

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Change of use from coach parking to car parking modifications to layout of hardsurfacing and landscaping.

Ward: Banbury Cross and Neithrop

Councillors: Cllr Hannah Banfield; Cllr Surinder Dhesi; Cllr Cassi Perry

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 6 May 2020

Committee Date: 13 August 2020

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on Compton Road, close to the town centre and the Castle Quay 2 development which is currently under construction. The site is currently used as a District Council operated Coach Park.
- 1.2. Further along Compton Road is an existing District Council operated long-stay public car park, a garden centre and access to the Wharf. A cycle and pedestrian route connects the residential housing to the town centre along Compton Road and Cherwell Drive/Castle Street.

2. CONSTRAINTS

- 2.1. The site is within Flood Zone 2.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission to change the use of the coach park to a standard vehicle car park and modifications to the hardsurfacing and landscaping.
- 3.2. The proposal would result in the extension of the block paving to accommodate 40 parking spaces, 1 disabled space and 4 motor cycle spaces. This car park would provide a long stay option allowing the Bolton Road car park to be changed to a short stay car park, allowing more flexible parking options within the Town Centre.
- 3.3. A new landscaping scheme will be implemented, along with the relocation of 2 lighting columns. The existing boundary fence will be retained.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 18/00320/PREAPP – Change of Use from coach lay-by to public car park. The advice given was that further information and evidence detailing the usage of the coach park and appropriate mitigation for displaced coaches would be required to determine whether the proposal would be acceptable in principle.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **27 April 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. BANBURY TOWN COUNCIL: **Comments** questions where buses/coach will be redirected to and, provision of electric charging points and whether the car park will be long/short stay

Officer comments – the planning statement submitted as part of the application confirms that the car park would be used as a long stay car park. In terms of the alternate coach parking locations, additional information has been provided detailing the positions of existing coach parking spaces within the Town Centre, further details are provided below. In terms of electric charging points, a condition requiring the submission of an electric vehicle charging point plan and details of installation has been included.

- 7.3. OCC HIGHWAYS: **no objections** subject to conditions relating to the submission of a signage strategy, access and egress details.

Officer comments - It is noted that a condition was recommended that would require the submission of a plan showing the car parking provision. This plan has been included as part of the submission of the application, therefore a condition is not required.

- 7.4. CDC ENVIRONMENTAL PROTECTION: **no objections** in respect of noise, contaminated land, odour, light or air quality. Notes that electric charging points should be included and a condition is recommended.

Officer comments – noted, a condition has been included as part of the recommendation

- 7.5. THAMES VALLEY POLICE DESIGN ADVISOR: **comments** made in respect of the positioning of motorcycle parking, lighting and provision of CCTV.

Officer comments – the recommendations are noted.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Use Classes Order (1987) as amended

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Highway Safety

Principle of Development

- 9.2. The Town and Country Planning (Use Classes) Order 1987 categories both the uses of a coach park and public car park as ‘sui generis’. There are no permitted changes between these ‘sui generis’ uses and as such full planning permission is required.
- 9.3. Notwithstanding this, the principle of development is reliant upon the demonstration that there is sufficient availability for coach/bus parking with close proximity such that the ongoing needs of the existing usage could be met.
- 9.4. As part of the documents submitted, a usage study which outlines the number of vehicles using the coach park has been provided. The study was carried out one week per month, for a period of 8 months. On any recorded day, the highest number of vehicles using the car park was 7. As such, a minimum of 7 coach parking spaces are required in relatively close proximity to the Compton Road Coach Park. In addition, consideration must be given to the operation of these, whether these are publicly available and long/short stay.
- 9.5. The usage studies indicate that there isn’t a consistent pattern of usage and that the most frequently used times were in the late morning to early afternoon.

- 9.6. There is existing provision within Banbury that is currently not used due to the Compton Road Car Park. The Landscaping Team (who have submitted this application) have confirmed that these spaces are either not in use or are underutilised at the frequently used times of Compton Road.
- 9.7. These alternate spaces are provided at:
- Banbury Bus Station, 5 bays unused by the regular bus services
 - Horse Fair Taxi and Coach Park, 2 bays
- 9.8. As set out above, there are a total of 8 coach/bus bays within close proximity to the site and the Town Centre to meet the maximum recorded usage at Compton Road Car Park.
- 9.9. Consideration must be given to the operation of these bays and whether they can meet the requirements of local bus/coach operators, as at Compton Road.
- 9.10. There are no current restrictions on lay-over times at the bus station, as the spaces are underutilised spaces that formerly had bus services running from these and are no longer used. The remaining 2 spaces at Horse Fair currently have a 15 minute drop-off restriction. The Landscaping Team will apply to have the order changed to allow for a longer lay-over at these spaces, should planning permission be granted. As such, the provision would allow for a variation of usage of the bays, for shorter and longer stays.
- 9.11. Whilst there is 1 additional space that is located along Horse Fair, OCC Highways have confirmed that as this lies within the public highway, this space is not suitable to be used by coaches for parking and is unavailable. This has therefore not been included in the Officer's assessment.
- 9.12. The existing provision within the Town Centre would provide 7 spaces, both short and long stay options. This would be the maximum recorded capacity of the Compton Road Coach Park and demonstrates that there is sufficient provision with close proximity. Therefore, the principle of changing the use from a coach park to a car park is considered acceptable.
- 9.13. Overall, based on the evidence submitted and the comments received from OCC Highways, it is considered that there is existing provision within close proximity to the site that could be used to provide sufficient spaces for coach parking that would allow an alternative use of the Compton Road coach park in principle.

Design and Impact on the Character of the Area

- 9.14. The site contains an existing block paved hard surface with some limited landscaping. Due to the change in land levels, where there is a significant drop from Castle Street to Compton Road, the site itself is not particularly visible.
- 9.15. Additional block paving is to be provided to allow for an extension to the hard surfacing. New tree and shrub planting around the site boundary where appropriate is proposed.
- 9.16. A condition securing matching block paving to the existing is recommended and inclusion of the planting plan as an approved document will ensure that the proposal accords with the character of the existing site and local area. It is therefore considered, that subject to conditions, the proposal would comply with policy ESD15 of the Cherwell Local Plan

Highway Safety

- 9.17. Oxfordshire County Council have raised no objection to the proposals and recommend conditions relating to signage, access arrangements and a S106 obligation to cover the costs of providing adequate signage.
- 9.18. The existing site access from Cherwell Drive would be used, with vehicles using the slip road into the car park. The exit would be used, but amendments to reduce its width and remove the rumble strip would be made. This is because the existing arrangements suit the turning area and safety requirements for coaches which are not required for standard vehicles. Further details of these arrangements are necessary to confirm the vision splays, construction, drainage and layout and are recommended to be secured by a condition.
- 9.19. Within their comments the Highways Officer identifies that whilst not a policy requirement, the provision of electrical vehicle charging points are welcomed. This is noted, and a condition securing the submission of a suitable plan showing the provision of charging points is recommended.
- 9.20. Given the relatively close proximity of the car park entrance to the telephone exchange exit, the Highways Officer notes that for safety reasons appropriate signage and lining must be designed and implemented. A condition securing the installation of appropriate on-site signage is recommended.
- 9.21. A contribution towards the provision of off-site signage directing coaches to the alternative locations is required in order to appropriately direct traffic in the interests of highway safety. This is a reasonable and necessary contribution and therefore, this has been included as part of the recommendation. The exact figure to be provided is not yet agreed, but will be negotiated to ensure that the cost of OCC providing and installing the signage is met.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted

11. RECOMMENDATION

RECOMMENDATION –GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

S106 OBLIGATION

A reasonable and proportionate financial contribution (to be negotiated by Officers) to go to Oxfordshire County Council to secure the provision and installation of appropriate off-site directional signs.

CONDITIONS

Time Limit

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Location Plan, Map Ref: CDC 00
Compton Road Car Park Existing and Proposed, CRCP-01
Compton Road Car Park Planting Plan CDCP-02

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Electrical Vehicle Charging Points

3. Prior to the commencement of the works hereby permitted, a scheme for the provision of electrical charging points within the development shall be provided. The electrical vehicle charging points shall be constructed and made available for use prior to the first use of the development and retained in accordance with the approved details thereafter.

Reason – in accordance with policies SLE4, ESD1, ESD3 and ESD5 of the Cherwell Local Plan 2011-2031 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

Signage Strategy

4. Prior to the first use of the car park, a signage strategy for the site shall be submitted and approved by the Local Planning Authority and the signage installed in accordance with the approved details. Thereafter the signage shall be maintained and retained in accordance with the approved details.

Reason- To ensure that traffic is directed appropriately in the interests of highway safety, in accordance with policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Details of Access and Egress

5. No development shall take place until full details of the means of access and egress between the land and the highway including position, layout, construction, drainage and vision splays have been submitted to approved by the Local Planning Authority. Thereafter, the means of access and egress shall

be constructed and retained in accordance with the approved details.

Reason – In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Samantha Taylor

TEL: 01295 221689