

GOVERNMENT OFFICE
FOR THE SOUTH EAST

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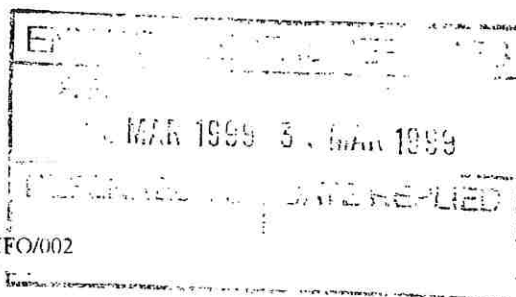
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15 March 1999



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

Dear Sir,

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

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



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

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

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

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

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

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



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

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

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

Yours faithfully,



NIGEL WELBOURN

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



13.0 Conclusions

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

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

Green Belt and Countryside

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

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

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

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

Traffic

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

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

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

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

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

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

Flooding

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

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

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

Residential Amenity

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

Very Special Circumstances

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

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

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

CO-OP Proposed Alternative Site

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

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

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

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

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

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

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

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

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

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

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

Overall Conclusions

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

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

Conditions

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

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

14.0 **Recommendation**

14.1 I recommend that planning permission be refused.

I have the honour to be, Sir

Your obedient Servant


B H MUNDY



The Planning Inspectorate

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

REPORT ON

A CALLED IN

APPLICATION

BY

OXFORD CITY COUNCIL

FOR

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

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

Inquiry Dates : 24 and 25 November 1998

Reference : GOSE/103/004/OXFO/002

Tollgate House
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Bristol
BS2 9DJ

1999

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

Sir

1.0 Preamble

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

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

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

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

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

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

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

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

2.0 **Background**

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

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

3.0 **Site and Surroundings**

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

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

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

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

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

4.0 The Proposal

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

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

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

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

5.0 The Development Plan

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

5.2 Oxfordshire Structure Plan

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

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

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

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

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

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

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

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

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

5.3 Oxford Local Plan

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

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

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

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

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

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

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

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

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

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

6.0 The Case for the Council

The material points are:-

Green Belt and Countryside

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

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

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

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

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

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

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

Traffic

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

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

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

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

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

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

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

Flooding

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

Residential Amenity

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

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

Very Special Circumstances

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

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

CO-OP Proposed Alternative Site

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

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

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

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

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

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

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

7.0 The Case for the Environment Agency

The material points are:-

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

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

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

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

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

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

The material points are:-

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

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

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

The material points are:-

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

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

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

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

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

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

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

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

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

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

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

The material points are:-

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

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

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

The material points are:-

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

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

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

12.0 Conditions

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

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

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

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

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

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

Condition 12 should omit "in the Green Belt".

12.2 The Environment Agency suggested three conditions [INQ1]

13.0 Conclusions

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

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

Green Belt and Countryside

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

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

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

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

Traffic

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

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

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

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

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

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

Flooding

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

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

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

Residential Amenity

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

Very Special Circumstances

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

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

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

CO-OP Proposed Alternative Site

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

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

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

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

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

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

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

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

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

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

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

Overall Conclusions

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

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

Conditions

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

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

14.0 **Recommendation**

14.1 I recommend that planning permission be refused.

I have the honour to be, Sir

Your obedient Servant


B H MUNDY

APPEARANCES

FOR THE COUNCIL

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

He called

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

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

INTERESTED PERSONS AND BODIES

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

He called

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

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

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

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

INQUIRY DOCUMENTS

General Documents

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

Council Documents

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

Oxford, Swindon and Gloucester Co-operative Society Limited Documents

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

Documents Produced by Mr Hannigan

- JH1 - Written statement and supporting documents.

PLANS

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

PHOTOGRAPHS

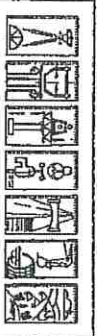
- PHOTOS 1 - Photos produced by Mr Sensecall.
- PHOTO 2 - Aerial photo of the locality.



REGISTER SERIAL No

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

Appendix 1



CITY DESIGN

A Division of the Department of Property & Leisure
 OXFORD CITY COUNCIL
 THE TOWN HALL
 ST ALDERTS
 OXFORD
 OX1 1BX
 TEL : 01865 249811
 FAX : 01865 252029

Client
 ENVIRONMENT SERVICES.

Project Site
 SEACOURT PARK & RIDE
 EASTERN EXTENSION.

Drawing Title
 LOCATION PLAN

Drawn by	Scale	Checked by	Approved by
AOC-1	1:2500	MH	
Drawing number	Date	Rev	Date
CD135/01/02	28.10.97		

