

DELEGATED REPORT

Application Number: 21/01271/CT3

Decision Due by: 5th July 2021 (EOT until 31st December 2021)

Proposal: Resurfacing of car park with new drainage system and provision bicycle stands (Retrospective) (Amended Plans)

Site Address: Car Park Meadow Lane Oxford Oxfordshire

Ward: Iffley Fields Ward

Agent: Mr Jasper Syms

Applicant: Oxford Direct Services

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Deemed in accordance with approved plans
- 3 Asphalt Removal
- 4 Drainage
- 5 Landscaping
- 6 Management of car park
- 7 No additional car parking
- 8 No additional access

Main Local Plan Policies:

Oxford Local Plan 2036

RE1 - Sustainable design and construction
RE2 - Efficient use of Land
G3 - Green Belt
RE8 - Noise and vibration
RE9 - Land Quality
RE7 - Managing the impact of development
M1 - Prioritising walking, cycling + public trns
M2 - Assessing and managing development
M3 - Motor vehicle parking
M5 - Bicycle Parking
DH1 - High quality design and placemaking
H14 - Privacy, daylight and sunlight
V7 - Infrastructure, cultural and community
RE3 - Flood risk management
RE4 - Sustainable and foul drainage, surface
RE6 - Air Quality
G1 - Protection of Green/Blue Infrastructure
G2 - Protection of biodiversity geo-diversity
G8 - New and enhanced Green and Blue Infrast

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

21/01271/CT3 - Resurfacing of car park with new drainage system and provision bicycle stands (Retrospective) (Amended Plans). PDE .

Representations Received:

Ferry House: Objections:

The car park is in a high-risk flood zone directly backing on to our property. Work was carried out in November 2018 with much disruption and without consultation with neighbours, and without any flood assessment. Previously it provided mixed use parking for river users, mostly at weekends, and dog walkers, with strict no overnight parking. Since the so-called improvements and virtual obliteration of the no overnight stay sign, it is used every day by commuters, it provides free longterm parking, and has often been used at night for loud parties and drug dealing.

My objections are that the current space:

- a) has increased flood risk, particularly to our property,*
- b) encourages free parking closer to the city (avoiding Redbridge Park & Ride), which is totally against the Council's declared low traffic green city policy, and*
- c) has increased traffic, noise and fumes pollution in our residential street.*

I urge 1) reduced (as opposed to current increased) car parking spaces, preferably designated for river users (especially the Falcon Club) 2) no overnight parking, and no entry after 8pm, monitored by CCTV cameras, 3) a full and transparent retrospective independent flood risk assessment, with necessary action as required, 4) tree planting where car parking bays are removed. I am pleased that at last the Council may be rethinking and considering reshaping this ill-thought out and environmentally damaging project, for which no one would take responsibility when I first protested through our local councillors in 2018 and 2019.

Statutory and Internal Consultees:

Oxfordshire County Council Highways: The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission.

Environment Agency: No objections, refer to standard advice

Issues:

Principle of development
Impact on residential amenity
Landscaping/Trees
Flooding and Surface Water Drainage
Ecology
Highway and parking

Officers Assessment:

Site Description and Planning History

The application site is an existing car park on Meadow Lane, to the north of Donnington Bridge Road. The car park is situated to the north of the 'Riverside Centre' (a community and youth centre), east of the newly constructed Falcon Rowing Club building and south of Ferry House (a large detached dwellinghouse). On the opposite side of the road to the car park are houses facing onto Meadow Lane; these are characteristic of this part of the City being arranged as rows of wider terraced properties and having front gardens, some of which are used for car parking.

Meadow Lane itself is relatively narrow, with the western side of the road being less developed and predominately open. Other uses within the vicinity of the site include the Sea Scout building and allotments to the north. Meadow Lane continues north where it is blocked to motor vehicles but forms an important cycle and pedestrian route into the Iffley Fields residential area, including Fairacres Road and Bedford Street. Despite being closed to through traffic the road is relatively busy and particularly busy for cyclists and pedestrians (with St Mary and St John CE Primary School being located approximately a quarter of a mile to the north of the application site).

The application site encompasses the entire surface car park and some of the surrounding existing vegetation. Whilst the site is only approximately 60m from the

River Thames there are limited views of the river from the application site because it is flat and low lying. The application site is largely surrounding to the north and west by a number of mature trees.

The existing car park is surfaced in a dark asphalt and laid out to accommodate 43 car parking spaces and five Sheffield stands. There is an existing railing (approximately 1m in height) along the boundary with Meadow Lane. The site is accessed by pedestrians, cyclists and cars from a single entrance onto Meadow Lane; there is a height restriction (approximately 2m) barrier and a vehicle gate.

The application site lies outside of any Conservation Areas and would not impact on the setting of any listed buildings or non-designated heritage assets. The site lies within the Oxford Green Belt.

The planning history of the site is relevant to the proposals. Planning permission was granted for use of the site as a car park in 1971 (reference 71/24760/A_H), with permission granted initially for a two year period of use of the land. It is clear from the application description that the land was simply cleared and laid to grass to form the parking area (there are no plans scanned to the file). Planning permission was granted for an additional year of use (reference 73/01709/A_H) albeit for the summer months (1st May to 31st October) only. Lastly, a planning permission was granted for a permanent use of the site (reference 75/00043/A_H). It is understood that the reason for seeking temporary use of the site only related to the fact that the site lay within the Green Belt, as stipulated by conditions attached to the permission. It is likely that any conditions attached to the 1970s permissions that have not been complied with (for example, summer use only) have been breached for such an extended period (and certainly in excess of ten years) that they no longer could be enforced against.

At some point in the last quarter of 2018 the existing car park was enlarged and improved through resurfacing and laying out spaces (involving painting white lines). It is likely that some of this work may have involved the loss of trees or vegetation around the site. Some works to improve drainage (an infiltration trench) may have been installed. This work was carried out without planning permission. Images from google maps and photographs provided with the application suggest that prior to carrying out the aforementioned work the car park was largely constructed from an unmade surface; there were some areas of gravel (or possibly hardcore/compacted gravel). Importantly, prior to the work being carried out to the car park in 2018 the margins of the car parking area were not well defined and therefore unused (or presumably only used during periods where the ground was dry) and the car park therefore had a reduced capacity. It is not possible to conclusively suggest how many car parking spaces existed on the site prior to the improvements being made to it in 2018; the application form suggests that there were approximately 30 spaces. There are currently 43 spaces on the site.

Proposed Development

The application is part-retrospective. Originally the application sought to retain the car park as it currently exists. Amended plans have been sought that seek to carry out remedial work to the car park that would reduce its capacity to 37 spaces and reduce the area of asphalt currently on the site to reflect that reduced capacity.

Remedial work that is proposed also relates to the provision of an infiltration trench around the proposed car park to deal with surface water. Six existing cycle spaces are proposed to be retained.

In addition to the above, the applicant has put forward a strategy to deal with the management of the car park. This specifically includes a way to preclude the car park's use for uncontrolled commuter parking which may have increased as a result of the improvements carried out to the car park. The proposed management of the car park would mean that the car park would be closed other than for use by the Falcon Rowing Club. There is an existing gate (which can be locked) that would prevent access outside of the times when the Falcon Rowing Club is operating.

Principle of Development

The application site lies within the Green Belt. Policy G3 of the Oxford Local Plan states that proposals for development in the Green Belt will be determined in accordance with national policy. Planning permission will not be granted for inappropriate development within the Green Belt, in accordance with national policy. Paragraph 149 of the NPPF sets out uses which are compatible with the function of the green belt. These uses include buildings for agriculture and forestry; the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages; limited affordable housing for local community; and limited infilling or the partial or complete redevelopment of previously developed land.

Paragraph 150 of the NPPF also specifies that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are mineral extraction, engineering operations, local transport infrastructure, the re-use of buildings, material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The development of the car park has altered the appearance of the site. Whereas previously the car park was constructed of a largely unmade surface it is now constructed from asphalt and has been enlarged. There has also been some loss of vegetation and the introduction of more vehicles onto the site which has changed the appearance of the site. The impact of the car park on the greenbelt is arguably greater in the winter months as the trees around the edge of the site have less of an impact in terms of screening the car park (and cars parked there). This may well have been a basis for imposing conditions to require summer use only for the car park in the 1970s; as whilst that planning application was determined fifty years ago the broad principles of green belt remain largely unchanged. The original basis for granting a temporary planning permission on the site related to its location within the green belt.

It is important to point out that in principle the development does not involve the development of a building in the greenbelt. As a result, the main considerations for whether or not the development is appropriate development in the greenbelt is set out in Policy G3 of the Oxford Local Plan (2036) and Paragraph 150 of the NPPF. It is considered that the development proposed would be acceptable in the context of Paragraph 150 of the NPPF; namely as it would relate to the provision of local transport infrastructure as an improvement to an existing car park. However, such development is only acceptable where it preserves the openness of the greenbelt and does not conflict with the purposes of including the land in the greenbelt.

On the basis of the information contained within the application it is understood that the improvements that have been carried out to the car park have largely coincided with the development of a new Falcon Rowing Club building. The development of that building is considered acceptable in the greenbelt for the reason of being for outdoor sport and recreation (as set out in Paragraph 149 of the NPPF, formerly paragraph 145 at the time that the decision 19/00410/FUL for the rowing club was made). As part of the determination of the application of the rowing club (19/00410/FUL) it was noted that there would be a requirement for 35 car parking spaces which could be met by the existing car park that is the subject of this application. Whilst the proposed development relates to an existing car park the proposals formalise the use of the car park and have increased its capacity. The justification for providing the car park in this greenbelt location (which is a consideration of Paragraph 150 of the NPPF) can arguably be met by the fact that the car park is required for its use by the Falcon Rowing Club who have an operational requirement for a car park in close proximity to their site.

The development proposed as part of this application seeks to retain most of the existing car park changes, including approximately 85% of the asphalt area to create capacity for parking 37 cars. The proposals include additional landscaping to soften the impact of the car park. This part of the greenbelt is important in terms of providing an area of open space adjacent to the Thames, containing largely undeveloped land with grass and trees. Having had regard to the relatively open nature of the car park and proposals for enhanced landscaping it is considered that the proposed development would be acceptable in the context of greenbelt development and the requirements of Policy G3 of Oxford Local Plan (2036) and Paragraph 150 of the NPPF.

Impact on Neighbouring Amenity

Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of communities, occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.

Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise

in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.

The proposed development impacts on properties in Meadow Lane and Ferry House (the latter being to the immediate north of the car park). The main impacts of the car park include the noise and emissions from vehicles using the car park. Whilst it is acknowledged that the car park was existing prior to the work being carried out to enlarge and improve the surface that work has brought about a formalising of the car park that increases the capacity of the car park (and arguably its desirability). The car park's previous unmade surface meant that it was likely to be less heavily used during the winter months. As a result, it is acknowledged that the existing car park is likely to have had some impact on local residents through increased noise and emissions and this has led to the applicant submitting revisions to reduce the impact of the car park by decreasing the size of the car park (as already outlined above) and providing further planting. It is considered that the amended scheme would reduce the impact of the car park on local residents.

Further to the above, it is important to point out that whilst the increase in the size of the car park has likely given rise to an impact on local residents it is possible that with the correct management of the car park those impacts can be reduced to the extent that the car park is acceptable in amenity terms. The applicant has put forward a simple method of managing the car park to ensure that it is not used for uncontrolled commuter parking but also provides sufficient car parking for the Falcon Rowing Club (when the club is in operation). It is proposed for the car park to be locked and only open during times when the Falcon Rowing Club are operating on the site. There is an existing gate (which can be secured) at the entrance to the car park and sufficient space for a car to pull in off of the highway so that the gate can be opened (presumably by the authorised keyholder) without vehicles obstructing the highway.

On the above basis it is considered that the revised scheme that reduces the car park from its current size, provides additional planting and proposes an acceptable mitigation to reduce uncontrolled use of the car park would mean that the development would be acceptable in terms of its amenity impacts and specifically the requirements of Policy RE7 and RE8 of the Oxford Local Plan (2036).

Landscaping and Trees

Policy G7 of the Oxford Local Plan 2036 states that planning permission will not be granted where development would result in the loss of green infrastructure features such as hedgerows, trees or woodland, where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances.

The development of the car park has resulted in the loss of some vegetation around the edge of the site. This is regrettable. The extent of vegetation lost has not been

assessed but likely includes some small shrubs, trees and grassed areas which have now been surfaced with asphalt. In order to ameliorate for the increased area of hard surfacing on the site it is proposed to reduce the size of the car park and provide additional planting at the northern edge of the site, contiguous with the coppice of trees that lies in this location. The proposed planting includes hawthorn, alder, acer and wild service tree; these would have a complimentary appearance to the site and screen the car park when viewed from parts of the river bank and to the north. Subject to a condition requiring the implementation of the landscaping scheme as proposed then the development would comply with the requirements of Policies G1 and G7 of the Oxford Local Plan (2036).

Flooding and Surface Water Drainage

Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case by case basis, taking into account the effect on flood risk on and off site. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.

The application site lies within functional flood zone 3b. However, the risk of flooding in land use terms is not increased by the development as it was previously in use as a car park. There is no additional building that has taken place as a result of the proposed development. However, it is noted that there has been an increase in hard surfacing on the site and as a result, the proposed development would give rise to an impact in terms of surface water drainage. The submitted flood risk assessment suggests that the previous surfacing on the site was impermeable but officers consider that the overall area of hard surfacing has increased. As a result, infiltration trenches have been sought to reduce the flows of surface water off of the site and thereby decrease the impact of pluvial flooding resulting from the proposed development. Subject to these improvements being provided on site the development would comply with the requirements of Policy RE3 and RE4 of the Oxford Local Plan (2036).

Ecology

Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's

biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.

The proposed development lies within an area where there could be protected species, specifically bats. However, the development in question has already been carried out and as it has not resulted in increased lighting it is not likely to give rise to an adverse impact on bats or their habitats. Given the lack of buildings on the site (and the desirability to maintain an open site) it is not appropriate to require biodiversity enhancements in the form of bat boxes or similar. As a result, the development is considered to meet the requirements of Policy G2 of the Oxford Local Plan (2036).

Highways and Parking

Policy M3 of the Oxford Local Plan 2036 states the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.

The proposals have led to an increased provision of car parking on the site which is at odds with the Council's adopted planning policies M1 and M3 (of the Oxford Local Plan (2036)). The improvements made to the surface, layout and capacity of the car park have brought about an increased intensity of the use of the site; whilst this would not be unacceptable in highway safety terms it could lead to increased commuter parking which would have an adverse impact on the highway network as a whole (and the amenity of neighbouring residential occupiers, as already discussed above). As a result the applicant has put forward a simple method of managing the car park to ensure that it is not used for uncontrolled commuter parking but also provides sufficient car parking for the Falcon Rowing Club (when the club is in operation). It is proposed for the car park to be locked and only open during times when the Falcon Rowing Club are operating on the site. There is an existing gate (which can be secured) at the entrance to the car park and sufficient space for a car to pull in off of the highway so that the gate can be opened (by the authorised keyholder) without vehicles obstructing the highway. On the basis that the car park solely serves the Falcon Rowing Club then it would only marginally overprovide car parking in relation to that facility, having had regard to the maximum standards required by Policy M3.

The car park includes some cycle parking that is provided adjacent to Meadow Lane. This would be a sensible location for cycle parking having had regard to the passive surveillance from the road and houses on the opposite side of the road.

Conditions have been included to ensure that areas outside of the marked car parking areas are not used for car parking and that additional (unmanaged) accesses to the site are not created as this would give rise to an unacceptable

impact in the context of Policy M3 (and potentially in amenity terms also).

There has been no objection from the Local Highway Authority to the development in highway safety terms. Subject to a condition that requires the car park to be managed in line with the applicant's proposals to prevent uncontrolled commuter parking then the development would be acceptable in the context of Policy M3 of the Oxford Local Plan (2036).

Conclusion:

On the basis of the above, planning permission should be granted subject to conditions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate. Subject

Section 17 of the Crime and Disorder Act 1998

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

Contact Officer: Robert Fowler

Extension: 2104

Date: 29th December 2021