

Hardstanding between railway and Higham Way, adjacent Integrated Control Centre, Banbury

12/00849/F

Ward: Banbury Grimsbury and Castle
District Councillors: Cllr Beere, Cllr Bonner, Cllr Cullip

Case Officer: Simon Dean **Recommendation:** Approval

Applicant: Chiltern Railway Company Ltd

Application Description: Construction of a multi-storey station car park for rail customer parking and formation of a new east-side access to Banbury station with associated pedestrian link bridge

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The application site is approximately 1 acre (0.4ha) of land to the East of Banbury Station, accessed from Higham Way, lying between the Marshall Road flats (the former cattle-market site) and the railway lines.
- 1.2 At present, the site is mainly hardstanding, with an element of concrete slab, providing some parking, an element of outside storage for Network Rail, as well as access to the track. The southern part of the hardstanding, outside the application site, but accessed from within it has the Chiltern Railways' Integrated Control Centre (ICC) on it. The site is bounded by the railway to the west, ICC to the south, sorting office to the north, and access road and Marshall Road flats to the east.
- 1.3 The application seeks permission for a multi-storey car park for rail passenger use, providing 707 car parking spaces, associated drop-off circulation space and a pedestrian bridge linking the car park to the eastern-end of the station building. Vehicular and pedestrian access to the car park will be from the northern end of the site, minimising travel distance along Higham Way from Merton St and to allow direct pedestrian access from Higham Way to the stairs and lift to the link bridge and the station beyond.
- 1.4 The car park comprises ground level parking with three, split level upper decks allowing the Higham Way elevation to be half a storey lower than the railway elevation. The split level design also allows more efficient circulation. The ground floor parking will include parking for ICC staff. 'Mobility Impaired Persons' (MIP) spaces will be located on the second floor deck to allow level access through to the higher level station concourse (and onwards to the platform lifts). The existing MIP spaces in the west-side car parks will be retained.
- 1.5 The ground floor layout will keep vehicle movements associated with drop-offs separate from vehicle movements associated with the parking area.

- 1.6 It is also important to note that Chiltern Railways do not operate 'barrier-controlled' car parks, so there should be limited queuing to enter or exit the car park. The ground level forecourt will also include shelters for up to 30 bicycles.
- 1.7 Access to the station will be via a new pedestrian bridge from the second floor level through a ticket line barrier, preventing non ticket holders accessing the station. The bridge will also be gated for station security during closed hours. Ticket machines will be provided within the car park. Lighting will be provided within the car park, designed to give uniformity of light, avoiding areas of shadow and minimising the spread of light beyond the surface of the car park. Operational requirements of the railway mean that no light spillage (from lighting or from headlights) is allowed towards the railway, and the car park has been designed to meet this requirement on all sides, also reducing light spillage towards the Marshall Road flats. Lighting on the top, open, deck is designed to ensure that light is directed downwards, towards the deck surface, not outwards or upwards.
- 1.8 The car park elevations will be a mixture of toughened black-glass rain-screen cladding and red brickwork (to complement the flats opposite). The cladding material is highly reflective with a solid, opaque internal finish. This is intended both to prevent light spillage onto the railway and towards the flats, and to provide visual interest by reflecting the flats and sky. The cladding, coupled with the wave and step in the floor levels will also hide the internal crash-protection structures and disguise the rows of parked cars, providing a more interesting set of elevations and a more varied street-scene.
- 1.9 The link bridge to the station is intended only for station customers and is not intended to provide a public pedestrian link between the east and west side of the railway.
- 1.10 Chiltern Railways have identified a need for this car park on the basis of a number of factors; the long-term loss of the temporary car-parks on the Tramway industrial estate which provide a significant amount of the current station car parking, both through the expiry of those temporary planning permissions and the redevelopment of the Canalside area. In addition, there has been a significant increase in the use of Banbury station, and a growth in car-borne commuting from Banbury station. This growth is forecast to continue as services improve, with passenger numbers at Banbury expected to continue to grow at a faster rate than the national trend.
- 1.11 The site has been identified within the draft Canalside SPD and the consultation draft Cherwell Local Plan (August 2012) as a site for railway parking.
- 1.12 The car park proposal is being funded through a programme run by the Department for Transport called the 'Stations Commercial Project Facility' (the SCPF). This funding stream is aimed at securing the delivery of rail infrastructure which would otherwise not be delivered, owing to the difficulties raising and securing finance against development associated with franchised businesses (i.e. rail operators).
- 1.13 The SCPF is a time limited fund, and all projects must be complete by March 2014 as they are funded with an industry related time period known as 'Railway Control Period 4' which ends at that time. There is no facility to roll the fund

money forwards beyond that date, and any funds not spent will in effect be lost to the railways.

- 1.14 Funding for these schemes was allocated on the basis of competitive bidding, with organisations submitting their schemes to be assessed in terms of return and value for taxpayers' money. As there were more bids than funding available, it is not possible for successful bids to be changed. There are no plans for similar future funding schemes to be made available. The £10.5million investment in this scheme does therefore represent a 'one-off, time-limited opportunity to secure and use this investment.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice and press notice. The final date for comment was the 16th August 2012. In addition to the statutory publicity carried out by the Council, the applicant also carried out a letter drop to residential properties in the area, placed a notice in the Banbury Guardian and hosted a public meeting at Banbury Town Hall on the 27th of September.
- 2.2 46 letters have been received (of which 44 were objections), as well as a petition objecting to the proposal with 124 signatories. Following a public meeting arranged by the applicant, a further 28 pro-forma comments sheets were received (of which 27 were objections).
- 2.3 The following issues were raised;

Material planning comments:

- Overbearing
- Over-dominance
- Loss of light
- Highway safety and convenience, particularly with regard to Higham Way, Merton St and the Bridge St junctions
- Relationship between the car park and the windows of habitable rooms and loss of privacy
- Light, noise and air pollution
- Design
- Scale
- Need
- Security and fear of crime
- Human Rights infringements

Non material comments:

- Loss of value of property
- Loss of view

3. Consultations

- 3.1 **Banbury Town Council:** *"Object, whilst BTC recognise the need for additional/replacement parking at the station, this site is not suitable for a car park of this size. The amount of traffic it will generate through Bridge Street junction, which is already at capacity, and between this junction and Merton Street would cause traffic grid lock".*

Cherwell District Council Consultees

- 3.2 **Planning Policy:** Notes that the “proposals are in general conformity with ‘Policy Banbury 1: Banbury Canalside’ in the Local Plan (proposed submission August 2012) which states that multi-storey car parks will be provided to serve Banbury railway station. The proposals are generally consistent with the Banbury Canalside draft Supplementary Planning Document (SPD)(November 2009) which identifies land for car parking for rail users in this area of the Canalside site, east of the railway line”. They also note that “the land take and number of spaces in Chiltern’s proposals are more than set out in the draft SPD for the eastern car park (500 spaces). The SPD states ‘a total of 1,000 spaces should be provided at Canalside for rail users. Chiltern explain the difficulties in providing for general public use of the proposed new bridge but this lack of provision is not consistent with the draft SPD which requires the footbridge to be open for 24 hours a day, 7 days a week. The application should be considered in the context of the anticipated delivery of all the main land uses at Banbury Canalside set out in the Local Plan (Policy Banbury 1) and in the Banbury Canalside SPD.”
- 3.3 **Anti-Social Behaviour Manager:** “a condition will be needed requiring prior approval of the lighting to be used on the site”

Oxfordshire County Council Consultees

- 3.4 **Highways:** “This response follows the formal Local Highway Authority (LHA) consultation responses of 20.07.12 and 17.09.12 for this application. The previous LHA responses recommended a ‘Holding Objection’ pending submission of further information.

Technical notes 1-8 have been submitted by SKM Colin Buchanan, supported by traffic surveys, car park occupancy surveys, Linsig traffic signal modelling for Bridge Street/Cherwell Street and Bridge Street/Merton Street junctions, revised plans of access, visibility splays and car park layout, proposed highway conditions and transport developer funding contributions.

These technical notes and additional information have been the subject of detailed discussions between the applicant, the Local Planning Authority and the LHA. The following report briefly summarises the relevant highway matters and conclusions that have been reached in overcoming the previous ‘Holding Objection’.

Access

A visibility splay of 2.4m by 43m is proposed for the new MSCP access onto Higham Way, as demonstrated on drawing no. MCN/BAN/922 Revision C. This corresponds with Manual for Streets standards. This plan also demonstrates the tracking of vehicles into the MSCP and the circulation of vehicles around the proposed drop-off area. The proposed highway access must be constructed to OCC specification and in accordance with the details shown. (condition)

Additional car parking spaces

The proposals will result in a net increase of 118 station-related parking spaces from the 932 existing spaces to the 1050 proposed spaces. Plan drawing no. MCN/BAN/923 Revision B demonstrates the existing and proposed rail station car parking locations.

Upon first opening of the proposed 707-space MSCP, it is proposed that existing rail station car parks on Tramway and GB Oils site will be closed and the maximum number of spaces in Staff car park 2 will be reduced from 50 to 20 spaces. This requirement should be covered by planning condition. (condition)

Traffic Impact

Following analysis of Technical Note 8, the proposed trip generation of the MSCP for the station peaks (0700-0800, 1800-1900) and network peaks (0800-0900, 1700-1800) has now been agreed. For the most robust assessment possible, the highest trip rates in each time period were selected from either the Tramway car parks or the Station Approach car parks and applied to the MSCP. Whilst this approach may have overestimated the trip generation/impact of the new MSCP, it was considered a necessary method of ensuring that potentially severe capacity issues at the Bridge Street/Cherwell Street junction were fully considered.

Previous advice from OCC Traffic Signals team has now been incorporated into the Linsig model, to assess the impact of the MSCP on Bridge Street/Cherwell Street and Bridge Street/Merton Street junctions. Technical Note 8 proposes a revised staging arrangement at the Bridge Street/Cherwell Street/Concord Avenue junction, to provide a more efficient arrangement and make more effective use of available green time. The proposed staging arrangement also provides better overall pedestrian journey times, by providing additional green time for the pedestrian crossings. Modifications to the staging of the Bridge Street/Merton Street junction are also proposed to better manage westbound queuing. The applicant proposes to fund all the necessary changes to the signal controllers. The proposed traffic signal amendments and Linsig analysis have been assessed by OCC's Traffic Signals team and the proposals are considered to be acceptable.

Proposed mitigation works

A range of highway mitigation measures are required as a consequence of this application, to include the following:

- Informal dropped kerb crossing on Merton Street east of Higham Way, to improve pedestrian accessibility to the MSCP ref. drawing no. VN50028-ECC-SK-0001 (subject to safety audit)*
- Provision of a Keep Clear road marking at the Royal Mail site access*
- Modifications to traffic calming measures on Higham Way, should these require alteration to accommodate traffic to/from the completed MSCP. (To be monitored and works implemented as appropriate).*
- Modifications to waiting and loading controls on Higham Way and surrounding streets, if necessary. (To be monitored and implemented as appropriate).*
- Changes to signal controls and staging at the Bridge Street/Concord Avenue and Bridge Street/Merton Street junctions, required in accordance with the findings of TN8, to include changes to programmers and selected modifications to signal heads.*

It has been agreed that the above measures will be funded via a Section 106 agreement contribution of £60,000.

Strategic Transport contribution

A contribution is requested from this development towards strategic transport works on the wider local highways network, in particular towards improvements to Bridge Street/ Cherwell Street/ Concord Avenue. Following discussions with the applicant, a sum of £72,770 (index-linked, December 2011) has been agreed as appropriate, via Section 106 Agreement. The total transport developer funding contribution to be requested from this development is: Direct mitigation works (£60,000) + Strategic transport contribution (£72,770) = £132,770 (Planning obligation)

Station Travel Plan

It is agreed that a Station Travel Plan is required, which will monitor future travel patterns and the scope for sustainable travel improvements as required. (condition)

Highway Station Signage

It is agreed that a Banbury-wide rail station signing review and alterations will be required in order to clearly identify the main routes to the station building, forecourt, existing car-parks and new car-parks. In particular, drivers will be guided to/from the M40 via Hennem Way and Concord Avenue. (condition)

Construction Traffic

A construction traffic management plan will be required, to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. (condition)

Recommendation:

I have no objection in principle, subject to the below highway conditions and completion of the aforementioned S106 Agreement."

Other Consultees

- 3.5 **Network Rail:** *"Network Rail is aware of this proposal. This is a Chiltern railways planning application for station car park and footbridge extension. This is being funded from Station Commercial Project Facility. The land will be sold to Network Rail. We have no objection to the proposal."*
- 3.6 **Environment Agency:** *"It has been demonstrated that the site is not affected by fluvial flooding based on the 1 in 100 year plus climate change flood event. As such, we have no objection to the application as submitted, subject to the inclusion of a number of conditions, detailed under the headings below, to any subsequent planning permission granted. Without the inclusion of these conditions we consider the development to pose an unacceptable risk to the Environment."*

The conditions requested by the Environment Agency require a site investigation, remediation and verification plan; a verification report; a strategy

for remediation of any unsuspected contamination if found; and a scheme for the separation and disposal of surface water drainage.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

C31: Compatibility of proposals in residential areas

ENV1: Development likely to cause detrimental levels of pollution

TR1: Transportation funding

South East Plan 2009

CC1: Sustainable development

CC2: Climate Change

CC4: Sustainable design and construction

T4: Parking

T5: Travel plans and advice

NRM4: Sustainable flood risk management

BE1: Management for an urban renaissance

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Draft (August 2012)

The draft Local Plan is currently out for public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration, albeit with limited weight. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

Policy SLE4 – Improved Transport and Connections

Policy ESD16 – The Character of the Built Environment

Policy Banbury 1: Banbury Canalside

Banbury Canalside Draft Supplementary Planning Document, November 2009

5. Appraisal

5.1 The key issues for consideration in this application are:

- Need
- Compliance with policy
- Highway safety and convenience
- Design, appearance, scale
- Impact on residential amenity

Need

- 5.2 The applicants have set out in their Planning Statement the need for the proposed car park, on the basis of the growth in rail passenger traffic at Banbury which far outstrips the national averages. Passenger traffic at Banbury has grown by over 100% between 2003 and 2011, compared to a national average of 40% growth. Combined operator forecasts for the next five years predict a further 38% growth in traffic from Banbury.
- 5.3 Coupled with the housing growth within the station catchment area, broadly described as approximately 120,000 people resident in northern Cherwell District, Stratford on Avon District, South Northants and Daventry, there is a clear need for parking at Banbury station, and for this parking provision to grow alongside the improvement in services run from the station. In addition given the nature of rail commuting journey times, the location of the Banbury Station relative to other public-transport locations and the rural nature of the wider District, the private car is the predominant way of accessing the station.
- 5.4 Chiltern Railways also wish to ensure that station parking is provided on sites within their control, rather than relying on rented, temporary space within industrial units, offering greater security and certainty on which to base their business and growth.
- 5.5 As well as the business case for increased parking provision for the station, there is also a well-established policy presumption in favour of providing an increased level of, and more permanent solution for station parking than the current, temporary situation within the Tramway estate, which will be discussed below.

Compliance with policy

- 5.6 As noted above, the planning policy context for this proposal is broadly supportive, with reference to public transport infrastructure provision in the National Planning Policy Framework, the South East Plan, the draft Canalside SPD and the Proposed Submission Cherwell Local Plan.
- 5.7 The National Planning Policy Framework requires a positive approach to managing patterns of growth in order to make the fullest possible use of public transport, and seeks to ensure the protection and exploitation of opportunities for the use of “sustainable transport modes” (para 35). The Framework also emphasises the importance of good design and the positive benefits of infrastructure improvement.
- 5.8 The South East Plan, intended for revocation, but still extant and a part of the development plan is also supportive of development of this sort. Policy T4 is explicit, stating that Local Planning Authorities should “*support an increase in the provision in parking at rail stations where appropriate*”. The supporting text to that policy goes on to state that “*proposals to increase the provision of car parking at railway stations should be considered favourably, particularly at rail stations associated with regional hubs. Local authorities should consider safeguarding land specifically to accommodate an increase in car parking at rail stations*”.

- 5.9 The Proposed Submission Cherwell Local Plan 2012 (August 2012), which has been the subject of consultation, but has not yet been examined or adopted and therefore carries limited weight, is also broadly supportive of station parking infrastructure.
- 5.10 The *Vision* in the plan sets out the desire to “*improve road, rail and public transport links*” and Policy SLE4 seeks improved transport and connections within and without the District. The Plan also notes environmental challenges in the town, notably the management of traffic congestion and the provision of increased opportunities for more sustainable travel. Policy Banbury 1: Banbury Canalside sets out the importance of the Banbury Canalside regeneration area for the future of the town, and within the description of the development envisaged for that site, includes provision of “*new footbridges over the railway line... and multi-storey car parks to serve Banbury railway station*”.
- 5.11 The draft Canalside SPD (2009) includes a land allocation on the Eastern side of the railway reserved for a multi-storey car park for up to 500 spaces. The draft SPD also identifies the need for better connections across the railway through the provision of open-access footbridges.

Highway safety and convenience

- 5.12 This proposal has been the subject of detailed and lengthy correspondence and work between the County Council and the applicants. The County Council initially submitted a holding objection to the scheme in July 2012, citing concerns over access, the level of existing parking, the level of proposed parking, the parking layout, justification, the transport assessment, the travel plan, drainage, the pedestrian bridge, signage and developer funding.
- 5.13 Following the submission of additional technical notes, drawings and information, the County Council again issued a holding objection in September 2012, which set out a concern that “*the likely impact of the proposed development has not been demonstrated, and has likely been underestimated*”. Concerns remained over the methodology and data used by the applicant for calculating the proposed trip generation rates for the multi storey car park, and the traffic and network implications which flow from those calculations.
- 5.14 Between that holding objection and now, a number of Technical Notes have been produced, with the applicants and County Council working together to attempt to overcome the technical highway safety and convenience issues and to agree on appropriate methodology and mitigation measures to bring the highways impact of the proposed development to an acceptable level.
- 5.15 Following the receipt of Technical Note 8, the County Council, in conjunction with the County Council Traffic Signals Team, are now satisfied that the proposal is acceptable in terms of highway safety, convenience and traffic generation.
- 5.16 In reaching this conclusion, the applicants and County accept that the development will have an impact, but consider that the impact is not severe within the context of the National Planning Policy Framework.
- 5.17 The applicant has agreed to enter into a section 106 agreement with the County Council in order to pay contributions (of approximately £60,000) fair in

kind and scale to offset the impact of the development and to fund the necessary highway infrastructure works required by the development.

- 5.18 These direct mitigation works involve the provision of a new dropped kerb crossing of Merton Street, immediately east of Higham Way and changes to the signal control and staging at the Bridge Street/Concorde Avenue and Bridge Street/Merton Street junctions.
- 5.19 The legal agreement also includes provision for the monitoring of traffic and parking impacts on Higham Way as well as for any necessary modifications to the traffic calming measures or waiting and loading controls on Higham Way or surrounding streets.
- 5.20 In addition to the direct impacts of the development, Chiltern Railways are also committed to paying £72,770 (index-linked) to the County Council towards the strategic Bridge Street/Cherwell Street highway improvement scheme.
- 5.21 Following the receipt and agreement to the current technical solution, Cllr Bonner has expressed concern over the impact of the imminent closure of the vehicular link between Alma Road and Thorpe Way. Cllr Bonner has stated that there is currently a large amount of traffic which leaves the housing estate via Thorpe Way which would be forced onto the Higham Way/Merton Street junctions upon closure of the road link. Cllr Bonner also raised concerns over the currently uncontrolled parking along the roadside of Alma Road.
- 5.22 In response, the County Council have confirmed that there is spare capacity at the Merton Street/Bridge Street junction and that the car-park/station traffic peak times do not conflict with normal residential peak times. As such, the County Council is satisfied that the proposal remains acceptable, and that there is sufficient capacity within the highway network to cope with the changed patterns of vehicle movement associated with the closure of the Alma Road/Thorpe Way link.
- 5.23 It is also important to note here that whilst there may currently be uncontrolled (and uncontrollable, due to the status of the road) parking along Alma Road, the section 106 contributions provided by the multi-storey car park will allow for monitoring of the situation in surrounding streets. This may lead to future action on the part of the County Council, funded by the car-park development, to control such parking.
- 5.24 It is considered therefore that the proposed technical solution to any potential traffic impact, coupled with the direct and strategic payments towards highway improvement works mean that the proposal is now acceptable in this regard.

Design, appearance and scale

- 5.25 The design of the proposed car park is influenced to a large degree by its function and as a result there are a limited number of design responses.
- 5.26 The use of brick, matching that on the flats on Marshall Road, and reflective black glass, ties the proposal in to its context, which is very mixed owing to the different forms and dates of development surrounding it. The reflective glass provides both visual interest to the street-scene and reduces light spillage from the car park towards the residential units. Similarly, the 'wave' in the elevation,

which keeps the height lower adjacent to Higham Way, but taller adjacent to the railway provides more visual relief to what could otherwise be an imposing and repetitive structure.

- 5.27 The scale of the proposal is also informed by its function and intention, with the number of decks and the overall footprint reflecting the level of parking provision desired by Chiltern Railways and funded by the Department for Transport. As noted elsewhere, the overall height of the car-park is similar to the height of the Marshall Road flats. As such, the car-park would clearly be a large structure, and would be visible from many points in the town, notably the immediate surroundings of the station and Bridge Street. The proposal would also be visible in views across the town from elevated positions, notably Hightown Road and Bankside.

Impact on residential amenity

- 5.28 The proposed car park, at four decks in height is broadly the same height as the flats within the Cattle Market site, which front onto Higham Way. Due to the layout of the site, the car park ranges from 15 to 25 metres away from the flats. Due to the layout of the flats, the windows facing towards the railway and the application site are almost all principal room windows (serving lounges and kitchens etc).
- 5.29 At present, and as set out in the comments from local residents, there is perceived to be a problem with noise arising from the use of the station, and in particular from night- and early morning-running of trains waiting at sidings at the station. Chiltern Railways believe that the proposed car park would effectively shield the flats from this noise, and that the surfacing proposed within the car park would eliminate 'tyre-squeal' from cars manoeuvring, another cause for concern from local residents. The response from the Anti-Social Behaviour Manager, set out above appears to concur with this view.
- 5.30 Given the relationship of the decks of the car park to the Marshall Road flats, residents have also expressed concerns over the likely impact on their amenity and privacy arising from car headlights and the illumination of the car park itself. Whilst it is appreciated that this is a concern for the residents, Chiltern Railways are confident that this will not be an issue as light emissions from track-side buildings are already strictly controlled by Network Rail. A structure of this nature would not be allowed to give rise to any light spillage onto the railway, and Chiltern Railways propose to apply the same treatment to the entire car park in order to remove the possibility of light disturbance.
- 5.31 The applicants have provided a drawing (MCN/BAN/925 Rev A) which demonstrates that the car-park does not impact on the "right to light" line drawn from the ground floor residential windows. This drawing, provided partly in response to early comments from contributors, and shown at the public meeting in September illustrates, in section, the relationship of the car park to the Alma Road flats, fronting onto Higham Way.
- 5.32 Officers acknowledge both the receipt of that drawing and the level of objections received to the scheme on the grounds of loss of light, loss of privacy and over-dominance.

- 5.33 It is clear therefore that a balance must be struck between the identified need for the provision of permanent and extended car-parking for Banbury Station, and the impact of the proposal on the residents of the flats fronting onto the application site, especially in light of the weight of objections to the proposal.
- 5.34 Given the change in outlook that residents of the Alma Road flats will experience, it is easy to understand their position with regard to the loss of their views, and their anticipated loss of light. Members will be aware that there is no 'right to a view' which can be protected through the planning process. Turning to the anticipated loss of light and amenity it is undeniable that the proposal will have an effect on the outlook of the flats. However the above mentioned section drawing demonstrates that the impact upon light levels will not be severe.
- 5.35 Given the high density, urbanised nature of the flats and their environs, and the separation distances between the car-park structure and the flats (of between 15 and 25 metres) it is considered that this impact, whilst finely balanced, is acceptable. It is important to note that elsewhere within the Cattle Market development, and on the periphery of the development, along Merton Street, separation distances between properties are lower than those proposed in this application. flats, the structure should not give rise to an unacceptable level of loss of light.
- 5.36 The relationship of the car park to the existing flats and to the wider street-scene is therefore considered acceptable given the character of the context of the development.
- 5.37 The issue of the scale of the car park has been discussed with the applicants, particularly with regard to perhaps removing the uppermost deck. However, the proposal is funded by a grant from the Department of Transport, given solely for the 707 space car park of the size, form and layout shown in the proposal under consideration. As such, the applicants are unable to amend the design as any amended scheme could not be funded in the same way as the current proposal.
- 5.38 Residents of the Marshall Road flats cannot reasonably expect to see no development on the application site, given the allocation of the land for station car-parking within the Canalside SPD and the Proposed Submission Cherwell Local Plan. In addition, given the wider focus on the redevelopment of the Canalside area, it would be unreasonable to expect that the application site remain undeveloped.
- 5.39 The National Planning Policy Framework places a strong degree of emphasis on good design and also stresses the importance of good design in securing a good standard of amenity for all existing and future occupants of land and buildings. In addition, the saved Policies of the adopted Cherwell Local Plan 1996 also seek to protect amenity through appropriate design, siting and appearance of new development. The proposal is considered to accord with these requirements.
- 5.40 As such, it is considered that the proposal is, on balance, acceptable in relation to its impact on residential amenity when the level of the impact is weighed against the benefits of the proposal.

Statement of Engagement

5.41 With regard to the duty set out in paragraphs 186 and 187 of the National Planning Policy Framework both the District and the County Council have worked closely with the applicants in order to better understand the background to their proposal, and in order to attempt to be able to assess and mitigate against any likely impact of the proposals on the local highway network. Both the County and the District Councils have met with the applicants and their representatives several times during the course of this application. It is considered therefore that the duty to be positive and proactive has been discharged in the processing of this application.

Conclusion

5.42 It should be noted that there is a strong desire, both within the draft Canalside SPD and the Proposed Submission Cherwell Local Plan, to provide extra station car parking. Additionally there is a requirement in the South East Plan to consider applications for car parking at railway stations favourably. However this must be balanced against all other material considerations, notably highway convenience and amenity in this case.

5.43 The proposal offers potential transport infrastructure improvements which are considered on balance to outweigh any harm which may be caused to the amenity of the adjacent residents. Furthermore, the County Council is now satisfied that the proposal is acceptable in terms of its impact on the highway network. As such, the proposal is recommended for approval.

6. Recommendation

Approval; subject to

- i) the applicant entering into an agreement to the satisfaction of the District Council with regard to the contributions set out in sections 3.4 and 5 above
- ii) the following conditions;
 - 1) That 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.

- 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 and the materials and finishing details included therein;

- drawing MCN/BAN/890 Rev A (received with the application)

-drawing MCN/BAN/891 Rev C (received on 18th September 2012)

- drawing MCN/BAN/892 Rev A (received with the application)
- drawing MCN/BAN/893 Rev A (received with the application)
- drawing MCN/BAN/894 Rev A (received with the application)
- drawing MCN/BAN/895 Rev A (received with the application)
- drawing MCN/BAN/896 Rev A (received with the application)
- drawing MCN/BAN/897 Rev A (received with the application)
- drawing MCN/BAN/898 Rev A (received with the application)
- drawing MCN/BAN/899 Rev A (received with the application)
- drawing MCN/BAN/900 Rev A (received with the application)
- drawing MCN/BAN/901 (received with the application)
- drawing MCN/BAN/910 (received with the application)
- drawing MCN/BAN/920 Rev A (received on 18th September 2012)
- drawing MCN/BAN/921 Rev B (received on 18th September 2012)
- drawing MCN/BAN/922 Rev C (received on 5th November 2012)
- drawing MCN/BAN/923 Rev C (received on 9th January 2013)
- the mitigation works proposed in Technical Note 8, dated 25th January 2013, received on 25th January 2013.
- Ibstock Weston Red Multi bricks and the 'Stoverotec Systeme' StoVentec Glass (RAL9005 colour) cladding panel, in accordance with the samples received

the details set out in the application

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority.

- 3) That prior to the first use of the development hereby approved the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 4) That, before the proposed access is first used, the existing access onto Higham Way shall be permanently stopped up by means of restorative works to the specification of the County Council and shall not be used by any vehicular traffic whatsoever.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 5) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 6) That no surface water from the development shall be discharged onto the adjoining highway.

Reason - In the interests of highway safety, the control of flood risk and to comply with Government advice in the National Planning Policy Framework.

- 7) A Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance Policy T5 of the South East Plan 2009.

- 8) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site and shall include details of the consultation and communication to be carried out with local residents. Construction work shall thereafter be carried out in

accordance with the approved CEMP.

Reason - To protect the amenities of the local residents, to avoid pollution and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

- 9) Prior to first use of the development, the cycle parking demonstrated on plan no. MCN/BAN/922 (Revision C) must be provided and thereafter maintained free from any obstruction to use.

Reason - In the interests of sustainability and to ensure a satisfactory form of development.

- 10) Prior to first use of the development, a highway signage strategy must be submitted to, and approved in writing by, the Local Planning Authority. The agreed signage strategy must be fully implemented prior to first use of the development.

Reason - In the interest of highway safety and traffic management.

- 11) Prior to first use of the development, all Tramway station car parks and the GB Oils site station car park are to cease use as rail car parks, and staff car park 2 (ref. plan no. MCN/BAN/923 Revision B) will be reduced from 50 to 20 spaces.

Reason - In the interest of highway safety and traffic management.

- 12) Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on (Phase 1 Desk study and Land Contamination Assessment, LBH Wembley, LBH4034a, April 2012) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - The submitted Phase 1 Desk study and contamination assessment concluded that there is a potential risk to controlled waters and advised further investigation. Previous activities at this site may have resulted in contamination. Potentially contaminating activities on this site include (but may not be limited to) the previous uses as coal yard and Railway land. Alluvium which are classed as a secondary aquifer is shown to be present adjacent to the site. There are also surface watercourses in the vicinity of the site (River Cherwell). These are controlled water receptors which could be impacted by any contamination present on this site. Further investigation would be required to determine the extent of any contamination present and to what extent it pose a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that side does not impacted on controlled water receptors. This may include remedial works to resolve contamination issues. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

- 13) No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water.

15) The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - Infiltration drainage in areas of contamination poses the risk of mobilising contamination into ground/surface water. Infiltration drainage must not be located in contaminated areas. Run off from areas such as areas associated with waste, lorry and car parking areas could contaminate controlled waters. We would require details of the surface water drainage arrangements, outlining how any contamination risks will be mitigated. The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of the River Cherwell.

16) Prior to the first use of the development hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority setting out the design details of the lighting proposed and the methods for ensuring no light spillage beyond the site, including details of column height and number of luminaires for each deck. The development shall be carried out in accordance with the approved details and maintained as such.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of light disturbance and to comply with Policy NRM10 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is of a design, size and style that is appropriate and will not unduly impact on amenity, the character of the context of the area of highway safety. In addition, the proposal will assist in the delivery of additional station parking,

thereby promoting sustainable transport. As such the proposal is in accordance with Policies CC1, CC2, CC4, T4, T5, NRM4 and BE1 of the South East Plan 2009, Policies C28, C31, ENV1 and TR1 of the adopted Cherwell Local Plan, Policies SLE4, ESD16 and Banbury 1: Banbury Canalside of the Cherwell Local Plan Proposed Submission Draft (August 2012), the content of the Banbury Canalside Draft Supplementary Planning Document (November 2009) and Government guidance contained within the National Planning Policy Framework. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), notwithstanding the outcome of the application, this decision has been taken by the Council having worked with the applicant and their agents in a positive and proactive way as set out in the application report.