

Case Officer: Rebekah Morgan

Applicant: Cherwell District Council

Proposal: Retain use of land as a car park

Ward: Bicester East

Councillors: Cllr. Tom Beckett, Cllr. Donna Ford and Cllr. Rob Parkinson.

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

Expiry Date: 18 July 2024

Committee Date: 11 July 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located to the east of Bicester town centre with access from Victoria Road. The site is an existing car park with a site area of 0.79 hectares. The site is a public car park with barrier-controlled entry/exit.

2. CONSTRAINTS

2.1. The following constraints are considered to be relevant:

- Within close proximity of the Bicester Conservation Area
- The constraints data identifies the site as being on potentially contaminated land
- The constraints data identifies the potential presence of notable and protected species within the local area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks to retain the use of the site as a public car park. The application does not propose any physical changes to the site.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

21/00969/F: RETROSPECTIVE: Electricity kiosk and 6 no. charging stations for Electric Vehicle Charging. APPROVED

14/00461/CDC: Variation of Condition 1 of 09/00828/CDC – to extend planning permission for the existing car park for a further five years. APPROVED.

09/00828/CDC: Change of Use of waste land to car park with 6no. lighting columns. APPROVED.

04/00779/CDC: Change of Use to public car park. Erection of 19 No. 6 metre high lamp columns (as amended by plans received 26.05.04 and as clarified by applicant's email dated 14 May 2004). APPROVED. (N.B. This application was subject to a Section 106 agreement relating to highways works on Victoria Road that were required before the car park could operate).

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, and 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 **19 June 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- Fully support the retention of land as a car park
- Valuable asset
- There is a shortage of car parking in Bicester, so this is needed.
- Concerns regarding light pollution with the existing car park – lighting columns and EV chargers.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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. BICESTER TOWN COUNCIL: No comments received.

7.3. OCC HIGHWAYS: **No objection**, to the retention of car park as it proposes no impact to the safety or convenience of the highway.

7.4. CDC ENVIRONMENTAL PROTECTION: **No objections**.

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 2015)

- SLE4: Improved Transport and Connections

- ESD15: The Character of the Built and Historic Environment
- Bicester 5: Strengthening Bicester Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- 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

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

9. APPRAISAL

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

- Principle of development
- Design, impact on the character of the area and impact on the setting of the Conservation Area
- Residential amenity
- Highway safety

Principle of development

- 9.2. The car park is well located in relation to Bicester town centre in an area where there is pressure on on-street parking (with residents only parking restrictions). The car park offers a convenient location for town centre users to park which supports the economy of the town centre by making it easily accessible. The car park meets the needs of a range of customers by including spaces for impaired mobility people (Blue Badge Holders) and EV charging stations to promote more sustainable vehicles.
- 9.3. The planning history shows that the land has been used as a car park for approximately 20 years, although with continual extension to a temporary permission.
- 9.4. Conditions were previously used to restrict the use as a car park on a temporary basis (periods of 5 years) in order to safeguard the land and prevent the use prejudicing the future development of the site under Policy S19 of the Cherwell Local Plan 1996 which allocated the site for potential development. This policy has not been saved and therefore no longer applies. The site has not been specifically allocated for development in the subsequent local plan, therefore there is no policy justification for applying a similar restrictive time condition to this proposal.
- 9.5. The principle of development is considered to be acceptable subject to the other material planning considerations set out below.

Design, impact on the character of the area and impact on the setting of the conservation area

- 9.6. Policy ESD15 sets out the expectation that development should complement and enhance the character of its context and meet high design standards.
- 9.7. The application seeks the permanent change of use of the land and retention as a public car park. The proposal does not include any physical changes to the car park which has been operating in this location for approximately 20 years.

- 9.8. The car park is set back behind the residential dwellings on Victoria Road and is not a prominent feature within the street scene. The existing structures on site such as lighting columns, payment kiosks and EV charging stations are predominantly low-level structures and do not appear at odds with the character of the area.
- 9.9. Given the position of the car park, set back behind the dwellings, the car park is not considered to have a detrimental impact on the setting of the Bicester Conservation Area.
- 9.10. On this basis, Officers consider that the proposal would be acceptable in design terms and would therefore comply with Policy ESD15 of the CLP 2015 and Government guidance contained in the NPPF.

Residential amenity

- 9.11. The car park is surrounded by residential properties. However, the existing structures on site do not impact on the residential properties in terms of loss of outlook or loss of light.
- 9.12. Third party comments have been raised regarding light spill from the existing lighting columns and EV charging stations. The position and wattage of the lighting columns are shown on the plans approved under application 09/00828/CDC and the EV charging stations were approved by application 21/00969/F. As part of these applications, impacts on residential amenity were considered and deemed to be acceptable.
- 9.13. The Council's Environmental Protection Officer has considered the comments made by third parties but raises no objections to the application. The properties surrounding the car park have good size gardens with the dwellings being in excess of 10m from the boundary of the car park, so are set a sufficient distance from the lighting columns. The number of columns, height, location and wattage are still considered to be appropriate and do not cause harm to neighbouring amenity.
- 9.14. The proposed use of the site does not conflict with the neighbouring residential properties and is not considered to cause harm to residential amenity. The application is considered to be acceptable in this regard and complies with Policy ESD15 of the CLP 2015, Policies C31 and ENV1 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.15. The application seeks no alterations to the existing access arrangements which have remained unaltered since the car park became operational.
- 9.16. The Local Highway Authority raises no objection to the proposal and considers it proposes no impact to the safety or convenience of highway users.
- 9.17. The proposal is considered to be acceptable in terms of highway safety and accords with Policy ESD15 of the CLP 2015 and Government guidance contained in the NPPF.

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

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

1. 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:

- Application form
- Site Location Plan
- Block Plan
- Drawing number OPAC-SSE-CB-XX-DR-E-001 Rev 06 – [EV Hub Oxford Park and Charge]

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.

2. That the site shall be used only for the purpose of a public car park and for no other purpose whatsoever.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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