

## 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 perceived 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 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 of 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 Council's 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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