building, particularly in terms of height and scale. We support the demolition of the existing Victorian buildings on the site provided that the proposed hotel building achieves the above criteria and is of exceptional design.

**Design narrative**

We welcome the design thinking to date and efforts to create a high quality environment for hotel guests, local residents and visitors. Given the exciting "island" position between Wareham Stream and Castle Mill River, the proximity of St George's Tower and the Oxford Castle and the strategic location between the train station and the city centre, the site is well-suited for a boutique hotel. We would expect to see a compelling design narrative that embraces the rich site assets and creates a charming hotel environment that makes best use of the views over the historic city and the presence of water, for example. Building upon Oxford's identity as an eco-city could also inform the scheme in terms of developing ambitious environmental strategies that integrate photovoltaic panels into the design and reduce the need for air conditioning and mechanical ventilation. Thinking through how people will use the hotel and its spaces at different times of the day will help to inform the design, for example, to ensure that the courtyard provides a sunny breakout spaces and make the hotel experience unique for all users.

**Public realm and landscape**

The initiative to create courtyard spaces that are accessible to guests and the public is to be commended. We encourage the design and client team to explore how the public realm could further contribute to the well-being of its users and take full advantage of all the site has to offer, namely the waterways on either sides of the site. Removing the single storey building located on top of the bridge is particularly advantageous as it allows the wider public to enjoy the stream and access the site from St. Thomas Street. We suggest continuing to explore how the internal courtyards could be brighter and more spacious, and feel safer and more special, particularly in terms of their scale and placement on the site. It will also be beneficial to look at ways to activate the public space along Paradise Street. Through collaborative partnership with Oxford City Council, for example, the public realm could encourage 'spill out' onto Paradise Street with seating and café facilities. We recommend that, in general, the routes through the site and to the wider



area are further analysed, in particular to clarify public rights of way and to improve the east-west links.

#### **Building design**

The concept of a building design informed by the historic plot lines of the site is intriguing. The staggered building form along Paradise Street and Wareham Stream works well as it breaks down the mass of the façade whilst opening up the site and creating variety at ground floor level. We suggest looking at how the height and massing could continue to be addressed in the overall design as the building currently seems somewhat bulky and constrained on the site. The view from Paradise Street is particularly crucial in terms of height and massing given its relationship to St. George's Tower and the Castle Motte. The proposed building should not compete or detract from these monuments, and the scale, orientation and façade treatment of the hotel have to ensure the monuments continue to be prominent features in the cityscape. Further work on the building layout will help ensure that the internal spaces maximise key views and visual connections to Wareham Stream and Castle Mill River. Given the key role of the back of house and servicing areas in the daily functioning of the hotel, we recommend reassessing the placement and design of these spaces. Together with the impact of light on the character of the conservation area, particularly at night, noise will be important to consider at this stage to ensure the hotel is sensitive to its surroundings and neighbours in the future.

#### **Roofscape**

There is further design work to be done to ensure the roofscape is a successfully articulated fifth elevation of the hotel. We welcome the concept of gabled roofs and suggest exploring further how the roofscape could be more elegant from all perspectives given that, in its current form, could appear as a solid block from particular angles. Further testing of long and short range views to the hotel from the nearby historic monuments, such as Castle Motte and St. George's Tower, the future Westgate Centre and countryside further afield will be beneficial at this stage. Albeit at the early stage of the design process, we encourage the team to continue working on the proposed rooftop plant to reduce its size and to ensure it is visually pleasing when seen from afar.

#### **Attendees**

##### Design Workshop Panel

Fred Manson (chair)  
Gillian Horn  
Jessica Byrne-Daniel  
Sarah Wigglesworth

##### Scheme presenters

Preet Ahluwalia	Dominvs Group
Lee Saywack	Dominvs Group
Dexter Moren	Dexter Moren Associates
Mark Wood	Dexter Moren Associates

## WEST AREA PLANNING COMMITTEE

12th December 2017

**Application Number:** 17/02280/VAR

**Decision Due by:** 24th October 2017

**Extension of Time:** 19th December 2017

**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 16/00147/FUL (Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Erection of garage. Provision of car parking space, private amenity space, bin and cycle storage (amended plans)) to allow for an extension to the basement area. (Amended plans and description)

**Site Address:** Land To The Rear Of 200 Woodstock Road OX2 7NH

**Ward:** Summertown Ward

**Case Officer** Nadia Robinson

**Agent:** N/A **Applicant:** Mrs Titilola Ajayi-Jones

**Reason at Committee:** The application has been called in by Cllrs Fooks, Wade, Wilkinson and Goddard due to concerns over the size of basement and consequent reduction of permeable area and outdoor amenity space, and the boundary treatment being out of character in the street scene. The application was considered at committee on 14 November 2017 and the decision was deferred pending further information regarding a previous refusal on the site and further drainage information.

---

## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

- (a) approve the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission;
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

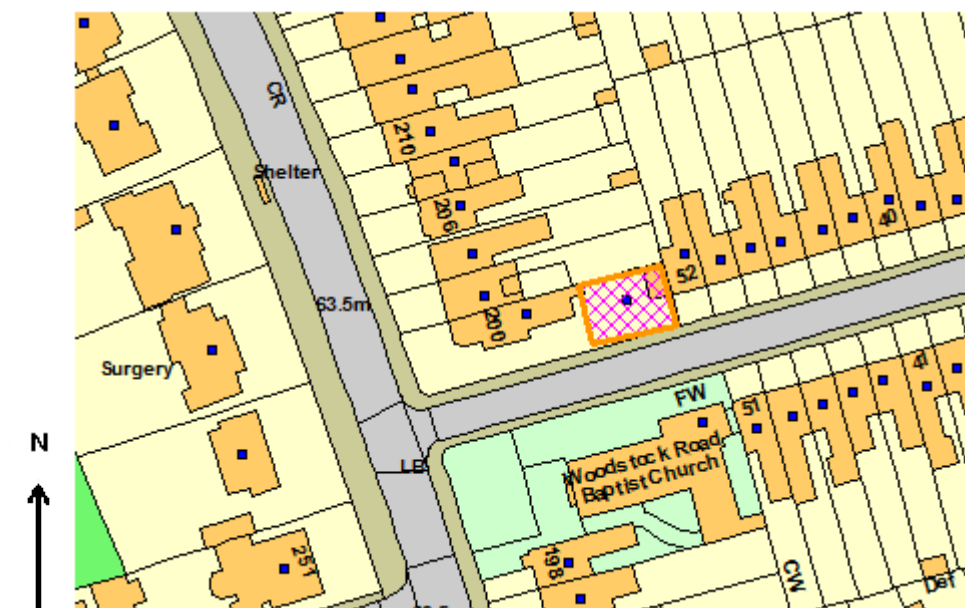
- 2.1. This report considers an application to vary condition 2 (development to be in accordance with approved plans) of planning permission 16/00147/FUL. This permission is for a three-bedroom dwelling over two storeys plus loft and basement accommodation that would continue the existing terrace on Beech Croft Road. The development has not commenced.
- 2.2. The application under consideration is for an extension to the permitted extent of the basement, extending westwards under the garden and proposed garage. Amended plans were received omitting the originally proposed 1.8 metre fence and external staircase to the basement.
- 2.3. The key matters for assessment set out in this report include the following:
- principle of development,
  - design,
  - residential amenity,
  - flooding and drainage.

### 3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 3.1. The proposal is liable for CIL at a rate of £16,451.92.

### 4. SITE AND SURROUNDINGS

- 4.1. The site is a plot of land to the rear of 200 Woodstock Road, a property that stands on the corner with Beech Croft Road. The site is therefore located at the end of the terrace on the north side of Beech Croft Road with a boundary adjoining number 52 Beech Croft Road. The site is currently occupied by a disused garage and an area of hardstanding and is enclosed to the north by a brick wall, and partially enclosed to the west and south by close-board fencing.



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## 5. PROPOSAL

- 5.1. The application proposes an enlarged basement area to the approved basement. The approved basement is sited within the footprint of the approved new dwelling, while the scheme now proposed has a basement that extends westwards and under the approved garage. There is therefore an area of basement under the garden, incorporating a flat roof light.

## 6. RELEVANT PLANNING HISTORY

- 6.1. The table below sets out the relevant planning history for the application site:

88/00261/NF - Erection of 2 metre high fence to part Beechcroft Road boundary. Approved 7th April 1988.

03/00512/FUL - Demolition of garage. Erection of buildings on 3 floors plus basement to provide 1 bedroomed basement flat and 3 level 2 bedroomed maisonette above. Provision of 2 parking spaces and shared garden to side. Withdrawn 17th April 2003.

03/00763/FUL - Demolition of garage. Erection of 1 bedroom basement flat and 2 bedroom 3 storey maisonette above (Amended plans). Approved 12th June 2003.

15/00054/FUL - Erection of 1 x 5 bedroom dwellinghouse (Use Class C3). Provision of car parking space and private amenity space. Withdrawn 12th March 2015.

15/00954/FUL - Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Provision of car parking and private amenity space. (Amended plans). Refused 29th July 2015.

16/00147/FUL - Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Erection of garage. Provision of car parking space, private amenity space, bin and cycle storage. (amended plans). Approved 19th July 2016.

## 7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7, 56, 57, 58, 60, 61	CP1 CP8		HP9	
Housing	6	CP6 CP10		HP12 HP13 HP14	
Natural Environment	9, 11, 13	CP11	CS12		
Transport	4			HP15 HP16	
Environmental	10	CP22	CS2 CS11	HP11	
Misc	5			MP1	

## 8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 12th September 2017.

### **Statutory and non-statutory consultees**

Oxfordshire County Council

8.2. Oxfordshire County Council has no comments to make on this application.

Thames Water Utilities Limited

8.3. No comments received.

### **Public representations**

8.4. Fourteen local people commented on this application from addresses in Beech Croft Road and Woodstock Road.

The Oxford Civic Society also commented.

In summary, the main points of objection (14 residents and Oxford Civic Society) were:

- Fence would be out of character
- Fence would restrict visibility for cars
- Omission of ground floor bay window weakens the design
- Loss of outdoor amenity space
- Disproportionate size of basement to the rest of the house/ overdevelopment, refusal of 2015 planning application 15/00954/FUL due to basement size
- Exacerbation of flooding problem, loss of permeable surface
- Loss of privacy to 52 Beech Croft Road and future occupiers of the property through mutual overlooking between the proposed basement rooflight and the second floor side window at number 52
- Preference for a more contemporary architectural style
- Comments on the extent to which materials will match neighbouring property
- Impacts of the current proposals are not sufficiently demonstrated in context
- Construction disturbance

### **Officer response**

- 8.5. Amended plans were received reinstating the approved boundary treatment and omitting the originally proposed 1.8m fence. The ground floor bay window was also reinstated on the amended plans.
- 8.6. The architectural style and materials of the proposal have not been altered from the approved scheme and so these comments are not pertinent to the proposal under consideration.
- 8.7. Construction disturbance is covered by the Environmental Protection Act 1990 and is not considered reasonable grounds for refusal of a development of this scale. An informative regarding the Considerate Contractors Scheme is suggested if permission is granted.
- 8.8. The remaining points of objection are dealt with in the following section.

## **9. PLANNING MATERIAL CONSIDERATIONS**

- 9.1. Officers consider the determining issues to be:
  - i. Principle of development
  - ii. Design
  - iii. Residential amenity
  - iv. Flooding and drainage

### **i. Principle of development**

- 9.2. A previous application, 15/00954/FUL, for a three bedroom house was refused for the following reasons:
1. The amount of outdoor space is not sufficient and the overall shape, access to and usability of the space that is provided is not satisfactory. The scheme is therefore contrary to policy CP10 of the Oxford Local Plan 2016 and policy HP13 of the Sites and Housing Plan 2026.
  2. The scale of the proposed dwelling is excessive given the size of the plot and not considered to be in keeping with the character of the local area. The basement courtyard element of the scheme is also not characteristic of the locality. In design terms the proposal is therefore contrary to policies CS18 of the Core Strategy, policies CP1 and CP8 of the Oxford Local Plan 2016 and policy HP9 of the Sites and Housing Plan 2026.
  3. The proposed development would result in an unacceptable loss of amenity in relation to number 202 Woodstock Road. The erection of the proposed dwelling would enclose the garden of number 202 Woodstock Road resulting in a loss of daylight/sunlight and an overbearing development. The windows in the side elevation of the proposed dwelling would be approximately 17.5 metres from the windows in property number 200 Woodstock Road which is less than the minimum of 20 metres required within the Sites and Housing Plan. The windows at first floor in the side elevation of the proposed dwelling would result in overlooking to number 200 and the garden of number 202 Woodstock Road. The proposal is contrary to policies CP1 and CP10 of the Oxford Local Plan 2016 and Policy HP14 of the Sites and Housing Plan 2026.
  4. The proposal will have a negative impact on the residential amenity of number 52 Beech Croft Road. The rear elevation of the proposed dwelling would conflict with the 45/25 degree rule in relation to the second storey side window of number 52 Beech Croft Road which relates to a habitable room. The proposal would have a detrimental impact on the outlook and feeling of enclosure in relation to the rooms contained within the gable end extension of number 52 Beech Croft Road. The proposal is contrary to policies CP1 and CP10 of the Oxford Local Plan 2016 and Policy HP14 of the Sites and Housing Plan 2026.
- 9.3. A subsequent application, 16/00147/FUL, was approved for a three bedroom house, garage and outdoor amenity space. The principle of development is therefore established through this permission.
- 9.4. On 14th November 2017, the West Area Planning Committee discussed whether the proposed variation would increase the scale of the dwelling to that of the refused application, 15/00954/FUL, as a result of the enlarged basement. The question was raised as to whether the variation application should therefore be refused due to excessive scale, as per refusal reason 2 of 15/00954/FUL.

- 9.5. The overall scale of the refused application 15/00954/FUL was larger than that of the approved application 16/00147/FUL because it included a two-storey side bay, a larger basement and higher ridge height than the approved application. The scale of the refused scheme was objected to on design grounds because it was not considered in-keeping with the character and appearance of the area. No specific concerns were raised regarding the size of the basement in the consideration of application 15/00954/FUL. The design of the 16/00147/FUL scheme was approved and considered to form an appropriate relationship with the character and appearance of the area, and the scale was therefore acceptable. Officers do not consider that the enlargement of the basement would have any harmful design or visual impacts in relation to the scale of development.
- 9.6. The basement courtyard element of the scheme was included in the same refusal reason (design grounds) as not being characteristic of the locality. This courtyard element was a sunken semi-basement outdoor amenity space. This element is not included in the variation application and was not part of the approval (16/00147/FUL). Approval of the application currently under consideration would therefore not contradict the refusal of 15/00954/FUL.

#### **ii. Design**

- 9.7. Officers do not consider the enlarged basement to cause any visual harm to the development or street scene. The externally visible changes from the approved proposal are an area of patio and a flat roof light.
- 9.8. The increased floor area of approximately 32 square metres that would result from the enlarged basement is not so significant as to materially alter the development; it remains a three-bedroom house but with an enlarged living space.
- 9.9. Officers do not consider the enlarged basement of 32 square metres in a dwelling originally proposed at 100 square metres to constitute overdevelopment of the site, nor for it to have any harmful impacts in design terms.

#### **iii. Residential amenity**

- 9.10. The changes to the outdoor amenity space are negligible as a result of the patio area over the basement and would not result in a reduction in area, and are therefore not material nor of concern to officers.
- 9.11. There would be no overlooking between the proposed basement rooflight and the second floor side window at number 52 because these views would be blocked by the proposed new dwelling.
- 9.12. The proposed plan changes will therefore not harm residential amenity.

#### **iv. Flooding and drainage**

- 9.13. The development is in Flood Zone 1 according to the Environment Agency's (EA)

flood maps. According to National Planning Policy Guidance of flood risk vulnerability and flood zone 'compatibility', a basement in flood zone 1 is appropriate development.

- 9.14. In terms of flood risk from surface water, surface water generally flows with topography, and flooding generally occurs during extreme rainfall events – at low points in a road or ground, or when surface water drainage/sewer systems are temporarily overwhelmed. Surface water is generally quick to recede once drainage systems/sewers are no longer overwhelmed.
- 9.15. The EA Surface Water Flood Map shows that Beechcroft Road has a generally low risk of surface water flooding, with areas of medium risk. For a medium risk of flooding, the map shows a Low (below 300mm) depth, and a Low (less than 0.25m/s) velocity. DEFRA/EA Guidance Document 'FD2321/TR2 – Flood Risks to People', provides a matrix for assessing Flood Hazard Rating and risk to people. For the depth of < 300mm and velocity < 0.25m/s, the flood hazard is 'Low', and not a danger to people.
- 9.16. On this basis, there are no grounds to refuse the basement enlargement due to flood risk or drainage issues. the site is not at an unacceptable risk of flooding from rivers or surface water.
- 9.17. Due to the loss of a small area of permeable surface as a result of the increased basement size, officers recommend a condition to secure a suitable surface water drainage system in order not to increase the risk of surface water flooding. This is considered sufficient to ensure compliance with policy CS11 of the Core Strategy.

## **10. CONCLUSION**

- 10.1. The development proposed, subject to conditions, is not considered to cause harm to the character and appearance of the area, nor to result in any harmful impacts on neighbouring properties or surface water flooding. Officers therefore recommend the West Area Planning Committee recommends approval subject to conditions.

## **11. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from 19 July 2016.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 The exterior materials to be used shall be those approved under reference 16/00147/CND.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no additional windows shall be placed in the side and rear elevation(s) without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) the windows on the rear (north) elevation shall be glazed in obscure glass and be non-opening below 1.7 metres above finished floor levels in the rooms they serve and thereafter retained. The first floor window in the side (west) elevation shall include the glazed panes shown on approved drawing 008B and thereafter retained.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

- 7 The bin storage and bike storage approved under reference 16/00147/CND shall be provided within the site prior to the first occupation of the property and thereafter the areas shall be retained solely for the purpose of bin storage and bike storage.

Reason: To promote recycling and the use of sustainable transport in accordance with policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016.

- 8 All impermeable areas of the proposed development, including roofs, driveways and patio areas, should be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations.

The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026.

- 9 Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 10 The biodiversity enhancements approved under reference 16/00147/CND shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 11 The landscaping proposals approved under reference 16/00147/CND shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.



## **Informatives**

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
2. Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. Details of the scheme are available from

Considerate Contractors Scheme  
PO Box 75  
Ware  
Hertfordshire  
SG12 9UY

01920 485959  
0800 7831423

enquiries@ccscheme.org.uk  
[www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

3. Your attention is drawn to the provisions of the Party Wall Act 1996. A copy of an explanatory booklet is available to download free of charge from the following website <http://www.communities.gov.uk/publications/planningandbuilding/partywall>

## **12. APPENDICES**

**Appendix 1 – Site location plan**

## **13. HUMAN RIGHTS ACT 1998**

- 13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

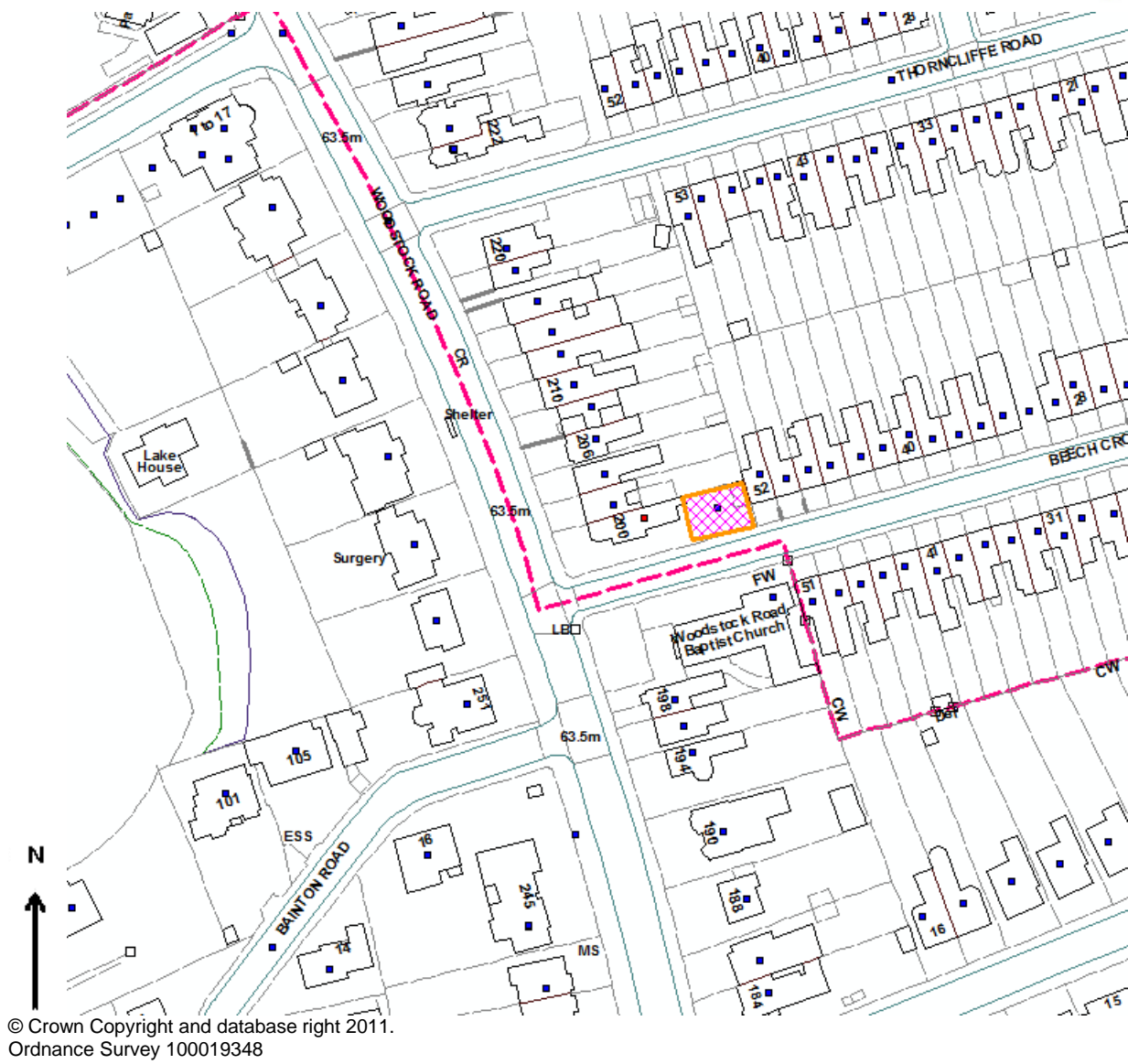
## **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 14.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider

that the proposal will not undermine crime prevention or the promotion of community.

# Appendix 1

## Land to the rear 200 Woodstock Road – 17/02280/VAR



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## WEST AREA PLANNING COMMITTEE

12<sup>th</sup> December 2017

**Application Number:** 17/02109/FUL

**Decision Due by:** 18th October 2017

**Extension of Time:** 19th December 2017

**Proposal:** Partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores. Removal of trees and landscaping. (amended plans)

**Site Address:** Bardwell Court, Bardwell Road, Oxford, Oxfordshire

**Ward:** St Margarets Ward

**Case Officer** Robert Fowler

**Agent:** Peter Brampton **Applicant:** St John's College

**Reason at Committee:** This application is being brought back to the committee for determination following agreement by the Head of Planning, Sustainable Development and Regulatory Services.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers the proposals to substantially alter and extend Bardwell Court, provide new bin, cycle stores and landscaping. The proposed development would be acceptable in principle and would represent an improvement in terms of the appearance of the application site in the streetscene and in terms of its impact on the Conservation Area. The proposed development would not give rise to an unacceptable impact on the amenity of surrounding

residential occupiers and would not have a harmful impact on the setting of listed buildings. Other aspects of the development including its impact on biodiversity, surface water and trees are either acceptable or can be resolved through the recommended conditions.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development;
- Design;
- Impact on the Conservation Area
- Impact on the setting of Listed Buildings
- Impact on neighbours
- Trees and landscaping
- Biodiversity
- Access and parking
- Flooding and surface water drainage

### **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal would not be liable to a CIL payment.

### **5. SITE AND SURROUNDINGS**

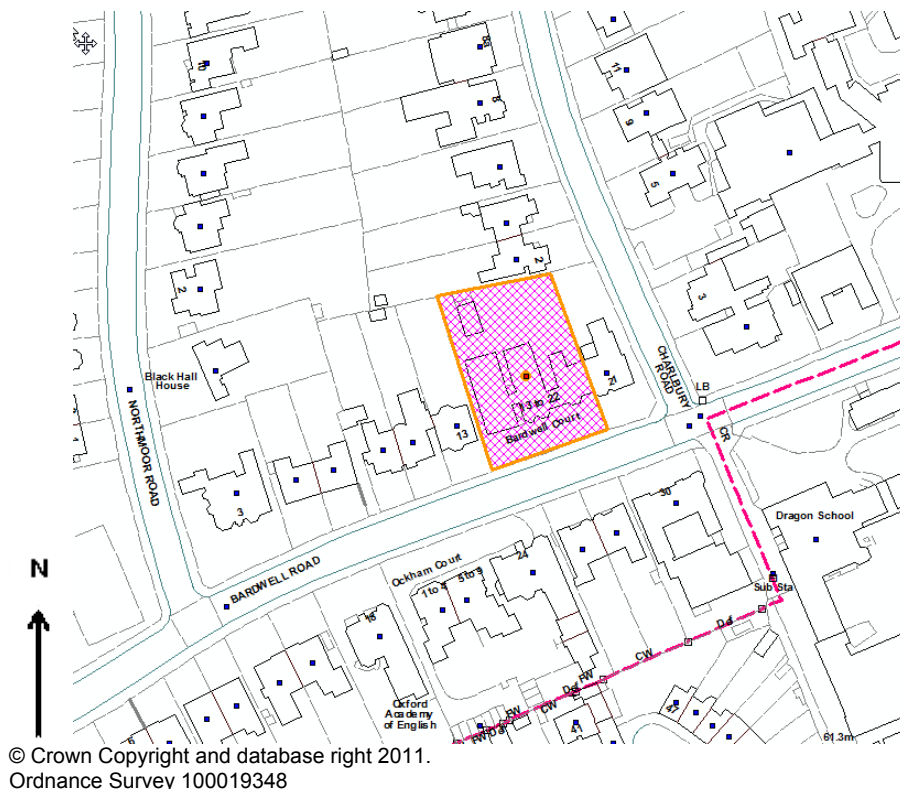
5.1. The site is located within North Oxford and is within the North Oxford Victorian Suburb Conservation Area. The area is characterised by larger properties (detached and semi-detached) usually with large front and rear gardens. Properties in the area are predominately in use as family homes and the area has a residential character.

5.2. To the rear of the site there are listed buildings at No.s 2-4 Charlbury Road (immediately to the north of the application site) and No. 2 Northmoor Road (which lies approximately 60m north-west of the application site). No.s 2-4 Charlbury Road and No. 2 Northmoor Road are all Grade II Listed Buildings. As a result of mature vegetation, existing boundaries and the substantial lengths of rear gardens these listed buildings are not particularly visible from the application site or its immediate surroundings. There is a view of the rear aspect of application site from Charlbury Road where No. 2-4 Charlbury Road are also visible; though there is a high wall along the boundary of No. 21 Bardwell Road which limits the view of the garden of the application site.

5.3. The generous front and rear gardens of properties contributes positively to the appearance of the area with mature vegetation in front gardens and glimpses of trees in rear gardens being a particularly important feature of this part of the Conservation Area. Although some properties have clearly been altered and extended the original division of plots, in most cases delineated by low boundary

walls in front gardens is apparent in the streetscene. The low boundary treatments at the front of the properties is particularly important in terms of providing a characteristically spacious feel to the streetscene.

- 5.4. The application site is composed of what were once three original houses (converted into flats in the 1930s). The links between these houses are of a lower quality than the original houses; these links have created a terrace effect that upsets the rhythm of buildings on the north side of Bardwell Road. The original parts of the buildings are typical of this part of the Conservation Area in both their use of materials and architectural detailing.
- 5.5. The front of the site is composed of a large gravel parking area. There are some small trees and shrubs along the frontage and a low brick wall around the front of the site. Unfortunately the existing gravel parking area does not contribute positively to the otherwise verdant appearance of this part of Bardwell Road. Further to this, the original delineations of the plots that would have existed when the buildings on the site were constructed have been lost through the amalgamation of the front gardens into a single parking area.
- 5.6. The rear aspect of the site contains some later flat roof additions and first floor additions that include unsympathetic roof forms and dormers. Whilst these aspects of the existing site are not overly visible in the public realm they do detract from the overall appearance of the site when viewed from the rear garden in particular.
- 5.7. The application site benefits from a large rear garden. The rear garden contains some mature trees and shrubs and existing outbuildings which are later additions and do not contribute positively to the appearance of the site.



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. Planning permission is sought to demolish the existing links between the original buildings and to replace one of the links with a new link and entrance. The demolition of the other link would create a new gap (with access into the garden at the rear).
- 6.2. The existing flat roofed extensions to the rear of the properties are proposed to be improved and altered. Dormer windows at the rear are also proposed to be removed (to re-instate a more sympathetic and original roofscape).
- 6.3. The proposals also include extensive internal alterations to the flats with no change in the overall number of flats but improvements to provide layouts that are more suited to modern living. The improved flats would also benefit from improved communal areas, some of the flats are also proposed to benefit from private gardens at the ground floor level and terraces at the first floor level. As a result of the proposed changes the existing shared garden at the rear would be enclosed to provide private amenity spaces for the ground floor flats.
- 6.4. It is proposed to replace existing windows with slimlite double glazing to all units. A new lift is proposed within the building to provide improved accessibility to the flats.
- 6.5. An existing coal store and cycle store are proposed to be demolished in the rear garden.
- 6.6. The proposals include alterations leading to a reduction in car parking at the front of the building. It is proposed for the front gardens to be partially re-instated with new landscaping.
- 6.7. New cycle and refuse and recycling stores are proposed to the front and sides of the buildings.

## 7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

57/06034/A\_H - Conversion and alterations of one flat into two. PER 28th May 1957.

61/10251/A\_H - Store shed, cycle shelters and coal store.. PER 10th January 1961.

77/00284/AH\_H - Conversion of existing 1 flat into 3 self-contained flats.. PER 16th June 1977.

12/01518/CAT - Fell dead tree in the North Oxford Victorian Suburb



Conservation Area.. NNR 9th July 2012.

13/00749/CAT - Fell Cedar tree and prune 2no Cypress trees (reduce height by 1m approx) in the North Oxford Victorian Suburb.. RNO 24th April 2013.

17/02109/FUL - Partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores. Removal of trees and landscaping. (amended plans). PDE .

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
<b>Design</b>	11, 14, 17, 56	CP1, CP6, CP8, CP10, CP11	CS18, CS9	HP14	
<b>Conservation/ Heritage</b>	128, 131, 132, 139	HE3 HE7			Managing Significance in Decision Taking in the Historic Environment (Historic England) and The Setting of Heritage Assets
<b>Housing</b>	49	CS23	CS2	HP2, HP4, HP9, HP10	
<b>Commercial</b>					
<b>Natural Environment</b>		NE16			
<b>Social and community</b>					
<b>Transport</b>	29			HP15, HP16	Parking Standards SPD

Environmental					Energy Statement TAN
Misc		CP19, CP20, CP21		MP1	Telecommunications SPD, External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 12th October 2017 and an advertisement was published in The Oxford Times newspaper on 7th September 2017.
- 9.2. The application has been subject to re-advertisement with new site notices displayed for amended plans from 12<sup>th</sup> October until 27<sup>th</sup> October.

### **Statutory and Non-Statutory Consultees**

Oxfordshire County Council (Highways)

- 9.3. No objections subject to conditions relating to cycle parking and car parking layout.

### **Public representations**

- 9.4. 7 no. objections were received from residents in Bardwell Road

The Victorian Group of Oxfordshire Architectural and Historical Society, Linton Road Neighbourhood Association and Oxford Preservation Trust have commented.

In summary, the main points of objection were:

- Concerns about impact on amenity of neighbouring occupiers
- Privacy and overlooking
- Noise and disturbance (particularly from first floor terrace areas)
- Concerns that buildings would extend beyond building line (at rear)
- Lack of consultation with neighbours
- Concerns that a precedent for terraces could be established
- Impact on character of area
- Impact on trees
- Concerns about impact on biodiversity
- Impact on transport provision and accessibility
- Concerns about proposed use of materials
- Design
- Lack of traditional appearance of aspects of scheme
- Lack of landscaping details
- Impact on car parking
- Impact on highway safety

- Impact on noise during construction
- Impact of dust during construction
- Impact of prolonged building work (if construction phase overruns)
- Impact on Conservation Area
- Concerns about bin and bike store in front garden
- Impact on setting of listed buildings
- Impact of noise on the setting of listed buildings

Some positive comments were received about the potential improvements to the appearance of the building that would result from the proposed development. The proposed creation of the gap in the terrace was also raised as a positive contribution of the proposals.

**NB.** The above list of comments is the complete list of comments that were received in relation to the original public consultation and the consultation on the amended plans that expired on 27<sup>th</sup> October 2017.

### **Officer Response**

- 9.5. The above points were taken into account when drafting this report. Specific amendments were sought in relation to the provision of privacy screening to overcome the impact on privacy for neighbouring occupiers. Whilst the design concerns are noted the proposals were the subject of detailed pre-application. A detailed assessment of the proposals in relation to their impact on the Conservation Area and the setting of listed buildings is set out in the officer report.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Impact on the Conservation Area
- iv. Impact on the setting of Listed Buildings
- v. Impact on Neighbours
- vi. Trees and Landscaping
- vii. Access and Parking
- viii. Flooding and Surface Water Drainage
- ix. Biodiversity

### **i. Principle of Development**

#### Principle

- 10.2. The application proposes substantial alterations to the inside of the property. Despite these changes there would be no overall change in the number of residential units and as a result there would not be a loss of dwellings (which would require consideration of Policy HP1). The proposals would also not involve the loss of a family dwelling and would therefore be acceptable in the context of

the Council's policies dealing with the loss of family dwellings (Policy CS23 of the Core Strategy (2011) and the Balance of Dwellings Supplementary Planning Document (SPD)).

- 10.3. The proposed development would involve the extension of the building at the ground floor (along with substantial rebuilding). The application site is considered to be largely composed of previously developed land; though some of the proposals would involve development on residential garden land. Policy CS2 together with the National Planning Policy Framework (NPPF) require that previously developed land should be the focus of new development. Whilst residential garden land is not considered to be previously developed land for the purposes of the NPPF the proposals would only involve a small area of garden land being used and the residual garden land that would remain (including the area that would be gained through the demolition of ancillary structures) would be acceptable.
- 10.4. In addition to the above, the proposals would provide a more updated quality of amenity space for the flats on the site and would provide a more efficient use of the space. As a result, it is considered that the proposed development would be broadly supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.

#### Affordable Housing

- 10.5. The application site currently contains ten dwellings and there would be no change in the number of units. Whilst the proposals would slightly increase floor area in some of the flats there is a fairly modest amount of floorspace gained. The overall capacity of the site is for more than four units where we would normally require an affordable housing contribution (on the basis of the requirements of Policy HP4 of the Sites and Housing Plan (2013)), despite this the bulk of work to re-arrange the units internally would not require planning permission. As a result, an affordable housing contribution would not be required.

#### **ii. Design and Impact on Character of Surrounding Area**

- 10.6. The proposed demolition of the existing links between the terraces would represent an improvement in design terms. These elements of the existing building are later interventions and lack the detailing that is seen elsewhere on the building and the quality of materials used is of a lower quality. The existing entrance to the site (which is within one of the link sections) is of particularly poor quality. The design response to the removal of these link sections is to re-instate a gap which is welcomed in the context of the historical development of the site (by re-instating detachment between the dwellings that was lost by the joining of the units). The gap will create glimpses into the rear garden and vegetation which would have a positive impact on the appearance of the site, the streetscene and the Conservation Area.
- 10.7. The demolition of the other link is proposed to create space for a new

contemporary link. This link would facilitate a new entrance to some of the residential units as well as provide the communal staircase etc. needed to access upper floors. The proposed link would be set in from the front and rear elevations and would be set down in height from the ridge of the roof. The resultant link would therefore have a more discrete and subservient presence. The proposed materials to be used with the link are a bronze roof and copper clad walls (with a bronze finish). The link would be perforated with glazing behind which would give it a lighter finish. Whilst the proposed use of materials would not match the rest of the building it would have a complementary appearance as the bronze finish would soften to a colour that would harmonise with the surrounding brick. Officers consider that this link is better constructed with a contemporary design as it would ensure that there is a clearer delineation between the plots which would assist in ensuring that the buildings have the appearance of being individual large properties that are a feature of the Conservation Area. The choice of detailing on the front elevation of the link, specifically the lack of windows and the perforations would further establish this link as a lighter weight gap and the perforations themselves have a resemblance to the hanging tiles on the dormers on the front elevation (therefore forming a continuity with existing architectural details on the front elevation).

- 10.8. At the rear it is proposed to rebuild parts of the rear extension elements and provide more sympathetic fenestration design. The existing roofline would be altered to be more sympathetic and a dormer and chimney (which do not positively contribute to the appearance of the rear elevation) would be removed. The rear of the new link would have a light weight glazed appearance. The overall appearance of the rear elevation would be substantially improved and would have a more cohesive and less muddled appearance.
- 10.9. Officers recommend that conditions are included to ensure that the submission of material samples are required prior to the commencement of development on site if planning permission is granted.
- 10.10. New terraces are proposed at the rear of the site; this would be on top of the ground floor elements (and provide private amenity spaces for the first floor flats). The proposed terraces would not extend across the whole of these roof areas and so would not dominate the rear elevation. Whilst there are not extensive balcony or terrace areas in the surrounding area one neighbouring property does have a small balcony. The proposed terrace areas would be acceptable in design terms especially considering the overall size of the buildings and the plot which means that these features would not be visually dominant or appear out of character.
- 10.11. The proposed demolition of the existing coal store and cycle store would be acceptable as these buildings are of limited architectural merit and this would create a more pleasant garden space on the site.
- 10.12. The internal living spaces within the flats would be substantially improved as a result of the proposed development. Whilst the degree to which this can be considered in terms of the acceptability of the development is arguably not relevant as the proposals do not amount to the creation of new dwellings (only

the reconfiguration of existing dwellings) it is worthwhile to consider that the application would bring about higher living conditions for occupiers of the building. The resultant configuration of the building would mean that the flats would be compliant with national space standards and the requirements of Policy HP12 of the Sites and Housing Plan (2013).

- 10.13. Further to the above, in addition to the improvements of internal amenity to the flats there would be improvements to the access to amenity space for some of the flats. The existing flats share a rear garden. The proposals would be for the rear garden to be divided into three private gardens for use by the ground floor units thereby not available to the upper floor flats. The three first floor flats would also benefit from the creation of three terraces (which are mentioned above). The other flats in the building would not have outdoor amenity space but having considered the overall provision of amenity spaces it is considered that the proposals would amount to an improvement in the context of outdoor space and the requirements of Policy HP13. Further to this, whilst some of the flats would lose the benefit of a shared amenity space they would be the smaller upper floor flats that would be less likely to be occupied by as many people as the larger ground floor units (with some of the ground floor units being capable of being occupied by families benefiting from the new private amenity spaces).
- 10.14. It is not clear from the proposals whether there is any external lighting proposed as part of the scheme. Given that the area is surrounded by residential gardens it is recommended that a condition dealing with the provision of external lighting is required. If the correct form of lighting is used then it would not harm the appearance of the area or the Conservation Area or setting of listed buildings; Officers are satisfied that this can be dealt with by condition.
- 10.15. The proposed development would include the installation of refuse and recycling stores for the use by the occupiers of the flats. The proposals for refuse stores would be an improvement in terms of providing screened refuse provision. Whilst the provision of one of the refuse stores at the front elevation is not a preferable option in terms of its appearance in the Conservation Area it would need to be in this location so that it is accessible and practical for all the flats (as bin stores at the rear would not be possible if these gardens would be private). On balance, having considered the overall improvements that would take place at the front of the building it is considered that the small-scale refuse store at the front would be acceptable and it would be partially screened by a wall and vegetation.
- 10.16. Overall it is considered that the proposed development would be acceptable in design terms having had regard to the impact of the proposed development on the streetscene and the character of the area. The proposed development has been carefully considered and represents high quality development that complies with the Council's requirements set out in Policy CP1 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

### **iii. Impact on the Conservation Area**

- 10.17. The application site lies within the North Oxford Victorian Suburb Conservation

Area. The proposals have already been considered in design terms but it is necessary to consider their specific impact on the Conservation Area. The existing building contains some features which neither complement the appearance of the existing building nor do they have a positive impact on the character, appearance or special significance of the Conservation Area. The proposed development proposes to remove the existing links (and their poorly considered fenestration) together with the existing entrance area which is particularly obtrusive as it draws attention to a part of the existing building which is not visually harmonious. The proposed development would re-instate a gap which would be a benefit to the appearance of the Conservation Area as it would create a glimpse into the garden (and trees to the rear) which is a feature of the Conservation Area.

- 10.18. The proposed development would also be beneficial in terms of restoring aspects of the original plot layouts so that the constituent parts of the site would read as larger detached and semi-detached villas and thereby would appear more in character with surrounding properties. This is considered to be a benefit of the development by improving the appearance of the front of the site. This would be achieved through the re-instatement of the front gardens; specific landscaping is proposed to delineate the original plots. The new link would be visually subservient and have a light and elegant design which would also mean a gap would be created in part between those two original villas.
- 10.19. At the rear of the site the proposals would remove poorly considered aspects of the site including the outbuilding, dormers and the unsympathetic roof slope. The more carefully considered rebuilding at the rear (along with the rear elevation of the proposed new link) would mean that the proposed development would have a design and quality that would be more in keeping with the surrounding area and specifically with the Conservation Area. This is considered to be a significant benefit to the Conservation Area.
- 10.20. The proposed additions of the terrace and more contemporary link elements are more modern features. Whilst the Conservation Area is Victorian in character and this is an important part of its special significance it is considered that the small-scale introduction of the link and terrace areas (which would have a more contemporary appearance) would be acceptable additions that would not detract from the appearance of the site as a whole nor would they lead to a harmful impact on the Conservation Area.
- 10.21. The proposed development would result in the loss of seven trees at the rear of the site. It is considered that the contribution of these trees to the Conservation Area is low. The proposed development would also propose the removal of three trees on the frontage; these trees have not established themselves well since planting and therefore their replacement would be beneficial. Officers consider that the loss of any trees on the site would be acceptable and the proposals represent an opportunity to provide improved landscaping by condition. The re-instatement of the garden at the front of the building would be a particular benefit on the Conservation Area and the streetscene as the mature planting at the front of plots is a positive feature of the Conservation Area.

- 10.22. Officers consider that the proposed development would amount to less than substantial harm (as set out in Paragraph 134 of the NPPF) to the Conservation Area, specifically the Conservation Area's character, appearance and special significance (as set out in Paragraph 134 of the NPPF). Officers consider that there are enhancements that would be brought about as a result of the proposed development and these outweigh any less than substantial harm that would arise from the development. Further the improvements to the appearance of the building contained in the proposal brings public benefits to the significance of the Conservation Area and in terms of providing a more viable use of the site namely better accommodation.
- 10.23. Officers recommend that the development would be acceptable in terms of its impact on the Conservation Area. The development complies with the requirements of Policy HE6 of the Oxford Local Plan 2001-2016, Policy CS18 of the Conservation Area and the NPPF.

#### **iv. Impact on the Setting of Listed Buildings**

- 10.24. In addition to the North Oxford Victorian Suburb Conservation Area the application site also lies close to Grade II listed buildings at 2-4 Charlbury Road (which is immediately to the north of the application site) and No. 2 Northmoor Road (this property lies approximately 60m from the north-western edge of the application site). Paragraph 132 of the NPPF requires that Local Planning Authorities should consider the impact of a proposed development on the significance of a designated heritage asset. The aforementioned listed buildings are designated heritage assets and therefore any harm to these listed buildings must be considered.
- 10.25. No. 2 Northmoor Road benefits from a long rear garden and would be separated from the proposed development on the application site by existing rear gardens (in Bardwell Road). In addition to this there are mature trees at the rear of the gardens between the proposed development and No. 2 Northmoor Road which would provide significant screening of the more contemporary additions that form part of the proposals at the rear of Bardwell Court. As a result, these aspects of the proposals would not be overly visible from No. 2 Northmoor Road and would not detract from the setting of that building or lead to any harm to the setting of that listed building.
- 10.26. In relation to No.s 2-4 Charlbury Road the application site immediately adjoins the southern edge of No. 2 Charlbury Road's garden. No.s 2-4 Charlbury Road are an attractive pair of semi-detached dwellings that typify some of the significant qualities of this part of the Conservation Area. The proposed extensions would lie 20m from the boundary with No. 2 Charlbury Road; officers consider that this separation distance would reduce the visual intrusion of the new development on the setting of the listed building. This argument is further reinforced by the fact that the main views of No.s 2 and 4 Charlbury Road are from Charlbury Road where the distance to the rear aspect of Bardwell Court would be even greater and therefore further limit the impact that the proposed development would have on the setting of these listed buildings.



- 10.27. Mature vegetation, including a pear tree, cyprus and lime tree in the north-eastern corner of the application site (with the lime tree lying in the garden of No. 21 Bardwell Road) would screen the proposed development from No. 2 Charlbury Road. This would further reduce the visual impact of the proposed development on the setting of the listed building.
- 10.28. There is a wall along the Charlbury Road frontage of No. 21 Bardwell Road. This wall is a higher boundary treatment than most walls in the Conservation Area and would assist in screening the proposed rear aspect of the development from the streetscene of Charlbury Road and importantly would further limit the visual impact of the development on the setting of No.s 2-4 Charlbury Road. As a result the key part of the setting of the listed building in terms of views from the public realm is limited and taken together with the separation afforded by the length of the garden of the application site minimises the visual intrusion of the development in the context of the setting of No.s 2-4 Charlbury Road.
- 10.29. Specific concerns have been raised about the impact of noise on the setting of No.s 2-4 Charlbury Road. These noise impacts have been considered in the context of the setting of the listed buildings and specifically whether noise from the proposed terraces at the first floor level of the development would impact on setting of 2-4 Chalbury Road. Noise can impact upon the setting of listed buildings as the setting of a listed building has characteristics which are experienced by all senses; this is set out in Historic England's 'The Setting of Heritage Assets' and should be considered as part of the assessment of the impact of a development on the setting of a heritage asset. In this case, the proposed terraces would facilitate outside activity associated with the first floor flats and that domestic noise could be heard from surrounding properties including the garden and environs of No.s 2-4 Charlbury Road; thereby impacting upon the setting of those listed buildings. Officers have been mindful of this concern though it is considered that the nature of the activity taking place at the proposed terraces of the development would be the same type and degree of noise that is associated with residential back gardens. Officers argue that the existing rear garden of Bardwell Court would contain the same type of activity or could facilitate the same type of activity that would take place at the proposed terraces and therefore the degree and nature of noise that would arise on the proposed terraces would not be any greater. Further to this, the existing rear garden of Bardwell Court is closer to No.s 2-4 Charlbury Road than the proposed terraces and the distance would arguably mean that any activity that could currently arise at the rear of the gardens in Bardwell Court would be greater than that which would take place on the terraces. As a result, officers consider that the proposed terraces would not cause an increase in noise or be of a different nature or intensity that could lead to substantial or less than substantial harm to the setting of No.s 2-4 Charlbury Road following the rests set out in Paragraphs 133 and 134 of the NPPF.
- 10.30. Officers recommend that the proposed development would not lead to a harmful impact on the setting of nearby listed buildings. Specifically the proposed development would not lead to a harmful visual impact or a harmful impact through increased noise, type or intensity (including from the proposed terraces).

The development therefore complies with the requirements of Policy HE3 of the Oxford Local Plan 2001-2016 and Paragraphs 132-134 of the NPPF.

**v. Impact on Neighbouring Amenity**

Visual Impact

10.31. The surrounding properties benefit from mature vegetation along the boundaries on either side and this means that the visual impact of the proposed development would be reduced and softened. It is already stated above that the proposed development represents a design improvement as a whole. The outlook from adjacent properties would not be substantially altered by the proposed development. The proposed rebuilding at the rear would only increase the length of the ground floor elements slightly. Alterations at the upper floors would not alter the outlook for neighbouring properties. Privacy screening is proposed for the terrace areas but these would be set in from the boundaries and would therefore not substantially alter the outlook from neighbouring properties.

Impact on Privacy

10.32. The proposed development would not incorporate any windows at upper floor levels that would give rise to an adverse impact on neighbouring privacy.

10.33. The main consideration in terms of privacy impacts from the proposed development would be from the first floor terraces. These terraces could give rise to a loss of privacy from overlooking into the adjacent gardens of neighbouring properties (as well as compromise the privacy of the private gardens for ground floor units). The proposals have been altered to include privacy screens that would be sufficiently high to ensure that there would be no overlooking into neighbouring properties. The proposed terraces would also not extend across the whole ground floor roofs and would be set in from the boundaries which would limit the views from these terraces further. The proposed roofs around the terraces would include parapet walls which would also provide increase privacy for neighbours (and limit the overlooking that could be provided from first floor terraces down to ground floor private gardens). Officers recommend a condition is included to ensure that the privacy screening is provided prior to first occupation.

10.34. It is considered that the proposed development would not lead to an adverse impact on privacy for surrounding occupiers and the development complies with the requirements of Policy HP14 of the Sites and Housing Plan (2013).

Impact on Light

10.35. The proposed development does involve the raising of the height (and in places the length) of the ground floor elements of the building. Whilst these additions are fairly small they have been considered in terms of their impact on light for neighbouring amenity. The proposed development would not lead to a materially harmful impact on light for neighbours and Officers consider that the proposed

development complies with the requirements of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).

#### Other Matters

- 10.36. Some concerns have been expressed about the proposed development in terms of the amount of noise that could arise from the terrace areas. It is understood that the specific concerns are that these terraces would be elevated and their size could mean that they could be more intensively used than a small balcony. Officers suggest that the rear of the site is currently in use as a garden; the proposals would provide terraces that would in effect form spaces that would be used in a similar way. The intensity of use that would result would not be out of character with a domestic rear garden and there would not be an increase in the number of residential occupiers. Any excessive noise from terraces would have to be dealt with as a statutory noise complaint and Officers consider that it would not be reasonable to refuse planning permission for this application as a result of noise concerns in this case.
- 10.37. Concerns have also been raised by local residents in relation to the noise and dust impacts that would arise during construction. Whilst there are opportunities to include Construction Traffic Management Plans which can dictate working hours and practices this has not been recommended by the Local Highway Authority and Officers do not consider that the scale of development proposed would justify this condition. Further to this, noise and dust arising from construction can be investigated by environmental health if it is excessive and if good practice is not being followed and this is the appropriate regulatory regime for dealing with these concerns.
- 10.38. The existing outbuilding in the rear garden has a roof which Officers have been told by local residents may contain asbestos or asbestos containing materials. Whilst this is not a planning matter, an appropriately worded informative is recommended that brings this matter to the applicant's attention and refers to the Health and Safety Executive's website where further details of asbestos requirements can be found.

#### **vi. Trees and Landscaping**

- 10.39. The loss of existing trees on the site (ten) has already been dealt with in relation to the proposed development's impact on the Conservation Area. The proposals represent an important opportunity to improve and soften the appearance of the building through landscaping. The creation of the private rear gardens at the rear would lead to a better used rear amenity space by occupiers as the shared garden is currently under-used. The improvements made as a result of the reinstatement of the front garden has already been mentioned. Officers recommend that specific conditions are included if planning permission is granted that relate to adherence with the Arboricultural Method Statement to protect trees etc. and the submission and implementation of a landscaping scheme.
- 10.40. Subject to the recommended conditions, Officers recommend that the

development complies with the requirements of Policies CP11 and NE16 of the Oxford Local Plan 2001-2016.

**vii. Access and Parking**

- 10.41. The proposed development would make use of existing accesses onto the highway. The Local Highway Authority has not raised objections in relation to the impact of the proposed development on highway safety.
- 10.42. The proposed development would involve a reduction in the amount of car parking on the site. The resultant development would have three car parking spaces (which would be suitable for disabled users) and sufficient space on the site for vehicles to turn and manoeuvre safely. The Local Highway Authority have agreed that the existing entitlement of the occupiers to on-street car parking permits can be acceptably retained despite the loss of on-site car parking because it is considered that there is insufficient parking stress or impact on highway safety to justify removal of eligibility for parking permits. Officers have not therefore recommended a condition to exclude occupiers to permits. Further to this it could be argued that there may be lower car use by occupiers of the flats as a result of the close proximity of the site to the City Centre and good public transport links on Banbury Road.
- 10.43. The proposals include plans for covered secure cycle parking which would represent an improvement in terms of the requirements of Policy HP15 of the Sites and Housing Plan (2013). The design and appearance of the cycle parking is recommended to be subject to a condition and its provision required to be installed prior to the occupation of the flats following the substantial completion of the development. Officers consider that whilst one of the proposed cycle stores would be located at the front elevation which is not ideal from a design point of view it would be partially screened by vegetation and would therefore be acceptable. Officers recommend that it would be preferable to seek individual cycle stores in the rear gardens for the use of ground floor flat occupiers as these would be more suitable and arguably better used than those occupiers relying upon shared facilities; this can be dealt with by condition.

**viii. Flooding and Surface Water Drainage**

- 10.44. The application site does not lie in an area of high flood risk. Officers consider that the proposed development would not increase the amount of impermeable surfacing on the site to the detriment of surface water drainage. A scheme to manage surface water drainage is recommended to be required by condition, subject to this requirement the development would comply with Policy CS11 of the Core Strategy (2011).

**ix. Biodiversity**

- 10.45. The proposed development and the information provided in relation to on-site ecology and protected species is considered acceptable. A minor bat roost was found as part of the development and so appropriate mitigating measures are required and can be secured by condition. It is also recommended that specific

biodiversity enhancement measures (including swifts) are also recommended to be required by condition. On the basis that the recommended conditions are included the development would comply with the requirements of Policy CS12 of the Core Strategy (2011).

## **11. CONCLUSION**

- 11.1. The proposed development would be acceptable in design terms and would not lead to substantial harm to the character, appearance and special significance of the Conservation Area. Any harm to the Conservation Area would be less than substantial and is offset by enhancements to the Conservation Area that would arise from the scheme as well as securing a more viable use of the site through improvements to the accommodation provided. The proposed development would not lead to substantial or less than substantial harm to the setting of listed buildings (specifically No.s 2-4 Charlbury Road and No. 2 Northmoor Road); in reaching this view officers have considered the impact of noise on the setting of these listed buildings in addition to the appearance and impact on the character of the area that would arise from the proposed development. The development would not harm the amenity of neighbouring residential occupiers and would not give rise to negative impacts on access, highway safety or car parking. All other matters can be adequately addressed through the recommended conditions. In reaching the view that the development is acceptable in planning terms, officers have been mindful of all the comments raised in relation to the application.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 below.

## **12. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.  
  
Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.  
  
Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.
- 3 Samples of exterior materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used.  
  
Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 4 The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 5 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before substantial completion of the development. The plan shall show existing retained trees and new tree plantings, showing sizes and species. The plan shall show in detail all proposed shrub and hedge planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 6 The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 7 Prior to the commencement of the approved development, bat roost compensation shall be installed as specified on page 19 of the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017)

Reason: To ensure that appropriate compensation measures are provided as required by Policy CS12 of the Core Strategy (2011).

- 8 During the construction phase of the approved development, on-site ecological advice to be provided as specified in the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017), Section 5 to cover bat advice, installation of enhancement and mitigation measures, and nesting bird advice.

Reason: To ensure that appropriate compensation measures are provided as required by Policy CS12 of the Core Strategy (2011).

- 9 Prior to the commencement of the development, details of biodiversity enhancement measures including 2 x built-in swift nesting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 10 Prior to the first use of the development following its substantial completion, bat box and sparrow box as specified in the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017) (page 22) to be installed as shown on sketch plan on page 27 of that report.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 11 Before the development permitted is commenced details on the number of cycle parking spaces, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport.

- 12 Prior to the commencement of the approved development, a detailed plan showing the proposed surface water drainage for the site and any hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The detailed proposals for surface water drainage and hard surfacing shall show how the proposals would ensure that there would be no detrimental impact on surface water conditions and shall include SUDs measures where appropriate. The development shall be built in accordance with the approved plans unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development provides a satisfactory scheme for surface water drainage in order that the development does not lead to adverse levels of surface water runoff as required by Policy CS11 of the Core Strategy (2011).

- 13 Prior to the commencement of the approved development details of the privacy screening to be installed on the terraces at the rear of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include specifications of the privacy screening's height, materials and external finish. The privacy screening shall be installed prior to the first occupation of the approved development following its substantial completion and retained thereafter.

Reason: To ensure that the privacy of the neighbouring residential occupiers is protected and the development does not lead to an adverse impact in terms of overlooking as required by Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

- 14 Prior to the commencement of the approved development, details of any external lighting to be installed in the application site shall be submitted to and approved in writing by the Local Planning Authority. Only the approved external lighting shall be installed and no additional external lighting shall be installed unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development does not lead to a proliferation of outdoor lighting that would have a detrimental impact on the character, appearance and special significance of the Conservation Area as required by Policy HE7 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

- 15 The areas shown hatched in red on the approved drawing (15.1330/07 REV C) shall not be used for outdoor amenity use nor shall the approved terrace areas be enlarged to encompass any of the areas hatched in red unless otherwise agreed in writing with the Local Planning Authority through a separate granting of planning permission

Reason: To ensure that the privacy of surrounding occupiers is protected as required by Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

#### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.
- 3 Landscaping schemes should preferably use non-double, non-hybrid plant species which flower over a range of months to provide the maximum opportunities for pollinating insects.
- 4 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.
- 5 It has been brought the attention of the Council that there may be asbestos or asbestos containing materials within some of the buildings or structures on the site that are subject to demolition. It is will therefore be necessary to seek professional advice in relation to the demolition and disposal of any asbestos or asbestos containing materials on the site. There is further information about the legal requirements at <http://www.hse.gov.uk/asbestos/>

### **13. APPENDICES**

#### **Appendix 1 – Site Location Plan**

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the



interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

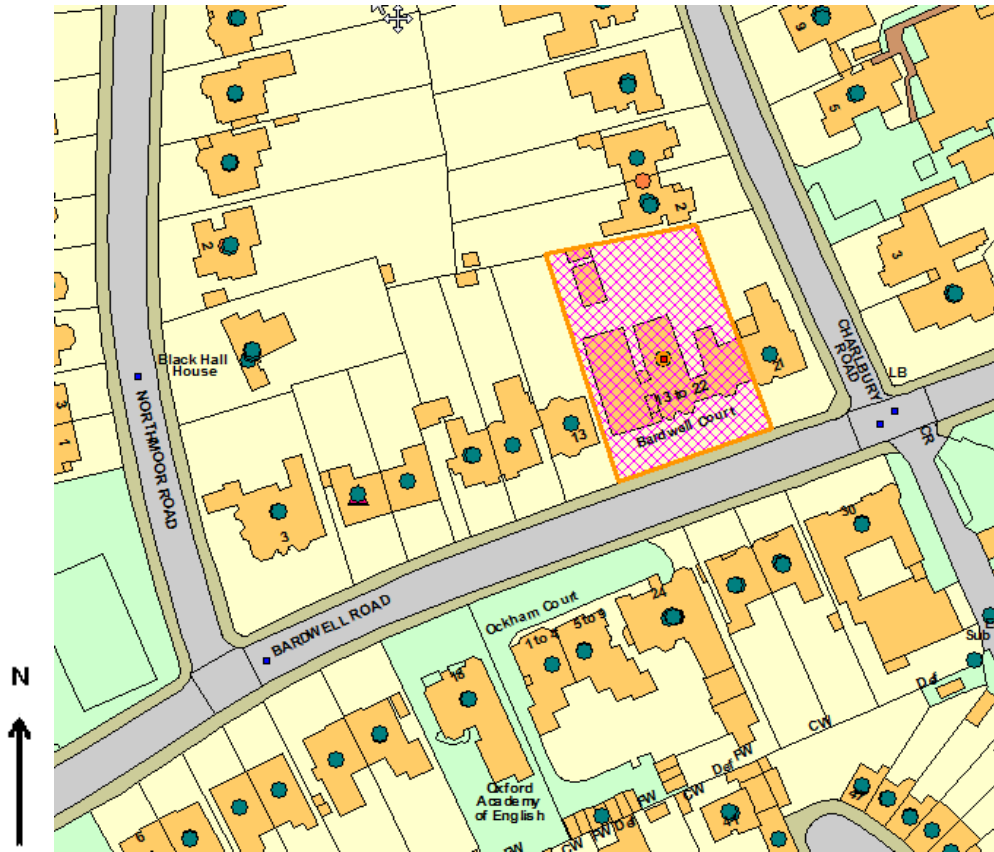
## **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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# Appendix 1

## 17/02109/FUL – Bardwell Court, Bardwell Road



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Ordnance Survey 100019348

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## WEST AREA PLANNING COMMITTEE

**Application Number:** 17/02519/VAR

**Decision Due by:** 4th January 2018

**Extension of Time:** Not required

**Proposal:** Variation of condition 2 (Development in Accordance with Approved) and removal of Condition 14 (Community Use) of planning permission 17/01144/FUL (Erection of a teaching laboratory modular building for the Departments of Zoology and Biochemistry (Use Class D1) for a temporary period of 4 years and 10 months).

**Site Address:** The University Club, 11 Mansfield Road, Oxford, OX1 3SZ

**Ward:** Holywell Ward

**Case Officer** Natalie  
Dobraszczyk

**Agent:** Mr Michael Crofton-Briggs      **Applicant:** The University of Oxford

**Reason at Committee:** Amendments proposed to previously approved scheme.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report; and**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers proposals to vary condition 2 (Approved Plans) and remove condition 14 (Community Use Agreement) of planning consent 17/01144/FUL

2.2. The key matters for assessment set out in this report include the following:

- Design and Impact on Character of the Surrounding Area;

- Impact on Neighbouring Amenity;
- Access/ Cycle Parking Provision;
- Community Access to Sports Facilities.

2.3. The proposed changes to the approved plans are considered to be acceptable and Officers recommend approval of the proposed variations to condition 2 of planning consent 17/01144/FUL.

2.4. Officers consider that the removal of condition 14 of planning consent 17/01144/FUL would not be detrimental in terms of reducing community access to sports facilities due to the existing high usage of the sports pitch.

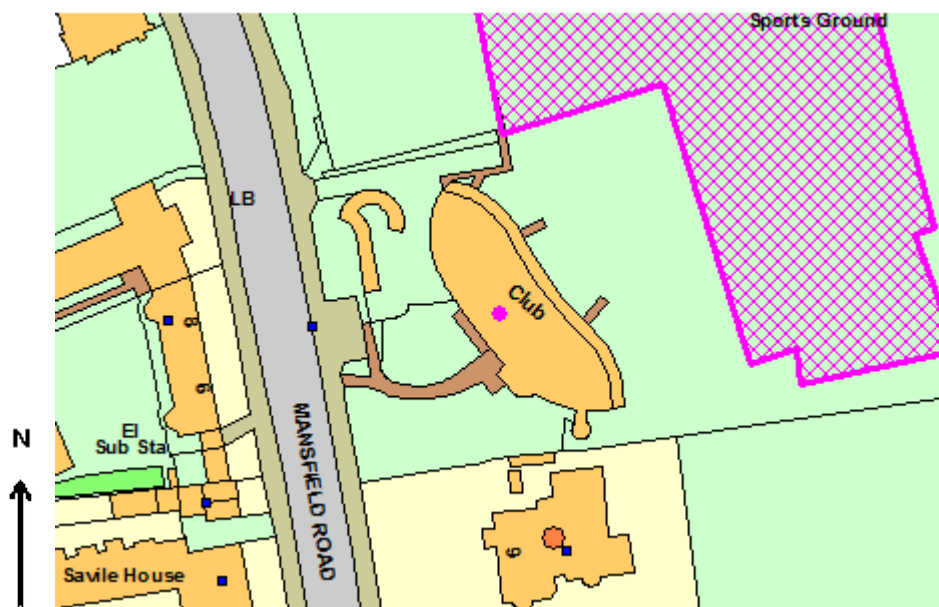
### 3. SITE AND SURROUNDINGS

3.1. The application site is located on the western side of the University Club Field, Mansfield Road, Oxford. The site comprises an open sports ground behind the University Club, situated between St Cross Road to the east and Mansfield Road to the west.

3.2. To the south is the boundary between the University Club sports ground and Balliol College sports ground. The northern boundary is formed by a number of buildings that make up part of the University's science area, including the Tinbergen Building, the Tinsley Building and Pharmacology.

3.3. The site lies within the Central Conservation Area boundary. The site is within Flood Zone 1.

3.4. A site location plan is provided below:



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#### 4. PROPOSAL

4.1. The application proposes the following variations to condition 2 (Approved Plans) of planning consent 17/01144/FUL:

Approved Reference	Plan	Proposed Reference	Plan	Summary of Proposed Amendments
D-A-2F2200 (Site Plan) and P-AR-12120 Rev A (Cycle Parking Plan)		DR-A-00009-S2-P3 (Site Plan)	(Site Plan)	Proposed extension to the approved plant enclosure to the north; The fire tender access is proposed to move closer to the approved building; Extent of hardstanding confirmed and modifications to bicycle stand positioning.
P-A-20200 (Roof Plan)		DR-A-00002-S2-P2 (Roof Plan)	(Roof Plan)	Removal of 4 approved rooflights.
P-A-30200 rev. 00 (South and West Elevations)		DR-A-00007-S2-P3 (South and West Elevations)	(South and West Elevations)	Modifications to 2 doors and insertion of 5 windows within the west elevation; Extension of plant enclosure and insertion of louvres; Increase in fence height to 3.1 metres; covered walkway to building entrance is proposed in timber with a small mono-pitch slope.
P-A-30300 rev. 00 (North and East Elevations)		DR-A-00006-S2-P3 (North and East Elevations)	(North and East Elevations)	Modifications to 4 doors in the north and east elevations; Removal of 1 door in the east elevation; Removal of all windows in the north elevation; Extension of plant enclosure; Increase in fence height to 3.1 metres; covered walkway to building entrance is proposed in timber with a small mono-pitch slope.
P-A-12100 rev. 00 (Proposed Ground Floor Plan)		DR-A-20002-S2-P10 (Ground Floor Plan)		Modifications to 2 doors and insertion of 5 windows within the west elevation; Modifications to 4 doors in the north and east elevations; Removal of 1 door in the east elevation;

Removal of all windows in the north elevation; Extension of plant enclosure.

- 4.2. The application also proposals the removal of condition 14 (Community Use Agreement) of planning consent 17/01144/FUL which states:

*“Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields and ancillary changing provision and include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.*

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.”*

## 5. RELEVANT PLANNING HISTORY

- 5.1. The table below sets out the relevant planning history for the application site:

**01/01724/CAC** - Conservation Area consent for demolition of existing pavilion / groundsmans flat (Amended plans). Approved 22nd March 2002.

**01/01725/FUL** – Demolition of existing Pavilion/groundsmans flat. Erect 4 storey building incorporating sports and leisure uses on 3 floors and 14 bedrooms on 3rd floor with plant in roofspace. Artificial surface to tennis courts (Amended plans). Approved 1st October 2002.

**06/00679/FUL** - Erection of 8 x 8m high flood lighting columns around perimeter of multi-use games area. Approved 12th May 2006.

**17/01144/FUL** - Erection of a teaching laboratory modular building for the Departments of Zoology and Biochemistry (Use Class D1) for a temporary period of 4 years and 10 months. Approved 8th August 2017.

**17/01259/FUL** - Erection of a research and administrative modular building for the department of Zoology (Use Class D1) for a temporary period of 4 years and 10 months. Approved 8th August 2017.



## 6. RELEVANT PLANNING POLICY

6.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Other Planning Documents
<b>Design</b>	7 Paragraphs 56 - 68	CP1, CP6, CP8, CP9, CP10, CP13, CP25,	CS18_	
<b>Conservation/ Heritage</b>	12 Paragraphs 126 – 141, of particular relevance is paragraphs 128, 129, 134 and 135	HE7,		
<b>Natural Environment</b>	11 Paragraphs 109 – 125,	CP11, NE16, NE22,	CS2_ , CS9_ , CS11_ , CS12_ ,	
<b>Social and community</b>	8 Paragraphs 69 – 78, of particular relevance is paragraph 74.	SR2,	CS19_ , CS21_ , CS29_ ,	
<b>Transport</b>	4 Paragraphs 29 - 41	TR1, TR2, TR3, TR4, TR6, TR12, TR13,	CS13_ ,	Parking Standards SPD
<b>Environmental</b>	10 Paragraphs 93 - 108	CP20, CP21, CP22, CP23,	CS10_ ,	Energy Statement TAN

## 7. CONSULTATION RESPONSES

7.1. Site notices were displayed around the application site on 13th October 2017 and an advertisement was published in The Oxford Times newspaper on 26th October 2017.

### **Statutory and Non-Statutory Consultees**

#### Sport England

7.2. No comments on the proposed variations to condition 2 of planning consent 17/01144/FUL. Confirmed that Sport England have met with the applicant regarding condition 14 and are satisfied that due to the current levels of usage of the playing pitch, a community use agreement would not be appropriate as this would lead to the overplay of the pitch. Therefore Sport England have no

objections with the proposed removal of condition 14 of planning consent 17/01144/FUL.

7.3. The following consultees responded with no comment:

- Archaeology Officer
- Historic England

7.4. The following consultees raised no objections:

- Oxfordshire County Council Highways
- Biodiversity Officer

### **Public representations**

7.5. No public representations have been received.

## **8. PLANNING MATERIAL CONSIDERATIONS**

8.1. Officers consider the determining issues to be:

- Design and Impact on Character of the Surrounding Area;
- Impact on Neighbouring Amenity;
- Access/ Cycle Parking Provision;
- Community Access to Sports Facilities.

### **i. Design and Impact on Character of Surrounding Area**

8.2. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy require that development proposals incorporate high standards of design and respect local character. The application site is also located within the Central Conservation Area and as such Local Plan Policy HE7 (Conservation Areas) is applicable.

8.3. The proposed changes to fenestration including the introduction, and removal of, windows and doors would not significantly alter the overall appearance of the development. The proposals would incorporate fenestration details to which either match the approved designs or would be sympathetic to the aesthetic of the temporary building.

8.4. The proposed extension to the approved plant enclosure is not considered to be unduly harmful to the appearance of the west elevation of the building. Likewise, the increased height of the plant enclosure would represent an increase of 0.6 metres which is not considered to create a significant or detrimental impact.

**ii. Impact on Neighbouring Amenity**

- 8.5. The proposed building is located on the University Sports Field and would be surrounded to the north and west by University buildings. To the east lies the remaining sports field, which is bounded by substantial vegetation and St Cross Road. To the south is Balliol College Ground and again the boundary between the two sites comprises substantial vegetation.
- 8.6. Due to the siting of the proposed building and the significant separation distances between the building and the nearest neighbouring buildings Officers are satisfied that the proposed changes to fenestration will not result in any increased overlooking impacts for neighbouring occupiers.
- 8.7. The applicant has confirmed that the proposed increase in plant enclosure will not increase the amount of plant machinery on site; rather it would facilitate the installation and maintenance of the approved plant. As such, there would not be an increase in noise impacts from those assessed by Officers under the original consent.

**iii. Access/ Cycle Parking Provision**

- 8.8. The application proposes amendments to move the fire tender access closer to the building which has finalised the proposed extent of the hardstanding. This has also altered the positioning of the cycle parking positioning.
- 8.9. The amount of cycle parking has not altered from that which was approved and the proposed amendments to fire tender access will improve access to the building for emergency vehicles. Therefore Officers consider these changes to be acceptable.
- 8.10. The proposed amendments to hardstanding would partially take place outside of the red line area as set out in the original consent, however all works would take place within the blue line area i.e. within land which is within the ownership of the applicant.

**iv. Community Access to Sports Facilities**

- 8.11. Sport England have confirmed that following discussions with the applicant they have established that due to the current levels of usage of the playing pitch, a community use agreement (as required under condition 14 of application 17/01144/FUL) would not be appropriate as this would lead to the overplay of the pitch.
- 8.12. Officers are therefore satisfied that the removal of condition 14 of planning consent 17/01144/FUL would not be detrimental in terms of reducing community access to sports facilities.

**9. CONCLUSION**

- 9.1. The proposed changes to the approved plans would not result in significant

detrimental impacts on the design of the approved buildings, the character of the surrounding area or the amenity of neighbouring occupiers. Therefore Officers recommend approval of the proposed variations to condition 2 of planning consent 17/01144/FUL.

- 9.2. Officers consider that the removal of condition 14 of planning consent 17/01144/FUL would not be detrimental in terms of reducing community access to sports facilities due to the existing high usage of the sports pitch.
- 9.3. It is recommended that the Committee resolve to grant planning permission for the variations proposed subject to the conditions outlined in section 10 of this report.

## **10. CONDITIONS**

### **1. Temporary Consent**

This permission shall be for a limited period of 4 years 10 months only, starting from the 8<sup>th</sup> August 2017. After this date the building(s) and works carried out under this permission shall be removed. Within three months of the temporary building hereby permitted and other associated structures removal [or In the first planting season following removal], the playing field land shall be reinstated to a playing field of a quality at least equivalent to the quality of the playing field immediately before the temporary building and associated structures were erected. The work shall be carried out by a specialist turf consultant to the satisfaction of the Local Planning Authority unless prior to that date a renewal of the permission shall have been approved in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis in accordance with policies CP1 and CP25 of the Adopted Oxford Local Plan 2001-2016; to ensure the site is restored to a condition fit for purpose; and to accord with the National Planning Policy Framework.

### **2. Development in Accordance with Approved Plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority:

- Location Plan (ref: P-A-12000 rev. 00);
- Proposed Block Plan (ref: P-A-12110 rev. 00);
- Proposed Site Plan - Fire Tender Access (ref: DR-A-00009-S2-P3);
- Proposed Ground Floor Plan (ref: DR-A-20002-S2-P10);
- Proposed Roof Plan (ref: DR-A-00002-S2-P2);
- Site Elevations - South (ref: P-A-30000 rev. 00);
- Site Elevations - East (ref: P-A-30100 rev. 00);
- Proposed Elevations - South/ West (ref: DR-A-00007-S2-P3);

- Proposed Elevations - North/ East (ref: DR-A-00006-S2-P3);
- Football Pitch Extent - During Construction (ref: E-A-12113);
- Football Pitch Extent - After Construction (ref: E-A-12114);
- Design and Access Statement (dated May 2017);
- Archaeological Written Scheme of Investigation (Oxford Archaeology 2017 OA, ref: 6760);
- Tree Protection Plan (reference: P-A-12110 rev. 00 [annotated] (received 7th July 2017);
- Below Ground Plan of Tree Protection Measures (ref: 11562-WMS-ZZ-00-DR-A- 90005-S2-P1);
- Above Ground Plan of Tree Protection Measures (ref: 11562-WMS-ZZ-00-DR-A- 90006-S2-P1);
- Drainage Strategy and Water Quality Management Report (dated: June 2017);
- Micro-drainage Calculation (dated: 23rd June 2017); o Drainage Maintenance Strategy (dated: June 2017);
- Sustainable Urban Drainage (AKS Ward Letter, dated 23/06/17 ref: X172011);
- Drainage Layout (ref: NATTA -C5815-D-101-DRA); o Pad Foundation Details (ref: NATTA- C5815-D-100-MFD);
- Tree Quality Assessment Table (received 7th July 2017);
- Construction Traffic Management Plan (version 4, dated 23rd June 2017).

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

### **3.Materials**

The materials to be used in the new development shall be as shown on the approved plans and as detailed within the submitted Design and Access Statement. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

### **4.Toughened Glass**

The building shall not be occupied unless glass used in the windows in the new modular buildings which face on the playing field, should be at least 15mm toughened glass for the outer pane and laminated glass for the inner pane or an alternative method of protection that has been agreed with the Local Planning Authority in writing before the building is occupied.

Reason: To allow continuous use of the playing field whilst protecting the occupants of the extensions from possible glass damage caused by sports projectiles in use on the playing field.

## **5.Archaeology**

The development shall take place in accordance with the archaeological written scheme of investigation submitted by the applicant (Oxford Archaeology 2017 OA Reference No: 6760). All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development will not have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, Roman, late Saxon and post-medieval remains (Local Plan Policy HE2).

## **6.Football Pitch**

The development hereby permitted shall not be brought into use until the football pitch shown on approved drawing no. E-A-12114 has been cleared and laid out so that it is available for use as a playing field.

Reason: To secure the continued use of playing field before the occupation of the building and to accord with Local Plan Policy SR2.

## **7.Lighting Scheme**

The development shall not be occupied until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E3 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

## **8.Noise – Mechanical Plant / Ventilation & Air Conditioning**

In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing noise level is not increased when measured one metre from the nearest noise sensitive premises. In order to achieve this the plant must be designed / selected or the noise attenuated so that it is no greater than 35 dB LA90,1h daytime and 33 dB L90,15min, night time.

Reason: To maintain the existing noise climate and prevent ambient noise creep in the interests of residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

## **9.Landscape – Underground Services (Tree Roots)**

All underground services and soakaways shall be implemented and maintained

in accordance with the details shown on approved plans E-A-12115 rev. 00; E-A-12116 rev. 00 and; E-A- 12117 rev.00. There shall be no variation of these details without the prior written consent of the Local Planning Authority.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

#### **10. Landscape – Tree Protection Plan (Tree Roots)**

Detailed measures for the protection of trees to be retained during the development shall be implemented in accordance with the details shown on approved plans P-A-12110 rev. 00 [annotated] (received 7th July 2017) and; Tree Quality Assessment Table (received 7th July 2017). There shall be no variation of these details without the prior written consent of the Local Planning Authority (LPA). The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within Construction Exclusion Zones (CEZ) around retained trees unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

#### **11. Drainage Strategy**

The Drainage Strategy, including details of Sustainable Drainage (SUDs), as shown on drawing no. 92002 P03 (contained within the 'Maintenance Plan' report) should be implemented prior to occupation of the development. Any changes to the strategy should be submitted for approval to the Planning Authority.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

#### **12. Drainage Infrastructure**

Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011- 2026.

#### **13. Construction Traffic Management Plan**

The approved Construction Traffic Management Plan (version 4, dated 23rd June 2017) shall be implemented. The development shall be undertaken strictly

in accordance with the Construction Traffic Management Plan as approved at all times. Any changes to the traffic management of the site shall be submitted for approval to the Planning Authority.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

#### **14. Cycle Parking**

Prior to use or occupation of the new development covered and secure cycle shall be provided on-site as shown on drawing no. DR-A-00009-S2-P3. The cycle provision shall be retained for this purpose and shall not be adapted for any other purpose without written permission from the Planning Authority.

Reason: To encourage the use of sustainable modes of transport.

#### **15. Unexpected Contamination**

A watching brief should be undertaken throughout the course of the development to identify any unexpected contamination. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

#### **INFORMATIVES :-**

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
2. Removal of vegetation and demolition of buildings shall be undertaken outside of



bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.

3. The applicant and contractors should be aware that all bats and any structures or trees used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Before the removal of limbs from the trees adjacent to the point of access, a visual check for bats must be carried out by a suitably experienced ecologist immediately prior to the work being carried out. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0845 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained.
4. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association and the England & Wales Cricket Board (<http://www.ecb.co.uk/be-involved/club-support/club-facility-management/surface-types>).

## **11. APPENDICES**

### **Appendix 1 – Site Location Plan**

## **12. HUMAN RIGHTS ACT 1998**

- 12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

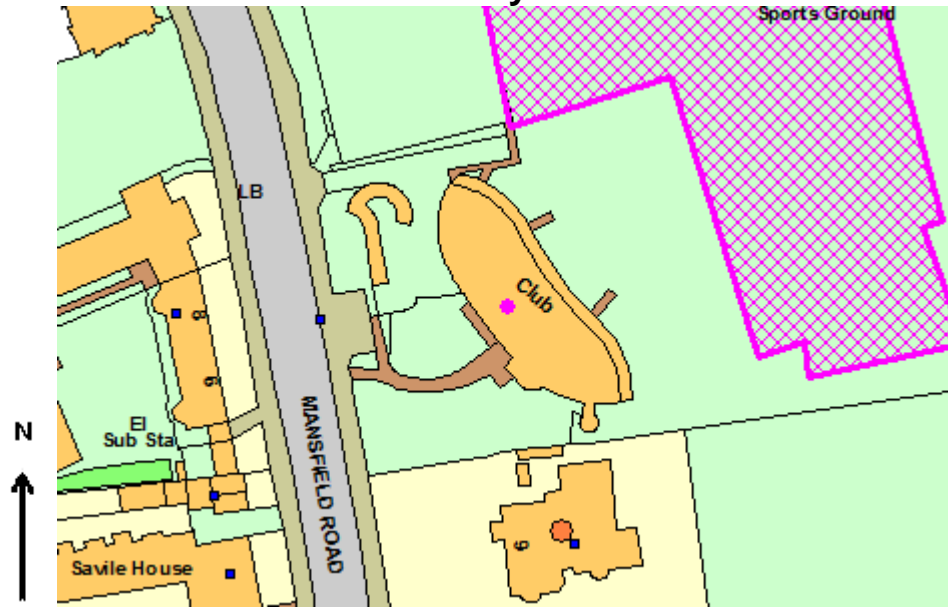
## **13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 13.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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# Appendix 1

## 17/02519/VAR - The University Club



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Ordnance Survey 100019348

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## **Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 14 November 2017**

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### **Committee members:**

Councillor Upton (Chair)	Councillor Cook (Vice-Chair)
Councillor Azad	Councillor Fooks
Councillor Hollingsworth	Councillor Iley-Williamson
Councillor Pegg	Councillor Price
Councillor Wade (for Councillor Landell Mills)	

### **Officers:**

Adrian Arnold, Development Management Service Manager  
Robert Fowler, Planning Team Leader  
Lindsay Cane, Legal Services Manager  
Amanda Ball, Legal Adviser  
Catherine Phythian, Committee Services Officer

### **Apologies:**

Councillor(s) Landell Mills sent apologies.

### **38. Declarations of interest**

There were no declarations of interest.

### **39. 17/02378/FUL: Land Adjacent St James Row, Grove Street, Oxford**

The Committee considered an application (17/02378/FUL) for planning permission for the erection of a part single, part two storey 1 x 3-bed dwellinghouse (Use Class C3); and provision of off street parking and bin and cycle storage.

The application was before the Committee as it had been called in by Cllrs Fooks, Wilkinson, Wade and Goddard due to concerns about the design of the scheme and use of materials.

The Planning Officer presented the report and referred the Committee to errors in the report at paragraphs 14.1 and 15.1: the recommendation was to **grant** not refuse the application. The Planning Officer apologised for this error.

Pamela Gibson (local resident) spoke against the application.

Nick Turner (Architect) spoke in favour of the application.

Councillor Cook arrived during the Planning Officer's presentation. He apologised for his late arrival and stated that he would take no part in the determination of the application.

The Committee asked questions of the officers and public speakers about the details of the application. The Committee discussion focused on the merits of the design and its impact on the local area, noting the concerns expressed by the public speaker and the design justification put forward by the architect.

On being put to the vote a majority of the Committee agreed with the officer recommendation.

**The West Area Planning Committee resolved to:**

- (a) Approve the application for the reasons given in the report and subject to the 13 planning conditions and 4 informatives set out in section 12 of this report and grant planning permission**
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**
  - 1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

**40. 17/00931/FUL: 40 St Thomas Street Oxford OX1 1JP**

The Committee considered an application (17/00931/FUL) for planning permission for the demolition of existing building. Erection of three storey building to provide 3 x 2-bed flats (Use Class C3).

The application was before the Committee as it had been called in by Councillors Cook, Fry, Brown, Price, Kennedy and Sinclair because of the site's close proximity to the listed St Thomas the Martyr's Church.

The Planning Officer presented the report and confirmed that although the application site was not within a Conservation Area there had been substantial consideration of the impact of the proposed development on views through the site and the impact on the setting of listed buildings nearby. The Planning Officer proposed a rewording of Condition 16 to refer to blue badge holders for disabled occupiers and a new condition (Condition 19) to require details of the design of the front elevation gable to be

submitted to and approved by the Council prior to the commencement of the development..

The Planning Officer presented the report and referred the Committee to errors in the report at paragraphs 14.1 and 15.1: the recommendation was to **grant** not refuse the application. The Planning Officer apologised for this error.

Neil Warner (agent) spoke in favour of the application.

In discussion the Committee sought reassurances regarding the recommended legal agreement for the re-provision of the nursery in the event of a change of ownership of the site. The Legal Adviser confirmed that the obligation for the re-provision of the nursery would remain with the land and would be binding on any future land owner.

On being put to the vote the Committee agreed with the officer recommendation.

**The West Area Planning Committee resolved to:**

**(a) Approve the application for the reasons given in the report and subject to the 17 required planning conditions and 3 informatives set out in section 12 of the report; and amendment to condition 16 and the additional condition 19 as listed below:**

- Condition 16: delete “disabled drivers” replace with “blue badge holders”
- Condition 19: treatment of the gable elevation

**(b) and grant planning permission subject to:**

1. The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

**(c) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

#### **41. 17/02280/VAR - Land To The Rear Of 200 Woodstock Road, Oxford, OX2 7NH**

The Committee considered an application (17/02280/VAR) for planning permission for a variation of condition 2 (Develop in accordance with approved plans) of planning permission 16/00147/FUL (Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Erection of garage. Provision of car parking space, private amenity space, bin and cycle storage (amended plans)) to allow for an extension to the basement area.

The application was before the Committee as it had been called in by Cllrs Fooks, Wade, Wilkinson and Goddard due to concerns over the size of basement and consequent reduction of permeable area and outdoor amenity space, and the boundary treatment being out of character in the street scene.

The Planning Officer presented the report.

The Planning Officer referred the Committee to an error in the report at paragraph 13.1: the recommendation was to **grant** not refuse the application. The Planning Officer apologised for this error.

Paul Fisher (local resident) spoke against the application.

Titilola Ajayi-Jones (Applicant) spoke in favour of the application.

In discussion the Committee explored the arguments raised by the public speaker (objecting to the application) that approval of this application would be inconsistent with the refusal of the 2015 application as both schemes provided for similar size dwellings and amenity space. Officers were not in a position to provide clear and definitive advice on this issue during the meeting and therefore the Committee moved to defer the application.

The Committee also asked that concerns about flooding should be addressed in more detail in the revised officer report.

On being put to the vote the Committee agreed the resolution as set out below.

**The West Area Planning Committee resolved to defer consideration of application (17/02280/VAR) until the 12 December to allow officers time to issue a revised report addressing the concerns relating to consistency in decision making between the 2015 and 2017 applications and flooding.**

#### **42. 17/02065/FUL: 92 Kingston Road Oxford OX2 6RL**

The Committee considered an application (17/02065/FUL) for planning permission for the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupancy (Use Class C4).



The application was before the Committee as it had been called in by Cllrs Wade, Goff, Landell Mills and Goddard on the grounds that:

- The HMO would not preserve or enhance the character of the area, largely consisting of family homes.
- The properties prominent location near a busy junction at the hub of the local community would increase parking problems in an already congested area.
- It would increase noise and decreased privacy at a corner where several town houses meet.

The Planning Officer presented the report and referred the Committee to paragraphs 10.14 and 10.15 which assessed the impact of the proposed development on the character, appearance and special significance of the Conservation Area. The Planning Officer stated that the proposed development would not lead to substantial or less than substantial harm to the Conservation area, which is a designated heritage asset and therefore the development was not contrary to paragraph 132 of the National Planning Policy Framework. The officer recommendation was based on that consideration.

The Committee asked questions of the officers about the details of the application and noted the following points:

- there were 51 properties within 100m of the application site and of these 3 (6%) were registered and operating as an HMO
- the planning application was for an HMO for up to 6 residents; the actual number of residents would be controlled by the HMO licence and would not exceed 6
- as detailed in the report officers concurred with the Highways Authority view that there was no evidence to suggest that a HMO (C4) property would request more visitor parking permits than a dwellinghouse (C3); that there was no restriction on visitor parking permits for other HMOs in the area and therefore it would be unreasonable to restrict the number of visitor parking permits for this property
- conditions 3 and 4 required covered cycle and bin storage in the front courtyard area

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote a majority of the Committee agreed the resolution as set out below.

**The West Area Planning Committee resolved to:**

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning,

Sustainable Development and Regulatory Services considers reasonably necessary.

#### **43. Minutes of the meeting held on 31 October 2017**

The Committee discussed Minute 33: 17/02109/FUL Bardwell Court application and noted that the Linton Road Neighbourhood Association had raised concerns about the determination of this application. In particular the Association's perception that there may have been some confusion in regard to certain aspects of the legal advice.

The Chair said that as a result of the matters raised by the Linton Road Neighbourhood Association, she was concerned that some degree of confusion may have been present during the Committee's consideration of the Bardwell Court application. Therefore she had consulted the Monitoring Officer and Head of Planning about how best to ensure that the Committee properly discharges its obligations in regard to this matter.

Their advice is that to avoid any possible doubt it would be reasonable and appropriate for the Bardwell Court application be re-submitted and re-determined. As the period for a call-in to the Planning Review Committee has expired, and in view of the fact that the concerns raised would not prejudice a re-consideration by the original Committee, it would be appropriate for the Bardwell Court application 17/02109/FUL to be referred back to the Committee for redetermination.

The Committee acknowledged its responsibility to ensure that the decisions made were sound, that any advice received was clear, and that no reasonable confusion exists in the minds of Committee members or attending members of the public about the matters at issue.

On being put to the vote the Committee resolved to agree that the Head of Planning be requested to re-submit the Bardwell Court application to this Committee for consideration and determination at the next available opportunity.

Formal agreement of the minutes of the meeting held on 31 October 2017 was deferred until the next meeting.

#### **44. Forthcoming applications**

The Committee noted the list of forthcoming applications.

#### **45. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 8.00 pm**

**Chair .....**

**Date: Tuesday 12 December 2017**

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