

<b>Application No:</b> 12/00292/F	<b>Ward:</b> Bicester Town	<b>Date Valid:</b> 02/03/12
<b>Applicant:</b>	Bicester Nominees Ltd & Bicester Nominees II Ltd, c/o Agent	
<b>Site Address:</b>	Land Off Pingle Drive, Bicester	

**Proposal:** Change of use Application – Alterations to the internal road layout, use of land for coach and car-parking, and extension of single storey storage/staff building to be used for coach drivers.

**Date site visited:** 13 March 2012

## 1. Site Description and Proposal

- 1.1 The site is located at the far end of the Bicester Village complex adjacent to the existing overflow decked parking area which is to the east of the site. The land to the west is the Pingle recreation ground. There is a bakery to the north and the closest residential properties are at Priory Court just to its rear (north).
- 1.2 Bicester Village is noted as being a well established shopping location situated south of Bicester town centre just off the A41. It has developed over a number of phases, the final phase (3) being that which was approved under 05/02131/F for retail development, decked car parking and associated works. That consent has been fully implemented.
- 1.3 The site area subject of this application extends beyond 1 hectare (and hence a major application needing Committee consideration) and is currently used as parking for Bicester Village having been granted retrospective planning permission for a temporary 3 year period (11/00986/F refers). That consent will expire on 19 August 2014. This application seeks to make a permanent change to the use of the land and is for a slightly larger site area, for use as car and coach parking for Bicester Village. It will provide a further 200 car parking spaces with an extra 20 spaces for the coach parking. The application also seeks permission for a relatively modest extension to the existing storage/staff building which is located on the ground floor of the decked parking area to the far south of the red line site area. The proposed floor area is proposed to increase from 23 to 63 sq m.
- 1.4 The site is an area of archaeological value and within a zone 3 area flood plain. The site does not abut the Conservation Area, the boundary for which is some 40m away at it nearest point to the north. It is considered, therefore, that the site is not constrained by its proximity to the Conservation Area.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice placed on a lamppost by the staff building on 13 March. The final date for comment on this application was 5 April 2012.
- 2.2 No correspondence has been received from any third party interests.

## 3. Consultations

- 3.1 **Bicester Town Council:** No objection

- 3.2 **Environment Agency:** No objection following the submission of additional drawings, subject to conditions which will ensure that the mitigation measures are put in place to prevent flooding elsewhere by ensuring that there is no loss of flood water storage.
- 3.3 **Highways Agency:** No objection
- 3.4 **Thames Water:** No objection regarding sewerage or water infrastructure. It is recommended that petrol/oil interceptors be fitted in all car parking facilities. Failure to enforce the effective use of these interceptors could result in oil polluted discharges entering local watercourses.
- 3.5 **OCC Highways:** No objection subject to conditions relating to standards for the parking and manoeuvring areas and to ensure that they are in accordance with SUDs. They comment that:-

Bicester Village continues to generate and attract a high number of visitor traffic movements throughout the year (especially over holiday periods). With the ever increasing demand of visitors arriving by coach to Bicester Village and the expected increase of visitors this year with the Olympics taking place, the proposed changes to one of the existing car parks to accommodate a new coach parking area (20 spaces) is considered appropriate for this site.

It is understood that the coach parking currently available at Bicester Village is limited to 10 spaces (as shown in Appendix A of the Transport Statement). The location of the 10 spaces is known to cause internal disruptions to traffic entering the main car park. At peak trading periods for Bicester Village the demand for coach parking is higher than the parking spaces available, which causes coaches to park within car parking areas reducing Bicester Village's car parking levels – which can have an impact on the public highway at peak times.

The proposal to increase the coach parking area by 50% will help to alleviate the existing coach parking problems and also aid Bicester Village in promoting coach journeys rather than visitors travelling individually by the private car. It is noted that the existing coach parking area will be converted to a passenger drop off/collection point as part of a future planning application submission.

The coach parking area will be located on an area which is currently used as car parking (200 spaces). The proposed layout shows that 20 coach parking spaces can be provided and the existing 200 car parking spaces remain (with a different layout). Keeping the same level of car parking is seen as a benefit, as the car parking demand for Bicester Village continues to remain high during peak trading times.

- 3.6 **OCC Drainage:** No comment received.
- 3.7 **OCC Archaeology:** No objection subject to conditions to ensure the implementation of a stage programme of archaeological investigation be maintained during the construction period.
- 3.8 **Head of Public Protection and Development Management (Anti Social Behaviour):** No objection subject to a condition to require the submission of a design

that accords with lighting guidance and to performance suitable for Environmental Zone E3. Having visited the site during the hours of darkness, the majority of the proposed light fittings will not have a direct detrimental affect on nearby dwellings e.g. the properties in Priory Court, the exception being the pair of lamps located on the right hand boundary of the proposed car park extension. The aim of the right hand lamp is such that it points in the direction of Priory Court and this coupled with the relatively low mounting height of the lamp and its aiming angle would make this arrangement unacceptable.

- 3.9 **Head of Safer Communities, Urban & Rural Services (Landscape):** No objection. The proposal does not interfere with any wider landscaping scheme on Pingle Drive that is proposed or agreed. The group of trees to the north-west boundary will serve no long-term benefits and should be relocated to a more suitable area within the boundary of the site.

#### 4. Policy Considerations

##### **National Planning Policy Framework (NPPF)**

Core planning principles and the delivery of sustainable development with particular regard to the following sections:

- 1: Building a strong, competitive economy
- 4: Promoting sustainable transport
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change
- 12: Conserving and enhancing the historic environment

##### **South East Plan 2009**

###### **Cross Cutting – Policies**

EMP1: Employment

CC1: Sustainable Development

CC4: Sustainable Design and Construction

CC6: Sustainable Communities & Character of the Environment

CC7: Infrastructure and Implementation

###### **Transport – Policies**

T1: Manage and Invest

T4: Parking

###### **Natural Resource Management – Policies**

NRM1: Sustainable Water Resources & Groundwater Quality

NRM2: Water Quality

NRM4: Sustainable Flood Risk Management

###### **Countryside and Landscape Management – Policies**

C4: Landscape and Countryside Management

C5: Managing the Rural-Urban Fringe

###### **Management of the Built Environment – Policies**

BE1: Management for an Urban Renaissance

BE6: Management of the Historic Environment

###### **Central Oxfordshire – Policies**

	CO1: Core Strategy CO5: Transport
<b>Adopted Cherwell Local Plan 1996 Saved Policies</b>	TR1: Transportation Funding C28: Design, layout etc standards ENV1: Pollution Control
<b>Non-Statutory Cherwell Local Plan 2011</b>	<b>Housing</b> policies H1b and H13 (referenced from the proposals map)  <b>Town Centres, Urban Renewal and Local Shopping</b> policy S17  <b>Transport &amp; Development</b> policies TR1, TR5, TR11 and TR13  <b>Recreation and Community Facilities</b> policies R1 and R3  <b>Conserving &amp; Enhancing the Environment</b> policies EN1, EN3, EN6, EN13, EN14, EN15, EN34, EN36 and EN47.  <b>Urban Design &amp; The Built Environment</b> policies D1 and D5
<b>Cherwell Local Development Framework (LDF) Draft Core Strategy 2010</b>	The draft document went through the first round of public consultation in the Spring of 2010. The second draft is due out for public consultation. The current plan indicates the strategy that the Council is putting forward and contains a series of key objectives and a number of policies highlighting a focus of growth in and around Bicester with limited growth in the rural areas towards larger and more sustainable villages thereby protecting open countryside areas. Policies seek to mitigate and adapt to climate change and ensure sustainable construction methods including SuDs.  SD1: Mitigating and Adapting to Climate Change SD6: Sustainable Drainage Systems SD11: Local Landscape Protection & Enhancement SD13: The Built Environment

NOTE

THIS DOCUMENT MAY BE REPLACED WITH CHERWELL LOCAL PLAN 2012 FROM END OF MAY, BUT FOR PURPOSES OF MAY COMMITTEE THIS IS STILL RELEVANT

## 5. Appraisal

- 5.1 The key issues for consideration in this application are:
- Policy Context
  - Suitability of the site
  - Access and highway safety
  - Appearance and landscape impact
  - Neighbour impact
  - Flooding
  - Effect on the heritage assets (area of archaeological value)

## 5.2 **Policy Context**

The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would include building a strong and competitive community, promoting sustainable transport, requiring good design, the promotion of healthy communities, meeting the challenge of flooding and the conservation and enhancement of the historic environment.

5.3 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, in order to reflect the thrust of the guidance for a *presumption in favour of sustainable development*, planning permission should be granted unless harm can be identified.

5.4 The adopted Cherwell Local Plan proposals map shows the site as being suitable for employment generating development but much of this land allocation has already been given over to the decked parking area, the remainder being this temporary car park. Reference is made in the allocation to policies EMP1 and EMP2 but the latter policy has not been saved and EMP1 does not prevent other uses. The Non-statutory Cherwell Local Plan 2011, suggests mixed uses and recreational use but again much of the land has already been given over to the decked parking leaving only a small section undeveloped.

5.5 Given the lack of up to date policy guidance the assessment should be made as to whether or not the development could be considered sustainable in terms of the economic, social and environmental issues that it raises.

## 5.6 **Suitability of the site**

The site is flat and already being used as a car park for customers of Bicester Village and all access points are already in place. The coach parking area will be located on an area which is currently used as car parking (200 spaces). The proposed layout shows that 20 coach parking spaces can be provided and the existing 200 car parking spaces remain (with a different layout). The site lies adjacent to an existing car park and this would appear to be a logical extension to it. The west boundary of the site is identified by the brook and therefore confined. Similarly to the north, the boundary to the site is well defined by its shared boundary with the commercial uses. The proposed use would seem to be compatible with its surroundings.

5.7 Turning to the extension to the staff building, the proposed area is currently unused so there will be no loss of parking spaces and the building remains confined to within the decked parking area.

## 5.8 **Access and Highway Safety**

This issue is a key aspect in this case to determining whether or not the proposal can be regarded as *sustainable*. The application has been submitted with a Transport Statement and non-private car visits to Bicester Village are promoted alongside increasing the provision for coaches. The current application is seeking to address the congestion at the existing coach parking area and disruption to traffic flows within the car park which sometimes cause problems on the highway.

- 5.9 In addition to the further increases in coach trips which are anticipated, the Bicester Village website provides public transport information for rail and bus travel. With the Bicester town railway station being adjacent to Bicester Village it is an acceptable walking distance. Every incoming train from London and Birmingham is met at Bicester North railway station by the shuttle bus service provided by Value Retail to transfer visitors to and from the Village. It can, therefore, be reasonably concluded that the applicant is not seeking to simply provide for the private car users but also is actively involved in ensuring that Bicester Village is accessible by other means too.
- 5.10 Oxfordshire County Council, as Highway Authority accept that the proposal to increase the coach parking area by 50% will help to alleviate the existing coach parking problems and also aid Bicester Village in promoting coach journeys rather than visitors travelling individually by the private car. It is noted that the existing coach parking area will be converted to a passenger drop off/collection point as part of a future planning application submission. Keeping the same level of car parking is seen as a benefit, as the car parking demand for Bicester Village continues to remain high during peak trading times.
- 5.11 **Appearance and landscape impact**  
The existing temporary surface will be replaced by tarmac, for both the coach and car parks. Due to the tree and shrub planting along the course of the Town Brook, the presence of intervening structures (the electricity sub-station) and the buffer area, the site is not generally visible from the public domain of Pingle Recreation Ground. Other vantage points are principally from private land of a commercial nature and the proposal is not visually intrusive. The Conservation Area is at a sufficient distance away and with intervening land uses so it is considered that there will be no harm caused to its character or appearance. Planting is proposed on the east boundary and post and rail fencing on the remainder.
- 5.12 In terms of the loss of the site from its proposed use for recreational purposes in the non-statutory Cherwell Local Plan, despite the lack of weight that can be afforded to this policy, Head of Safer Communities, Urban & Rural Services (Landscape) has confirmed that the proposal would not interfere with any wider landscaping scheme on Pingle Drive that is proposed or agreed.
- 5.13 The existing staff area building extension being a single storey structure and within the decked parking area will be externally finished in timber cladding and stone facing to match the existing so will not impact on the visual amenities of the area.
- 5.14 **Neighbour impact**  
Whilst it is considered that there would be no direct harm caused to neighbour amenity, there remains the issue of lighting of the car park particularly with regard to residential neighbours. The Head of Public Protection and Development Management (Anti Social Behaviour) has investigated the matter and considers that the issue can be adequately be dealt with as a condition to ensure that there would be no direct detrimental affect on nearby dwellings e.g. the properties in Pingle Court as a result of poor angling or heights of the lamps or inappropriate levels of luminance.
- 5.15 **Flooding**  
The site is liable to flood and is noted as being in a Flood Zone 3. During the

course of the application, it has been confirmed from the Environment Agency that outstanding matters have been overcome and an acceptable scheme is now being proposed. The application is considered acceptable in this regard.

**5.16 Effect on the heritage assets (area of archaeological value)**

The site is within an area of archaeological interest and it has already been subject of an archaeological evaluation carried out ahead of an earlier planning application for the site. This evaluation recorded two medieval ditches and a number of Saxon features towards the north of the site. Oxfordshire County Council has recommended that the matter be dealt with by condition which is acceptable.

**5.17 Conclusion**

There are no adopted development plan policies in place to address this proposal at this site. Considered under Government guidance it is concluded that the application represents a sustainable development as it seeks to improve the capacity of the highway network by reducing on site congestion and it forms part of a wider package of alternative means of accessing Bicester Village. It will not cause harm to the acknowledged interests of access and highway safety, visual amenity of the area, neighbouring amenity, flooding or matters of archaeology.

**6. Recommendation**

**Approval**, subject to the following conditions:

1. SC1.4A Full Permission: Duration Limit (3 years) (RC2)
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: Planning application form; Lyons Sleeman & Hoare Planning, Design & Access Statement dated February 2012 and drawing nos. 08047/P-201, P203, P-204, P-205 and P-206; Transport Statement by Royal Haskoning dated 29 February 2012; Flood Management Plan dated 22 February 2012 and Flood Risk Assessment dated February 2012.

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.

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Clarkebond ref: WB01189/BCP/FRA dated February 2012, drawings WB01189 C 305 to 311, and the following mitigation measures detailed within the FRA:

1. Finished topographic levels shall be no higher than those shown in drawings WB01189 C 309 to 311.
2. The proposed fence will be constructed such that a 500mm clear opening is provided between ground level and the lowest rail, and the only element of the fence within the flood flow path is the fence posts, as detailed in Section 4.3.1 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – To protect the development and areas elsewhere from the risk of flooding and

to ensure that there is no loss of flood water storage and in order to comply with Government guidance contained within Section 10 of the National Planning Policy Framework and Policy NRM4 of the South East Plan 2009.

4. The parking and manoeuvring areas shall be provided in accordance with the plan (08047/P-203) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking of vehicles at all times.

Reason – In the interests of highway safety and flood prevention in accordance with Government Guidance contained within sections 4 and 10 the National Planning Policy Framework.

5. The proposed parking area is to be in accordance with SUDS. A SUDS scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved.

Reason – In the interests of highway safety and flood prevention in accordance with Government Guidance contained within sections 4 and 10 the National Planning Policy Framework.

6. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government Guidance contained within section 12 of the National Planning Policy Framework.

7. Prior to any demolition on the site and the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 5, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government Guidance contained within section 12 of the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved and notwithstanding the lighting details shown in the submission, revised details of the lighting installation/s (including height or lamps, position of posts, angle of lamps, levels of luminance) shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation/s shall thereafter be implemented in accordance with the approved details.

Reason – To safeguard the amenities of neighbouring properties, to minimise the risk of nuisance arising from light pollution and in the interests of the visual amenities of the area in accordance with Policies ENV1 and C28 of the adopted Cherwell Local Plan.

Planning Note:

1. Thames Water has been consulted in respect of the application and a copy of their letter of reply is enclosed for your information.

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as the local planning authority, has determined this application in accordance with the development plan, unless material considerations indicate otherwise. The development is considered to be acceptable on its planning merits as the site is in a sustainable location and of a design, size and style that is appropriate that will not unduly impact on neighbouring properties or the wider landscape generally, cause harm to highway safety, give rise to increased flood risk or harm matters of archaeological interest. As such the proposal is in accordance with Government guidance contained within the National Planning Policy Framework 1: Building a strong, competitive economy, 4: Promoting sustainable transport, 7: Requiring good design, 8: Promoting healthy communities, 10: Meeting the challenge of climate change, flooding and coastal change, 12: Conserving and enhancing the historic environment and Policies NRM4, C4 and BE1 of the South East Plan 2009 and saved Policies C28 and ENV1 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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